

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

December 10, 2008  
Regular Meeting - 7:37 P.M.  
Moultonborough Town Offices

**Present:** Members: Judy Ryerson, Keith Nelson, Eric Taussig (arrived 7:10)  
Natt King, Ed Charest (Selectmen's Representative)  
Alternates: Joanne Coppinger, Peter Jensen, Jane Fairchild

**Excused:** Members: Peter Wright, Jim Bakas  
Alternates: James Gray (Selectmen's Alternate)

Ms. Ryerson called the meeting to order at 7:37 PM.

Ms. Ryerson read into the record a letter of resignation dated November 24, 2008, from board member Peter Wright. Ms. Ryerson accepted Mr. Wright's resignation with regret and thanked him for his eight years of service to the board. The board discussed this letter of resignation and it was noted that in accordance with RSA 673:12.I, the vacancy shall be filled by appointment by the remaining board members until the next regular municipal election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.

**Motion:** Ms. Ryerson moved to nominate alternate Joanne Coppinger as a full member of the Board until town elections is held in March 2009.  
Mr. Charest Seconded.  
**Motion Carried** – Unanimously.

Ms. Ryerson appointed Jane Fairchild to sit on the board with full voting privileges in place of Jim Bakas.

**I. Approval of Minutes**

**Motion:** Mr. King moved to approve the Planning Board Minutes of November 12, 2008.  
Mr. Jensen Seconded.  
**Motion Carried** – Unanimously with Ms. Ryerson and Mr. Taussig abstaining.

**II. New Submissions**

**1. Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)  
Site Plan Amendment (Whittier Highway)**

Mrs. Coppinger stepped down from the board for this new submission.

This is a request for a site plan amendment for minor changes to the existing site plan as requested by the Planning Board.

**Motion:** Mr. Nelson moved to accept the application of **Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)** as complete for action by the board, and to schedule a hearing this evening to be hearing #1.

Mr. Charest Seconded.  
**Motion Carried** – Unanimously.

**2. Huggins Hospital (52-13)(984 Whittier Highway)  
Site Plan Amendment**

This is a request for a site plan amendment to construct a 32' x 26' addition to the existing building to use as new exam rooms and a provider office, also adding a new handicapped bathroom in this section.

**Motion:** Mr. Charest moved to accept the application of **Huggins Hospital (52-13)** as complete for action by the board, and to schedule a hearing this evening to be hearing #2.

Mrs. Coppinger Seconded.

**Motion Carried-** Unanimously with Mr. Nelson abstaining.

**III. Boundary Line Adjustments**

**IV. Hearings**

**1. Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)  
Site Plan Amendment (Whittier Highway)**

Mrs. Coppinger stepped down from the board for this new submission. Ms. Ryerson appointed Peter Jensen to sit on the board with full voting privileges.

This is a request for a site plan amendment for minor changes to the existing site plan as requested by the Planning Board.

Robert Hammond was present to present his application for site plan amendment. Mr. Hammond questioned if Mr. King was seated for this hearing. Mr. King indicated that he was. Mr. Hammond objected to Mr. King being seated for his hearing this evening. Ms. Ryerson questioned if there was a conflict with Mr. King being seated. Mr. Hammond stated yes, Mr. King questioned what that would be. Mr. Hammond noted his objection was stated in a letter, which was not presented to the board. Ms. Ryerson noted that the RSA on this is very interesting. Noting if a member of the board acknowledges a conflict needs to recuse him or herself. The RSA leaves it to the member, if they will do that. There is nothing that the board can do, they can poll the board as to whether Mr. King should stay, but even if the poll should suggest he leave, he does not have to. Mr. King stated that he does not feel there is a conflict, and that it sets a bad precedent, if an applicant can demand that a member recuse himself for what he doesn't believe is an issue. Mr. King chose not to step down from the board.

Mr. Hammond presented the application for site plan amendment. Mr. Hammond briefly described the location of the lot, on Route 25, with approximately 1080 feet of frontage on Route 25. Mr. Hammond noted that he had received a letter from the Planning Board indicating that his site was not in compliance with the site plan on record. Mr. Hammond stated that he had come before the board on an informal basis to relocate his sign, and has ended up in a compliance hearing. It was noted that this was not a compliance hearing. The board had requested Mr. Hammond to apply for a site plan amendment, so that they may not end up in a compliance situation.

Mr. Hammond pointed out the changes to the site plan are to the revetment area; two revetments have been added since the last plan of 1988. Mr. Hammond stated that he had applied to the board around 2005 to subdivide his property. He went back to the same plan and added the revetments, the generator beside the sign for his tenant located along Route 25. Mr. Hammond stated other than that, there have been no other revisions to the property.

Mr. Nelson questioned what a revetment was. Mr. Hammond stated it is what is referred in the armed services, it is an area they store aircraft in, and in this case it is an area that he stores different types of gravel. Also known as an open storage bunker or bin.

Mr. King questioned if the board could review the current site plan on record. Mr. Nelson questioned which sand & gravel bunkers that were added. Mr. Hammond noted the two on the Ossipee side, to the east. The board discussed the bunkers along with many other changes that appear on the site plan presented with the application for site plan amendment. Ms. Ryerson questioned the location of the proposed sign. Mr. Hammond indicated the original sign is a double sided sign, and the new sign will be a single sided sign. There is another sign located on the property for the tenant in the rental building. Mr. Nelson stated the generator display area is a change from the prior plan. Other changes shown on the plan include the change in footprint for the residential shop than the hanger building that was there. Mr. Nelson stated the plan submitted this evening is a lot busier than the plan that was previously approved. Mr. Hammond stated that he did not know what the board was looking at for a plan. Mr. Nelson referred to specifics on the plan, noting the hanger building was shown as 60' x 40', and now there is an addition shown to the back of it that is not on a site plan. Mr. Hammond stated that was because the site plan Mr. Nelson is looking at was from 1988 and the addition was put on in 1990. Ms. Ryerson questioned without benefit of site plan review. Mr. Hammond stated he has a letter of intent and a letter of approval from the Board of Selectmen for the addition to the building. Mr. Nelson questioned how the addition got put on without planning board approval. Mr. Hammond reiterated that he had a letter from the selectmen stating he had approval for the addition. Mr. Nelson questioned if the selectmen had authority to give permission to add onto the building. Mr. King asked if Mr. Hammond had a copy of the letter. Mr. Hammond stated he did not have a copy with him this evening. Mr. Nelson requested a copy of the letter.

In reviewing the plan submitted with the application this evening it was noted that there are many changes that are not shown on the 1987 plan. Mr. Nelson questioned if Mr. Hammond was seeking approval for the things that have been added since 1987. It was noted that clearly there were a lot of things added to the site without appropriate site plan revisions. Ms. Ryerson stated Mr. Hammond had not come to the board every time he made minor changes. Mr. Hammond stated no, and he doesn't think that anyone will keep coming to the board under that pretence. Mr. Hammond stated the generator shown on the plan doesn't belong to him; it belongs to his tenant, so the board will have to deal with them. Mr. Hammond feels the texture of the letter sent to him by the board is that he has done something crucially wrong and that he changed his property. Mr. Hammond went onto say that it has been the same property since he bought it. Ms. Ryerson stated the improvements to the site are vastly different. Mr. Hammond stated yes, that he has improved the property. Mr. Nelson stated as you make improvements you're required to come in for a site plan amendment and ask the board for permission whether you can do it. Mr. Hammond questioned when the ruling on this came into effect. He has a building permit for the addition signed by the selectmen for the 24' x 48' addition. He stated he did not build it without obtaining approval. Ms. Ryerson noted that he did not receive approval from the planning board which is an issue.

The board discussed the changes to the plan at length with Mr. Hammond. Mr. Hammond feels that the board is upset with the changes made to the site. Mr. Nelson stated that Mr. Hammond is responsible for his property. It was noted the lot coverage is shown at 49.7%.

Mr. Nelson feels the board needs to do some research on the site to see what is grandfathered, and what is in compliance with our regulations. Mr. Nelson has suggested on site visit of the site.

Mr. Nelson questioned Mr. Hammond what was on site prior to the plan submitted this evening. Mr. Hammond stated that in 1980 Agway was a tenant in the rental building with four apartments above. The sign, revetments and fuel storage area was there in 1986. There was an addition and one apartment added to the hanger building in 1990.

Mr. King stated there is a gravel area that extends onto Lot 18. Mr. Hammond stated yes. Mr. King questioned why / how it extends onto the abutting lot. Mr. Hammond stated that it is in his deed, that he can use that area for his own use. He has total rights for an entrance and egress to the airport.

Mr. Nelson stated that improvements made to the site require board approval. Mr. Hammond stated the property has been there for many years and all he came into the board for was to move his sign. Mr. Nelson stated in the meantime the board is reviewing the plan and they see a lot more than just a sign that has been changed from the original site plan. Mr. Nelson questioned if Mr. Hammond has been before the board between the times that the site plan was approved in 1987 and when all the improvements have been made to the property. Mr. Hammond stated yes, that he came in for a subdivision in 2006. Mr. Nelson questioned if he has been in for a site plan amendment since then. Mr. Hammond stated no. Mr. Nelson questioned if he was required to come in for a site plan amendment since then. Mr. Hammond stated not to his knowledge. Mr. Nelson stated according to our ordinances he was, and he didn't, and that is why he is out of compliance. Mr. Nelson stated the proposal is to bring the site into compliance, and the board will be looking at this site plan based on what our existing requirements are.

After a lengthy discussion, it was the decision to continue the hearing to allow time for an on-site visit and for Mr. Hammond to provide a copy of the letter from the board of selectmen. Mr. Hammond should be prepared to show dated documentation of the improvements made to the site without board approval.

**Motion:** Mr. King moved to continue the hearing for **Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)** to January 14, 2009, and to schedule an on-site visit for Friday, December 19, 2008 at 2:30 PM.  
Mr. Charest Seconded.  
**Motion Carried** – Unanimously.

Mrs. Coppinger returned to the board at this time with full voting privileges.

**2. Huggins Hospital (52-13)(984 Whittier Highway)  
Site Plan Amendment**

Mr. Nelson stepped down from the board for this new submission. Ms. Ryerson appointed Peter Jensen to sit on the board with full voting privileges.

It was noted the Police Department had no comment.

It was noted the Conservation Commission had no comment.

Dean Clark of DMC Surveyors presented the application for site plan amendment. The proposal is to construct a 32' x 26' addition to the existing building to use as new exam rooms and a provider office, also adding a new handicapped bathroom in this section. Mr. Clark noted the board had previously approved a site plan in 1987 and an amendment in 1992. There is no other change to the site plan. The existing lot coverage is 9.61%, proposed lot coverage is 10.693%. Mr. Clark provided the board with an architectural sketch of the addition, noting that it will match the existing building and roof pitch. Mr. Clark answered any questions from the board.

Ms. Ryerson questioned if there were any wetlands on the site. Mr. Clark stated there is a small area on the lower portion of the lot.

Mr. Nelson noted that the fence shown on the plan has been removed and that there is an additional sign located to the front of the building that is not shown on the plan. Mr. Clark will revise the plan to show these two changes as noted by Mr. Nelson.

**Motion:** Mr. King moved to approve the site plan amendment for **Huggins Hospital (52-13)** with the condition the fence be removed from the plan and the second sign added to the plan, and reserve the right to amend.  
Mr. Jensen Seconded.  
**Motion Carried** – Unanimously.

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

Ms. Ryerson stated that this was a continued compliance hearing for Lakes Region Water Co., Inc. (LRWC). The hearing had been continued on October 8, 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, and to make application to the board for a site plan amendment on this lot showing the location of the road which provides access and egress over the abutting lot Tax Map 71 Lot 6.

Tom Mason, Jr. was present for the hearing this evening. Mr. Mason stated they had made application to the ZBA, and that the ZBA has continued the hearing for a special exception for February 4, 2009. Mr. Mason provided the board with a revised plan depicting a portion of the lot in which the buffer had been removed for water lines and is now proposed for a driveway.

The board viewed the plan submitted by Mr. Mason, noting that it showed only a portion of the lot. The board discussed this and stated that Mr. Mason should make application to the board for a site plan amendment. The plan should show the entire lot, including Emerson Path and any other changes that have been made to the site.

Chris Ireland questioned what was to become of the removal of the buffer between the abutting lot of Mr. & Mrs. Mason. It was noted that they are now proposing to use that area for the access to the lot, which if it is a driveway, cannot have a buffer in the driveway. If Mr. Ireland feels that should be buffered, the only alternative would be to utilize Emerson Path for the main access and egress to the site. This is not what he wishes. Mr. Ireland would like the entrance from Emerson Path to be closed permanently. Mr. Mason stated they will discontinue using Emerson Path as the main entrance to the site, but will not abandon that as an emergency or second means of access and egress.

The board discussed with Mr. Mason the filing of an application for site plan amendment for Tax Map 71 Lot 1. The plan must include all necessary requirements as stated in our site plan regulations, such as lot coverage, new driveway, total acreage, topography, boundaries, tree line, water lines, etc. This must be submitted by January 8, 2009 to be heard on January 28, 2009. Mr. Mason was asked if he could meet that deadline. Mr. Mason stated he had no idea, when he finds out from Jim Hambrook, then he can tell the board if he can meet that deadline. Mr. Mason stated that he is going to be in before the board a lot in the next two years, and if they don't get this done it's not that big of deal. Mr. King stated this has gone on for quite a while and this needs to get done. The board has given him a clear idea of what needs to be done now. If this application is not accepted the board may at the continued compliance hearing find Mr. Mason non-complaint and proceed with enforcement action.

**Motion:** Mr. King moved to continue the compliance hearing for **Lakes Region Water Co., Inc. (71-1)** to January 28, 2009 with the condition that Mr. Mason submit an application to the Land Use Office by January 8, 2009.  
Mrs. Fairchild Seconded.  
**Motion Carried** – Unanimously.

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

**4. Russell Sabanek & Judy Sprague (141-3)(130 Whittier Highway)  
Continued Compliance Hearing**

Ms. Ryerson noted that this was a continued compliance hearing for Russell Sabanek and Judy Sprague.

Rob O'Brian was present from Keepsake Quilting for the hearing. Mr. O'Brian stated since the last meeting they have removed the trees and vegetation from the detention pond as required by the board. Mr. O'Brian provided the board with copies of a report in which he kept that included the date, weather, pond level, if water puddle on abutting lot, and monitoring of the stream. Mr. O'Brian explained the report noting that he could not come to any conclusion that the level of water in the pond was any factor in water on the abutting lot of Mr. Tolman's.

Mrs. Coppinger had gone to the site and noted that there was approximately a fifteen – twenty foot wooded area between the berm of the pond and the property of Mr. Tolman. Mrs. Coppinger stated that she could not see any evidence of disturbance on the ground from the run off of water, noting the pine needles were not disturbed.

Mr. King requested clarification that the pond had been cleaned out as required by the board, noting that the large trees in the berm had not been removed. Mr. O'Brian stated yes, they had cleaned out the pond, but the trees that were in the berm when it was constructed were not removed.

It was the decision of the board that Mr. O'Brian had done what was required by the board at the time of approval, which was to properly maintain the detention pond in a working manor. If any further issues arrive from this matter, many felt that it would be a civil issue with no jurisdiction of the board.

**Motion:** Mr. King moved to close the compliance hearing for **Russell Sabanek & Judy Sprague (141-3)**.  
Mr. Charest Seconded.  
**Motion Carried – Unanimously.**

**V. Informal Discussions**

1. **Dan Cornelissen** requested to speak to the board on an informal basis regarding **Tax Map 165 Lot 3**, Moultonboro Neck Road. This is property of the New Hampshire Electric Co. Op. Mr. Cornelissen noted that in 2006 the board had approved a site plan for the construction of a substation on the site. It has been over one year since that approval and they would like to start construction on the site. There has been one change to the Zoning Ordinance that now requires board approval. The new wetland overlay district requires that the setbacks shall be fifty (50) feet from Wetlands, and a Naturally Vegetated Buffer shall be maintained within the twenty-five (25) feet immediately adjacent to the applicable Wetlands. There are wetlands depicted on the site and they wish to remove the trees between 25 and 50 from the wetland. They will maintain a natural buffer within this area. There are two locations on the plan that do not meet the setbacks around the improved area on the site. The board discussed this and did not feel that they would be in violation of the wetlands ordinance, but noted that Mr. Cornelissen should submit a letter to the board requesting an extension of their site plan approval. At that time the board normally would review any changes to the regulations which may affect their approval. This was done this evening and it would not be necessary for Mr. Cornelissen to appear before the board. It was the consensus of the board that the approved site plan would not be in violation of the wetlands ordinance.

Ms. Ryerson and Mr. Nelson did not participate in informal discussion number 2.

2. **Ann Hackl and Don Berry** requested to speak to the board on an informal basis regarding property of the Lakes Region Conservation Trust and the Castle Preservation Society. Mr. Berry noted they were here

to request direction from the board that would allow them to conduct maintenance of the trees for views from the castle, carriage house and patio area. The purpose of the tree maintenance is to preserve and improve the view from the Carriage House and The Castle on the Castle in the Clouds property. The board discussed this issue questioning where the removal of vegetation was to take place. Ms. Hackl stated that it would be in areas overlooking the lake. They are not proposing any extensive tree cutting, it would only be selective cutting to maintain or improve the views. Cristina Ashjian noted her concerns regarding runoff. The board questioned if there would be the removal of trees or vegetation. Ms. Hackl stated they would remove selective trees in front of the patio area, along the path from the castle and along the edge of the field. The board stated they felt there was no problem with the selective cutting, but that there could be no clear cutting, only selective cutting and that they must leave the root system and ground cover intact.

3. **David Barnard** requested to speak to the board on an informal basis regarding property of Geneva Point Center, Inc. located on Geneva Point Road, **Tax Map 232 Lot 1**. Mr. Barnard noted that the board had approved a site plan amendment in July that allowed for the removal of an existing bunk house to allow for replacement with six propose cabins and two proposed additions to the existing garage. Mr. Barnard noted they have completed one addition to the garage and have removed the existing bunk house. They are in the process of starting the six cabins and applied for a building permit. They have relocated the cabins slightly and have changed the footprint from 16' x 26'10" to 18' x 27'3". Mr. Cahoon stated that this change would require a site plan amendment. Mr. Barnard is requesting that the board recommend that the Code Enforcement Officer issue a building permit so they may pour concrete prior to the upcoming winter weather. It was noted that the plan approved by the board in July has not been placed on record at this time. The board would like the Mylar and for it to be recorded. Then they may submit an as-built of the site depicting the exact footprint and location of the cabins. It was the consensus of the board to recommend that the Code Enforcement Office issue a building permit and require Geneva Point to submit an as-built plan, with actual footprints of the cabins, location and revised lot coverage. This is to be submitted prior to an occupancy permit being issued for the cabins.

## **VI. Unfinished Business**

## **VII. Other Business/Correspondence**

1) Ms. Ryerson noted a memo dated December 8, 2008, from Carter Terenzini. Mr. Terenzini noted that the Select Board has received two proposals from a Master Plan Subcommittees relative to moving forward with the adoption of various proposals currently, as he understands it, contained in the Draft Master Plan. The first is the adoption of the statute requisite to creating a Heritage Commission and the second is adoption of RSA 79E. The Board would like the advice and recommendation of the Planning Board on these two specific suggestions, and any similar ones, which may come to the BoS prior to adoption and endorsement of the Master Plan. Given how long a road has been travelled in this effort and how close the end goal line is, the Board does not want to be seen as presumptuous in its actions or jumping into this arena out of sync with the Planning Board. The board discussed this, noting they were fully aware of this request, and fully supports this initiative. It was the consensus of the board that they recommend the Select Board create a Heritage Commission and the adoption of RSA 79E.

2) Ms. Ryerson noted a memo dated December 8, 2008, from Carter Terenzini. Mr. Terenzini indicated that the Town had offered several lots of Tax Deeded land for sale, and there were four bids that were accepted by the Town. A condition of the sale is that the abutters must merge these lots with their current property. The process of merging the lots requires that the merger application be completed and submitted to the Planning Board for their approval. One problem with this is that the town has not deeded these lots to the bidders, so they do not have a deed that has been recorded. After discussion with counsel, it has been suggested the PB could approve the application, with the missing information to be filled in later by counsel, then recorded at the time the deed of sales is recorded. The board discussed this and it was the consensus to authorize the chair to sign the Application for Voluntary Merger to be held in escrow by Town Counsel and

released upon him at the time of sale with him recording the deed and merger, and completing the documents at that point in time.

3) Zoning Board of Adjustment Draft Minutes of November 19, 2008 were noted.

4) Selectmen's Draft Minutes of November 6, 13, 20 & December 4, 2008 were noted.

### **VIII. Committee Reports**

Ms. Ryerson noted that the board was currently working on five proposed changes to the zoning ordinance. These include the sign ordinance, a small wind power ordinance, proposal for the re-zoning of Route 25, the repeal of authority to grant special exceptions, and simple language for Access Management. Ms. Ryerson questioned due to the late hour if the board wished to proceed with these items this evening. Mr. Taussig stated that he would not be available at our next scheduled meeting and would like to go over the proposed sign ordinance. Mr. Nelson stated that there had been substantial changes to the existing sign ordinance. Some of these changes include that permits are required for all signs, including existing grandfathered signs, size limitations, a sunset provision for abandoned signs and the authority to permit signs from the Board of Selectmen to the Planning Board. The board reviewed this section at length.

Due to the hour it was the decision of the board to continue working on these items at a work session on Monday evening, December 15<sup>th</sup>, starting at 7 PM at the Town Hall. The board will review the remaining items along with the suggested changes made this evening to the sign ordinance. If more time is needed then, and time allows they may continue to Wednesday, December 17<sup>th</sup> after they complete the Public Hearing for the final draft copy of the Master Plan.

Ms. Ryerson reminded all board members and the public that the second hearing for the review of the draft master plan will be Wednesday, December 17, 2008, starting at 5 PM at Town Hall. This meeting must conclude no later than 7 PM as that is a regularly scheduled evening for the Zoning Board of Adjustment, although the Planning Board can also continue in the adjacent conference room.

### **IX. Adjournment**

**Motion:** Mr. King moved to Adjourn at 11:15 P.M.  
Mr. Nelson 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.