

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

February 11, 2009  
Regular Meeting - 7:30 P.M.  
Moultonborough Town Offices

**Present:** Members: Judy Ryerson, Natt King, Keith Nelson, Eric Tausig, Joanne Coppinger, Jim Bakas, Ed Charest (Selectmen's Representative)

Alternates: Peter Jensen, Jane Fairchild

**Excused:** Alternates: James Gray (Selectmen's Alternate)

Ms. Ryerson called the meeting to order at 7:30 PM. Ms. Ryerson stated that there is a full board and she invited the alternates to sit and participate in all discussions but not in deliberations or vote.

**I. Approval of Minutes**

**Motion:** Mr. King moved to approve the Planning Board Minutes of January 14, 2009.  
Mr. Charest Seconded.  
**Motion Carried** – Unanimously.

**Motion:** Mr. King moved to approve the Planning Board Public Hearing Minutes of January 19, 2009.  
Mr. Charest Seconded.  
**Motion Carried** – Unanimously.

**Motion:** Mr. King moved to approve the Planning Board Public Hearing of February 2, 2009.  
Ms. Coppinger Seconded.  
**Motion Carried** – Unanimously.

Jane feels that written comments should be added to the minutes. Judy to have Bonnie add those written comments since they were not read into the meeting.

**II. New Submissions**

**1. Lakes Region Water Co., Inc. (71-1) (Emerson Path)  
Site Plan Amendment**

This is a request for a site plan amendment to show the existing site conditions, two proposed lights, a proposed gate and a designated water pipe and equipment storage area.

A letter dated December 30, 2008 from Hambrook Land Surveying was noted requesting a waiver for 3 items in the Site Plan Review Regulations. A letter from the fire dept that the topography and wetlands that these items are shown on the original site plan and the lot is the scale that is appropriate for the plant.

**Motion:** Ms. Ryerson moved to accept the application of **Lakes Region Water Co., Inc. (71-1)** 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.  
Mr. Charest Seconded.  
**Motion Carried** – Unanimously with Mr. Nelson abstaining.

2. **Sean A. & Alyson C. Cahoon (144-40) (24 Blackadar Lane)**  
**Major Subdivision**

This is a request to create one additional building lot fronting on Blackadar Lane.

There is a request for waivers from Daniel Ellis of Ames Associates to waive the requirements of the checklist of 4.12:E since all required documents have been submitted to the State of NH, and 4:12:G since a copy of the subdivision plan has been submitted to the Fire Chief.

**Motion:** Mr. King moved to accept the application of **Sean A. & Alyson C. Cahoon (144-40)** 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 #3.  
Mr. Charest Seconded.  
**Motion Carried-** Unanimously.

3. **U.S. Cellular (88-2) (627 Whittier Highway)**  
**Site Plan Amendment**

This is a request for a site plan amendment. The owners of the property are Shirley Ellen Dale & Terrance Jatko. The address of the property is 627 Whittier Highway.

The applicant proposes to remove the existing antennas at 60' & 97' respectively and proposes to install three new panel antennas at 97'. Applicant will install six coax cable and two base cabinets. All equipment will be inside existing compound.

**Motion:** Ms. Ryerson moved to accept the application of **U.S. Cellular (88-2)** as complete for action by the board, and to schedule a hearing this evening to be hearing #4.  
Mr. Charest Seconded.  
**Motion Carried-** Unanimously with Mr. Nelson abstaining.

4. **Marilyn J. Young and Richard M. Jr. & Ronda L. Young (66-11 & 66-12)**  
**Boundary Line Adjustment** – (61 & 30 Northwood North)

This is a request for a Boundary Line Adjustment conveying 2.15 acres from the Marilyn J. Young property to the Richard Young property Lot 66-12. This adjustment is being made to correct a garage encroachment on lot 66-12 & 66-11.

A letter dated January 15, 2009 from Hambrook Land Surveying was noted requesting to waiver of some items of the checklist including the letter from the Fire Dept., Wetlands set back lines topography where this a boundary line adjustment.

**Motion:** Ms. Coppinger moved to accept the application of **Marilyn J. Young and Richard M. Jr. & Ronda L. Young (66-11 & 66-12)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Boundary Line Adjustment # 1.  
Mr. Tausig Seconded.  
**Motion Carried-** Unanimously with Mr. Nelson abstaining.

5. **John Clark Hills Revocable Trust (67-18) (108 Lee Road)**  
**Major Subdivision**

This is a request for a Major Subdivision to create one additional building lot fronting on Lees Mill Road.

Daniel Ellis of Ames Associates submitted a letter dated January 20, 2009 requesting a waiver to some items on the checklist including:

All documents have been submitted to the Board of Selectmen for their review and approval of proposed driveway permit.

All required documents have been submitted to the State of New Hampshire for their review and approval of the proposed subdivision.

A copy of the subdivision plan has been submitted to the Fire Chief for his review and comments.

**Motion:** Ms. Ryerson moved to accept the application for the **John Clark Hills Revocable Trust (67-18)** 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 #5.  
Mr. Tausig Seconded.  
**Motion Carried-** Unanimously.

**III. Boundary Line Adjustments**

1. **Marilyn J. Young and Richard M. Jr. & Ronda L. Young (66-11 & 66-12)**  
**Boundary Line Adjustment – (61 & 30 Northwood North)**

Mr. Nelson stepped down for this hearing. Ms. Ryerson seated Mr. Jensen with full voting privileges as the alternate.

James Hambrook, agent for Marilyn Young and Richard Young presented the application for boundary line adjustment. Mr. Hambrook noted the cause for the adjustment is that Richard Young's garage encroaches on his mother's property (Marilyn Young).

It was noted there is a shared driveway between the properties.

The proposal is to convey 2.15 acres from the Marilyn Young lot to the Richard Young lot resulting in a 10.15 Acre lot based on the plan boundary line and results in a 6.95 acre lot based on the plan boundary line.

**Motion:** Mr. King moved to approved the Boundary Line Adjustment for **Marilyn J. Young and Richard M. Jr. & Ronda L. Young (66-11 & 66-12)** as presented, grant the waivers as requested, subject to the exchange of deeds in accordance with Section 5.4 of the Subdivision Regulations.  
Mr. Jensen seconded.  
**Motion Carried-** Unanimously.

#### IV. Hearings

##### 1. Lakes Region Water Co., Inc. (71-1) (Emerson Path) **Site Plan Amendment**

Ms. Ryerson stated that this Site Plan Amendment would be the first hearing before the Lakes Region Water Company (LRWC) Compliance Hearing since these two are so closely linked.

James Hambrook was presenting for Tom Mason. This is a request for a site plan amendment to a prior site plan in 2004 approved for the water tank location which is located on the lot which is set back off Route 109 and is accessed by Emerson Path. LRWC's lot is a 5.37 acre parcel which currently has a 325,000 gallon concrete water tank and a 16'x16' control building on the front of that with a gravel driveway. They are proposing a gate and a 75'x30' designated area for water pipe and equipment storage area. Also proposed is an incandescent light and a halogen light on the back of the building so they can turn the light on at night if they need to get to the tanks in an emergency. Both of these lights would be owner operated.

There was a lengthy discussion about the lights and the storage area. Mr. Tausig would like to see the lights on a timer in the event that they get left on by mistake that they would shut off on their own.

Mr. King stated that he feels that the gate should be locked and only used for emergency purposes.

Michael Quinn who is an abutter handed Mr. King a letter that stated his concerns with the storage and the traffic issues that this has caused. There was lengthy discussion with several abutters and the board.

Ms. Ryerson stated that the original approval from the ZBA was for a water storage tank not for a storage area.

Mr. Jensen stated that he feels that because of storage area was not on the original site plan, which was approved in 2004 that it shouldn't be there not on this site plan.

Ms. Ryerson said that because this is a site in a residential area that needs a special exception to exist as a commercial site and that it needs the ZBA to define what that is and it was defined as a water storage tank.

Mr. Mason was offended by a comment made by the board and left the meeting at 8:35pm.

Mr. ~~Hammond~~ Hambrook said that as agent for Mr. Mason would strike that storage area from the site, trailers included. On this site plan there will be just the storage tank, the gate and the easements are going to be in place which would put the plans in compliance.

**Motion:** Ms. Ryerson moved to continue the site plan amendment hearing for **Lakes Region Water Co., Inc. (71-1)** to March 11, 2009.  
Mr. Tausig seconded.  
**Motion Carried-** Unanimously.

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

Mr. Jensen asked if we end a compliance hearing if the plan is in compliance. Ms. Ryerson said that we can give conditional approval if he takes the storage area off the site plan and a lockable gate is installed.

Ms. Ryerson stated that if the building was built after their site visit and it was built larger than was permitted then that puts Mr. Mason out of compliance. Mr. King stated that he feels that Don Cahoon, the Code Enforcement Officer should go out to the site for a site visit.

Mr. Tausig feels that this compliance hearing should be continued based on this new information.

Ms. Ryerson says that these two hearings are similar so both will be continued.

**Motion:** Mr. King moved to continue the compliance hearing for **Lakes Region Water Co., Inc. (71-1)** to March 11, 2009.  
Mr. Bakas seconded.  
**Motion Carried-** Unanimously.

The board took a short break from 9:03 to 9:05 PM.

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

**3. Sean A. & Alyson C. Cahoon (144-40) (24 Blackadar Lane)  
Major Subdivision**

Mrs. Coppinger stepped down from the board at this time. Ms. Ryerson seated Mr. Jensen with full voting privileges.

Ms. Ryerson stated that this is a request for a Major Subdivision but creates only one additional building lot fronting on Blackadar Lane. There is a request for waivers for State Subdivision Approval and letter from the Fire Chief.

Daniel Ellis of Ames Associates represented the Cahoon's. Mr. Ellis stated the existing lot is approximately eight acres. The proposed new lot will be 2.27 acres. Any residual land which is already developed with Sean Cahoon's residents will be 5.47 acres. Because Blackadar Lane is a private road there is no need for a driveway permit from the town.

Mr. Ellis stated that a soil survey was done across the street previously and feels that because of the topographic contours that there is not different land forms on either side of the street so because of that you wouldn't expect to see any different soils from one side of the road to another.

Mr. Ellis stated that they have received state approval and a copy is in the file per Mr. King.

**Motion:** Mr. Nelson moved to approve the major subdivision for **Sean A. & Alyson C. Cahoon (144-40)**. Ms. Ryerson added a new condition #1 that the condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings.  
Mr. Charest seconded.  
**Motion Carried-** Unanimously.

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

**4. U.S. Cellular (88-2) (627 Whittier Highway)  
Site Plan Amendment**

Mr. Nelson stepped down from the board at this time. Ms. Ryerson seated Mr. Jensen with full voting privileges.

Peter Marchant, with KJK Wireless Agent for USCC presented the proposal to remove the unsightly dish and remove a panel antenna and add two. in essence adding three new panel antennas inside the tree itself. They will match the other antennas that are currently on the tree now. These will be smaller than the other panels.

**Motion:** Mr. King moved to approve the site plan amendment for **U.S. Cellular (88-2)**. Ms. Ryerson stated that on the condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings and to reserve the right to amend.  
Mr. Charest seconded.  
**Motion Carried-** Unanimously.

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

**5. John Clark Hills Revocable Trust (67-18) (108 Lee Road)  
Major Subdivision**

Mrs. Coppinger stepped down from the board at this time. Ms. Ryerson seated Mr. Jensen with full voting privileges.

This is a request to create one additional building lot fronting on Lees Mill Road.

Ms. Ryerson stated that there is a letter dated January 20, 2009 requesting waivers from Ames Associates; Select board driveway permit, state subdivision approval and a copy of the subdivision plan has been submitted to the Fire Chief.

Daniel Ellis was present representing Joe Hills and the John Clark Hills Revocable Trust. This subdivision will create one new building lot, 2.65 acres fronting on Lee's Mill Road. The existing acreage is 12.28 acres so subdividing off this lot will leave the inn with 9.63 acres. There are very good soils and sandy so the 2.65 acres is well over the required minimum which is 2.37 units allowable shown on the lot size calculation sheet.

Mr. Ellis also noted that we requested a waiver for not showing wetlands on the remaining land or applying that to the minimum lot size calculations. He stated that the reasons for that were obvious.

This site is relatively flat and because of that and because of the location of the existing house there is only really only one suitable location for a gravity septic system for the inn, without having to put in a pumped water system. Because of that we've proposed a ground water easement on the proposed new lot. Mr. Ellis stated that there is a draft easement deed in the packet. The only restriction being that a well cannot be drilled on that lot.

As far as state approval of the subdivision they've had a conversion with the state and the only thing pending the approval is a site visit by NH DES personnel.

A town driveway permit has been filed with the Board of Selectmen but Mr. Ellis hasn't verified that it's been approved yet, and he will check with the Board of Selectmen on Thursday.

**Motion:** Mr. Nelson moved to approve the major subdivision for **John Clark Hills Revocable Trust (67-18)** subject to the town driveway permit. Ms. Ryerson stated that it be condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings.  
Mr. Jensen seconded.  
**Motion Carried-** Unanimously

**V. Informal Discussions**

**VI. Unfinished Business**

**VII. Other Business/Correspondence**

1) Ms. Ryerson mentioned to the board that the Town Administrator, Carter Terenzini would like the Master Plan to be on the Warrant Article for the Town Meeting.

There was a lengthy discussion about whether or not they felt it should be a Warrant Article. The consensus of the board was to not have the Master Plan a Warrant Article.

2) Ms. Ryerson mention that she received a memo from Mr. Terenzini regarding Safe Routes to schools and Ms. Ryerson encouraged the board to read the memo and to get involved if they want to. Joanne Coppinger stated that she should would be a volunteer.

3) Ms. Ryerson said that in the ZBA Minutes that the Dixon matter may have been resolved and that he will definitely be coming back in front of the Planning Board.

4) Lakes Region Water Company did get their special exception on the large parcel but it was very specifically put so that it's not an open ended thing.

5) Ms. Ryerson made sure that all the board member signed the Certification for the Master Plan which Alison Kepple will notarize and deliver it to the Town Clerk. Ms. Ryerson gave Ms. Kepple the CD to give to Mr. Terenzini.

**VIII. Committee Reports**

**IX. Adjournment**

**Motion:** Mr. King moved to Adjourn at 10:05 P.M.  
Mr. Charest Seconded.  
**Motion Carried** - Unanimously.

Respectfully Submitted,  
Alison G. Kepple

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.