

Office of Selectmen

CARROLL, NEW HAMPSHIRE
P.O. BOX 146
TWIN MOUNTAIN, NH 03595
603-846-5754

COPY

CEASE AND DESIST ORDER

To: David Scalley as President of Scalley Rt 3 104 LLC

Property Location: 104 Route 3 North (Parcel Number: 206-023-000-000)

Date: May 18, 2023

You are hereby notified to cease and desist all use in violation of the lawful regulations of the Town of Carroll. Present activity at the above site is in violation of Section 802.6 of the Zoning Ordinance which prohibits use of a building without a Certificate of Occupancy when a Zoning and Planning Permit is required and granted. Section 802.1 A-6 of the Zoning Ordinance requires a Zoning and Planning Permit before a change of use of the property may occur.

The Select Board inspected the property on April 19, 2023. On May 16, 2023, the Select Board held a Public Hearing. During the public hearing, the Fire Chief expressed concern that the owner may not have a Certificate of Occupancy. When questioned by the Select Board, the owner confirmed that he did not have a Certificate of Occupancy for the property.

During its deliberations, the Select Board discussed its observations during the April 19, 2023 inspection and determined that the current owner's use was different from that of the previous owner. The Board determined that the current use could be categorized under Section 403.1 of the Zoning Ordinance as a parking facility, including serving off-site uses; a retail business and services including storage and distribution related thereto, exclusive of junk yards and gasoline sales, without drive-through services; or a warehouse for storage and distribution. No final determination of current use has been made.


The Select Board determined that a Certificate of Occupancy was required, and that the owner was in violation of Section 802.6 of the Zoning Ordinance.

Scalley Rt 3 104 LLC shall have 60 days to obtain a Certificate of Occupancy to correct its violation. Scalley Rt 3 104 LLC must also obtain a Zoning and Building Permit in accordance with Section 802.1 A-6 of the Zoning Ordinance.

Per RSA 676:17-a a motion for summary enforcement of this Order shall be made to the Lancaster District Court unless corrective action is taken within the time provided, or unless an answer is filed within 20 days. Failure to either take corrective action, or file an answer, may result in corrective action being taken by the Town of Carroll, and the Town's costs constituting a lien on the property, enforceable in the same manner as real estate taxes including possible loss of the property if not paid.

If you have any questions concerning this order, please contact: Heather Brown at 603-846-5754.


Jules Marquis, Chair


Ken Mills, Selectperson


John Greer, Selectperson