

Moultonborough Planning Board
P.O. Box 548
Moultonborough, NH 03254
(603) 476-2347

Minutes

October 8, 2008
Meeting - 7:15P.M.
Moultonborough Town Offices

Present: Members: Judy Ryerson, Natt King, Keith Nelson, Eric Taussig,
Jim Bakas Ed Charest (Selectmen's Representative)
Alternates: Joanne Coppinger
Excused: Members: Peter Wright
Alternates: James Gray (Selectmen's Alternate)

Ms. Ryerson called the duly noticed Public Meeting to order at 7:15 PM. Carter Terenzini gave a brief presentation to the board regarding road projects and the Route 25 corridor near the Moultonborough/Center Harbor town lines. Mr. Terenzini stated the Board of Selectmen have taken a step back on the Fox Hollow Road project. They have met twice with the NH DOT and have proposed a short term fix for the intersection. On a long term basis Mr. Terenzini listed intersections and areas of concern that many feel need to be addressed in the future. Mr. Terenzini went on to explain in an effort to prioritize the projects the board must have a build out study completed for Route 25 and were the board feels will be the real commercial corridor is going to be. Mr. Terenzini explained the matrix to be used that will rank the projects according to cost, impact and technical issues. There will be a meeting in the next two weeks with Scott Kinmond, Mike Izard of LRPC, Lewis Berger group and the BoS. Mr. Terenzini invited a member of the Planning Board to attend. Mr. Taussig will attend the working session. Mr. Terenzini stated the BoS must know where the commercial corridor will be and has asked for help from the Planning Board.

Ms. Ryerson called the regular meeting to order at 7:33 PM, and appointed Joanne Coppinger to sit on the board with full voting privileges in place of Peter Wright.

I. Approval of Minutes

Motion: Mr. King moved to approve the Planning Board Minutes of September 10, 2008.
Mrs. Coppinger Seconded.
Motion Carried – Unanimously.

II. New Submissions

**1. Peter F. Lawlor (137-35)(24 Vonhurst Road)
Two Lot Minor Subdivision**

This is a request for a Two Lot Minor Subdivision, dividing Lot 35 (4.48 ac.) into proposed Lot 35.1 of 2.23 ac. with a residual Lot 35 of 2.25 ac.

Ms. Ryerson noted the record the request for waivers dated September 18, 2008 from Lepene Engineering & Surveying, LLC.

Motion: Mr. King moved to accept the application of **Peter F. Lawlor (137-35)** as complete for action by the board, grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be hearing #2.

Mrs. Coppinger Seconded.

Motion Carried – Unanimously with Mr. Nelson abstaining.

Mr. Taussig recused himself from new submission number two.

**2. Ardis B. Charrington & Bald Peak Land Co., Inc. (186-21 & 182-7)
(15 Ridge Road & 1 Bald Peak Drive) Boundary Line Adjustment**

This is a request for a boundary line adjustment between lots 186-21 & 182-7. Specifically taking 4,077 sq. ft. from Tax Map 182 lot 7 and adding it to Tax Map 186 Lot 21.

Ms. Ryerson noted the record the request for waivers dated September 18, 2008 from White Mountain Survey Co., Inc.

Motion: Mrs. Coppinger moved to accept the application of **Ardis B. Charrington & Bald Peak Land Co., Inc. (186-21 & 182-7)** as complete for action by the board, grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be boundary line adjustment #1.

Mr. King Seconded.

Motion Carried – Unanimously.

III. Boundary Line Adjustments

Mr. Taussig stepped down from the board for this hearing.

**1. Ardis B. Charrington & Bald Peak Land Co., Inc. (186-21 & 182-7)
(15 Ridge Road & 1 Bald Peak Drive) Boundary Line Adjustment**

Ms. Ryerson stated that this was a request for a boundary line adjustment between lots 186-21 & 182-7. Specifically taking 4,077 sq. ft. from Tax Map 182 lot 7 and adding it to Tax Map 186 Lot 21.

Ms. Ryerson noted the record the request for waivers dated September 18, 2008 from White Mountain Survey Co., Inc.

It was noted the Police Chief had no comment.

It was noted the Fire Chief has reviewed the application and the Fire Department has no concerns with the adjustment.

It was noted the Conservation Commission had no comment.

James Rines, agent for the applicants presented the application for the boundary line adjustment. Mr. Rines briefly described the location of the properties, noting the purpose of the request is to increase the size of the Charrington lot. The proposal is to transfer 4,077 sq. ft. from the Bald Peak Lot to the Charrington Lot, increasing the size of their back yard. This would make a non-conforming lot less non-conforming. Mr. Rines noted they had requested a waiver of lot calculations on the Bald Peak Lot, noting it is in excess of 219 acres. Mr. Rines answered any questions from the board.

There were no questions from the board or the public.

Motion: Mr. King moved to approve the boundary line adjustment for **Ardis B. Charrington & Bald Peak Land Co., Inc. (186-21 & 182-7)** as presented, grant the waivers as requested, subject to the exchange of deeds in accordance

with Section 5.4 of the Subdivision Regulations.
Mrs. Coppinger Seconded.
Motion Carried – Unanimously.

Mr. Taussig returned to the board at this time with full voting privileges.

IV. Hearings

Mr. Nelson stepped down from the board for Hearing number one and two.

1. Lakes Region Water Co., Inc. (71-1)(Emerson Path) Continued Compliance Hearing

Mr. Nelson stepped down from the board for this hearing.

Ms. Ryerson stated that this was a continued compliance hearing for Lakes Region Water Co., Inc. (LRWC). The hearing had been continued on July 23, 2008 to allow time for LRWC to make application to the Zoning Board of Adjustment (ZBA) for a special exception on the adjoining lot, Tax Map 71 Lot 6.

Tom Mason, Jr. was present for the hearing this evening. Mr. Mason stated there had been a joint meeting in August with several agencies including himself, Public Utilities Commission (PUC), NH DES, Carter Terenzini, Don Cahoon and Bonnie Whitney. This meeting was in an effort to familiarize all in attendance what authority each agency and board has in the process of approvals for the abutting lot Tax Map 17 Lot 6. Mr. Mason provided the board with a letter dated October 8, 2008 from the State of New Hampshire Public Utilities Commission which outlines what they believe to be the responsibilities of LRWC as a regulated utility in the State of New Hampshire.

Mr. Mason noted that he had made application to the ZBA for a special exception on the adjoining lot. There was a hearing last week with the ZBA, and they felt that they did not have enough information submitted with the application to act on the request for a special exception. The ZBA continued the hearing to allow time to gather additional information. The ZBA requested to meet jointly with LRWC, the PB, PUC, NH DES, a representative of the BoS and Town Counsel. This would allow both boards and the BoS to educate themselves with the requirements of the PUC and NH DES. The hearing was continued to February 4, 2009.

The discussion was brought back to the compliance hearing for Lot 1, noting the removal of the sideline buffer and the installation of a driveway to the adjoining lot. Mr. Mason felt there is no requirement or approval required for the removal of trees for the installation of the water main, or that it must be depicted on the plat. The board discussed this, noting the need for LRWC to meet the requirements of the town. It was noted that other site plans presented before the board depict utilities such as power lines.

Ms. Ryerson questioned if Mr. Mason was intending on accessing Lot 1 via Emerson Path or from Lot 6. Mr. Mason stated both, but mostly from Lot 6. It was noted that Mr. Mason should apply for a site plan amendment for Lot 1, depicting all of the improvements and changes made to the approved site plan. The board would then act on the application and if approved would address the compliance issues. It was the decision of the board to continue the compliance hearing to allow time for Mr. Mason to make application to the board for a site plan amendment on Tax Map 71 Lot 1.

Motion: Mr. King moved to continue the compliance hearing for **Lakes Region Water Co., Inc. (71-1)** to December 10, 2008
Mr. Taussig Seconded.
Motion Carried – Unanimously.

**2. Peter F. Lawlor (137-35)(24 Vohurst Road)
Two Lot Minor Subdivision**

Ms. Ryerson stated that this is a request for Two Lot Minor Subdivision, dividing Lot 35 (4.48 ac.) into proposed Lot 35.1 of 2.23 ac. with a residual Lot 35 of 2.25 ac.

Ms. Ryerson noted the record the request for waivers dated September 18, 2008 from Lepene Engineering & Surveying, LLC.

It was noted the Police Chief had no comment.

It was noted the Fire Department has reviewed the application and determined that as a two lot subdivision there are no significant fire protection concerns, however further subdivision of either lot would require re-evaluation for fire protection water resources.

It was noted the Conservation Commission had no comment.

Ms. Ryerson noted a letter dated October 6, 2008 from Peter F. Lawlor amending his application for subdivision to show only one dwelling on Lot 35. Mr. Lawlor has consulted with the Code Enforcement Officer regarding the necessary requirements to designate the cottage as a bunkhouse and noted that he will be taking those steps upon approval of his subdivision application.

Mr. Lawlor addressed the board, giving a history of his property, noting his family has owned land on Lake Kanasatka since the early 1900's. Mr. Lawlor spoke to his love of the land and his desire to retain a small portion of his family's heritage and stated he wanted to preserve the land he grew up on and what is in best interest for the lake.

Jim Bolduc with Lepene Engineering & Surveying was present representing Mr. & Mrs. Lawlor in their request for a subdivision. Mr. & Mrs. Lawlor were present in the audience.

Mr. Bolduc stated they are requesting a minor two lot subdivision. Mr. Bolduc noted that they had appeared before the board for a design review phase on August 13, 2008. At that time the board indicated they would require a site specific survey, and density calculations based on that. The unit density calculations were noted at 1.26 units for Lot 35 and 1.01 units for proposed lot 35.1.

Mr. Bolduc gave an overview of the proposed subdivision, briefly describing the lot, noting that it is 4.48 acres with over 500 feet of frontage on Lake Kanasatka. The lot does not have direct access onto Vohurst Road. An easement has been drawn up for the access of the lot across the LeMoine property, and an easement over Lot 35 to access the new Lot 35.1.

Mr. Bolduc stated the existing seasonal cottage will be "de-certified." In speaking with the Code Enforcement Officer they have determined by removing the stove and the microwave from the cottage it would no longer be considered a dwelling, and will become simply a bunk house.

The Right of Way (ROW) access through the LeMoine property and the Diamond/Sledzik property has been addressed. There will only be two dwellings accessed via the ROW. Mr. Bolduc answered any questions from the board.

Mr. Bakas questioned what will become of the studio on proposed Lot 35.1. Mr. Bolduc noted it would remain, it is not a dwelling unit and does not have water or septic.

Mr. King requested clarification of the existing seasonal cottage. That it will become a bunk house. Mr. Bolduc stated yes. Mr. King feels that the water and the kitchen should be removed from the cottage, not just the stove and the micro wave. The board discussed this subject and it was noted that Mr. Lawlor has

already met with the CEO and he determined that was what was necessary. Mr. Lawlor will be required to sign and record a "Second Dwelling Disclaimer" indicating at no time may the bunk house be utilized as a dwelling unit. Mr. King would like to have this issue revisited at a later date.

Motion: Mrs. Coppinger moved to approve the application for subdivision for **Peter F. Lawlor (137-35)** subject to the following conditions, the existing seasonal cottage be labeled as a bunk house, and a note added to the plan that it is not to be used as a dwelling, with the cooking appliances be removed from the premises, State approval number for the septic system be added to the plan, Easement to the Diamond/Sledzik property be extinguished, State Subdivision approval and septic approval. Mr. Taussig Seconded.
Motion Carried – 5 to 1 with Mr. King opposing.

Mr. Nelson returned to the board at this time with full voting privileges.

V. **Informal Discussions**

1. **Mike Morgan** requested to speak to the board on an informal basis regarding his property **Tax Map 141 Lot 8**, 61 Whittier Highway. Mr. Morgan stated as part of the conditional approval granted by the board on September 28, 2005 they are required to return to the board for uses other than an apartment and the Windshield Doctor Repair Business. Mr. Morgan spoke informally with the board on June 11, 2008 seeking approval of the board for a change in tenants. Mr. Morgan is again seeking approval of the board as part of the conditional approval for a change in tenants. Mr. Morgan seeks approval for Galaxy Gym as a tenant in addition to his office and storage for The Plant Place. The board discussed the parking, hours of operation and the access from Route 25. Mr. Morgan noted they have 23 parking spaces and that very few are utilized for himself and The Plant Place. It was noted the driveway will be paved according to the approved site plan on record. The hours of operation for the gym will be 8AM –9PM, closed on Sunday. Mr. Morgan is not certain if they will erect a sign or the location of a sign. Mr. Nelson suggested he review the plan on record, noting it may depict the location of a sign. If there is not a sign depicted and Mr. Morgan wishes to erect a sign he may request in writing permission to install the sign. If approved the letter would be placed on record at the Carroll County Registry of Deeds. It was the consensus of the board to allow the tenant as requested, noting if parking becomes an issue this would lead to non-compliance of the site. Mr. Morgan has satisfied the requirements of the planning board at this time and if there is a change in tenants it requires board approval and he must return to the board for any change in tenants.

2. **Phil Bennett** requested to speak to the board on an informal basis regarding his property **Tax Map 163 Lot 9**, 76 Ledgemere Estates Road. Mr. Bennett is seeking approval by the Planning Board for a Conditional Use. Mr. Bennett wishes to install a driveway on his property which will cross a wetland. Mr. Bennett has received approval from the State of NH DES and is seeking approval from the planning board as provided for in Article IX; Wetland Resources Conservation Overlay District, Paragraph G; Conditional Uses, of the Moultonborough Zoning Ordinance: "The following uses may be permitted within the 50 foot setback as Conditional Uses by the Planning Board:

1. Construction, using the least impacting alternative, of roads, driveways, footpaths, bridges and utility crossings and easements necessary for productive use of land not classified as wetlands, consistent with area's zoning."

The board reviewed the plan provided by Mr. Bennett and were in agreement that he had met the conditions of the ordinance, that the proposed driveway, which intrudes on the 50 setback to reach buildable land uses the least impacting alternative.

Motion: Mr. King moved that the Planning Board permit construction of the driveway as depicted on the plan provide by Mr. Bennett this evening.
Mr. Bakas Seconded.
Motion Carried – Unanimously.

VI. Unfinished Business

Ms. Ryerson noted that the board had recently approved changes to the Subdivision Regulations and Site Plan Regulations, and in order to meet the requirements of the state statute governing this process the board must sign a certification of these regulations. The board signed and dated a certification for changes which were recently approved by the board at properly noticed public hearings.

VII. Other Business/Correspondence

1) Ms. Ryerson stated that she had attended the Municipal Law Lecture presentation by Ben Frost explaining the recently passed Work Force Housing Law. Mr. Frost will be giving this presentation again on October 16, 2008, hosted by The Lakes Region Planning Commission (LRPC). This informational meeting is to provide municipalities an overview of the workforce housing law, Chapter 299 of Senate Bill 342. In addition, it was noted that LRPC has a limited amount of funding available to pilot a workforce-housing audit for compliance with the new law. This pilot effort will be conducted for at least one interested community. Ms. Ryerson felt this audit could be beneficial for the Town of Moultonborough as has prepared at letter of interest to be involved with the pilot program. The board discussed this briefly and approved the letter to be sent to the LRPC expressing the board's interest to participate in the pilot program. Mr. King indicated that he will attend the presentation on the 16th.

2) Ms. Ryerson noted a letter dated July 30, 2008 from Donald O. McLeod, Director, Castle Preservation Society informing the board that the Castle Preservation Society will be cutting trees periodically. The purpose is to preserve and improve the view from the Carriage House and the Castle in the Clouds property. Mr. Nelson stated the board should send a letter in return, to the owner of the property, Lakes Region Conservation Trust, thanking them for notifying the board that they'd like to cut trees, but they must come before the board before they do this.

3) Ms. Ryerson noted a letter dated September 18, 2008 from the Moultonborough Historical Society, Tax Map 52 Lot 25. The letter indicated that they would be undertaking new work on the boundary of its property with the Town owned Moultonborough Town House, Tax Map 52 Lot 24.

4) Ms. Ryerson provided the board with a draft time line for various tasks of the Planning Board, including the completion scheduled for the Master Plan provided by MRI.

5) Mr. King stated that as a result of the informal at our last meeting, he had reviewed the approved site plan on record for Robert Hammond. Mr. King noted the plan was approved in 1988 and that many changes have been done on the site since that approval. It is in his opinion that the site is out of compliance and that either the board should schedule a compliance hearing on the site or send Mr. Hammond a letter requesting he prepare an application for site plan amendment. It was noted for the record that in 2001 Mr. Hammond had made application to the board for a two lot subdivision. The application was eventually withdrawn by Mr. Hammond. The significance of this was that the majority of the improvements to the site have already been updated by Hambrook Land Surveying and that it seems this would be a small task to complete the request approval for a site plan amendment. The Land Use Office will prepare a letter to Mr. Hammond requesting he make application to the board in a timely manner.

6) Mr. Taussig noted his concerns regarding Skelley's Market. It appears there have been several changes made to the site during the construction process that were not approved by the Planning Board. These items include the addition of a vacuum island with an air pump, a portable toilet and the removal of the foundation

which is depicted to remain on the approved site plan. The board was in agreement to send Mr. Skelley a letter notifying him that these changes require board approval and request that he submit an application for site plan amendment in lieu of calling a compliance hearing at this time.

It was noted the requests for site plan amendment for both Mr. Hammond and Mr. Skelley should be made in a timely manner, and if applications are not filed then it will result in the board calling compliance hearings on the sites.

7) Ms. Ryerson stated the board had received three letters of interest to serve as an Alternate Member of the Planning Board. The letters of interest are from Tom Schamber, Peter Jensen and Jane Fairchild. The board discussed their need for alternate members, noting the Planning Board may appoint up to five alternates. It was noted that in the past the board was interested in prospective alternates to attend a few meetings to observe and get the feel of the board. Mr. Jensen has attend many meetings and both he and Ms. Fairchild were present this evening. It was the decision of the board to act on the appointment of alternates this evening.

Motion: Ms. Ryerson moved to appoint Peter Jensen as an alternate member of the Planning Board with a term ending in March 2011.
Mr. King Seconded.
Motion Carried – Unanimously.

Motion: Ms. Ryerson moved to appoint Jane Fairchild as an alternate member of the Planning Board with a term ending in March 2010.
Mr. Bakas Seconded.
Motion Carried – Unanimously.

Mr. Nelson noted the board should hold Mr. Schamber's letter of interest in abeyance at this time.

8) Zoning Board of Adjustment Draft Minutes of September 17 and October 1, 2008 were noted.

9) Selectmen's Draft Minutes of September 11, 18 & October 2, 2008 were noted.

VIII. Committee Reports

IX. Adjournment

Motion: Mr. King moved to Adjourn at 9:37 P.M.
Mrs. Coppinger Seconded.
Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator

These Minutes have not been formally approved by the Moultonborough Planning Board. Please contact the secretary after the next regularly scheduled meeting of the Moultonborough Planning Board to be held on the 2nd and 4th Wednesday of each month, to learn if any corrections, additions or deletions were made.