

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

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

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

Ms. Ryerson called the meeting to order at 7:30 PM. Ms. Ryerson noted that elections were held last evening and that Natt King and Joanne Coppinger had been elected for three year terms and Jane Fairchild for the remaining one year of a three year term.

Ms. Ryerson stated the board had received a letter from Keith Nelson expressing his interest to Serve as an Alternate Member of the Planning Board. Mr. Nelson chose not to run for reelection as he frequently has to recuse himself from the board. However, he would like the opportunity to serve as an Alternate and could provide the board with historical context and knowledge. It was the decision of the board to appoint Mr. Nelson as an Alternate.

Motion: Mr. King moved to appoint Keith Nelson as an Alternate Member of the Planning Board with a term ending in March 2012.
Mrs. Coppinger Seconded.
Motion Carried – Unanimously.

I. Approval of Minutes

Mr. Taussig requested the minutes be amended, noting that there is a spelling error on page three. Council should be spelt Counsel. This will be corrected.

Motion: Mr. King moved to approve the Planning Board Minutes of February 25, 2009 as amended.
Mrs. Coppinger Seconded.
Motion Carried – Unanimously.

Motion: Mrs. Coppinger moved to approve the Planning Board On-Site Minutes of March 4, 2009.
Mrs. Fairchild Seconded.
Motion Carried – Unanimously with Mr. King abstaining.

II. New Submissions

**1. Kevin Glover (16-2)(221 Holland Street)
Two Lot Subdivision**

This is a request for a two lot subdivision. Ms. Ryerson noted for the record the request for waivers submitted with the application from Dan Ellis of Ames Associates.

Motion: Mr. King moved to accept the application of **Kevin Glover (16-2)** 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.
Mrs. Coppinger Seconded.
Motion Carried – Unanimously.

III. Boundary Line Adjustments

IV. Hearings

Mr. Nelson did not participate in any discussion regarding Lakes Region Water Co., Inc.

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

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

Ms. Ryerson noted the board had received a letter dated March 10, 2009 from Jim Hambrook, the surveyor of the project. Mr. Hambrook was not able to attend the hearing due to a scheduling conflict. The letter addressed some of the statements that were made at the last hearing (2/11/09) which in part prompted the continuation of the hearing. Mr. Hambrook stated that he had visited the site to review existing improvements and site conditions to determine the accuracy of comments made during that hearing. During the visit he photographed the site so that his observations could be scrutinized by the board. Mr. Hambrook made the following observations in response to the statements from the last hearing.

- The tank control building has a ridge height of fifteen feet and is approximately nine feet above the tank. This building is typically constructed with clapboard siding painted an unobtrusive beige with white trim. The description “tree house” would seem to be a bit over the top when describing what actually exists.
- While standing at the control building I was not able to see either the Quinn or Ireland residences. I was able to just make out the Quinn residence or garage when I moved to the uphill end of the tank clearing as there is a roadway cut on the Quinn property that provides a viewing alley. The Ireland residence is painted a sky or robins egg blue color and was not visible from any spot.
- As evidenced by the pictures the tank is completely backfilled and does not protrude five or six feet out of the ground. The tank area looks very similar to a finished leach field site. I believe the statements made by Tom Mason at the last hearing were completely correct when describing the state of the tank. He mentioned an area to the right of the building that needed to be finish graded and that the area on the north side around the tank vents was not backfilled. The finished grades around the tank are such that deer have been able to walk up on to the top of the tank.
- I inspected the interior of the building and again found what Mr. Mason stated to be true. The bottom concrete portion houses the large twelve inch water main valves and the upper wood portion has electronic panels mounted on the walls. I did not observe any additional equipment in the space. The tank control building was shown on the original site plan and after talking to Don Cahoon I verified that he did indeed make several site visits during construction

Ms. Ryerson noted that the Code Enforcement Officer had also visited the site and took four photographs of the control building. The board reviewed the photographs.

Attorney Andrew Livernois from Ransmeier & Spellman P.C. was present to represent Thomas and Barbara Mason. Present this evening was Tom Mason, Jr. Mr. Livernois noted that he was not present at the prior hearing and that Mr. Hambrook was not present this evening. Mr. Livernois presented the board with several photos taken by Mr. Hambrook. Mr. Livernois noted the height of the control building is 9' on the upper side and 15' high on the low side. The tank is level with the ground on the uphill side. Mr. Livernois referred to one photo taken in the direction of the Quinn house, noting you can barely see it and that you cannot see the Ireland house at all. Mr. Livernois pointed out that these pictures were taken at a time of year with no leaves on the trees.

Mr. Livernois noted they are proposing a 75' x 30' area for the storage of pipe and surplus equipment. He also stated as Mr. Hambrook noted in his letter that there really isn't anything in the control building other than pipes electronic panels mounted on the walls.

Mrs. Fairchild noted that at the previous hearing the proposed storage area raised concerns, that there was pipe and equipment that was not approved. Mr. Livernois stated they wish to keep the storage area on the site plan and have the board approve this.

Ms. Ryerson raised the question regarding the special exception granted by the ZBA in 2004. The special exception was for the installation of a water storage tank and during the ZBA hearing the storage area was not discussed. Mr. Livernois referred to section F,2.d of the Zoning Ordinance:

d. Placement of inventory, equipment and storage of materials shall be subject to Planning Board Site Plan Review.

It was the opinion of Mr. Livernois that this would be under the jurisdiction of the Planning Board. There was a lengthy discussion relating to the proposed storage area, questioning if it was an appropriate use on the site and if materials stored were related to the water storage tank. Some members felt that if the materials were items related to the tank that it was okay, but items for general storage would not be appropriate.

Mrs. Coppinger stated her concern is not as much about how the site looked, but her concern would be the added traffic in and out of a residential area.

Ward Bird noted his concerns regarding the height of the control building and the increase in traffic. Mr. Bird stated that storage should not be allowed.

Ginny Bird stated you can see the control building from the Quinn house, and at the prior hearing they spoke of a buffer, has there been any proposed.

In further discussing the project, Mr. Mason stated that he had blocked off the access to the lot from the abutting forty (40) acre site to the tank lot. The board questioned this statement. Mr. Mason stated that there was so much controversy over accessing the lot over the abutting property he chose to block it off. He has constructed a rock wall so that you cannot access the lot from the abutting property. This was not shown on a revised plan. Mr. King felt that this could work. The only thing needed to go up Emerson Path is a pickup truck to read the meters and check the water tank valves. There would be no additional traffic. The plan would need to be amended to remove the access road between the two lots and remove the proposed gate from the plan.

The board discussed specifically with Mr. Mason the storage area and the items that would be in "dead storage". Mr. Mason noted it would include 12" main pipe, mechanical joint fittings and 6" ductile

iron pipe. The board questioned if this would be material directly relating to the site. Mr. Mason stated they were left over items from the development of the site. The board questioned the amount of pipe. Mr. Mason noted it was 12" main, in lengths up to 18' and he had a total of approximately 60'. The board requested a specific list of the materials to be on-site in the storage area, and that it also is noted on the plan. The board questioned the need for a 75' x 30' storage area. After a lengthy discussion the board reduced the size of the storage area to 20' x 30' and moved it adjacent to the control building, on the Quinn side of the building. It was noted the pipe is blue and would be very visible. The board has requested the storage area be buffered along the Quinn property line.

Ms. Ryerson stated there was fencing on the 2004 plan, but none shown on this plan. Are they intending on installing the fence. Mr. Mason stated the fence is required by DES and they will be installing it. They have not finished the improvements to the site at this time. It was noted the revised plan should also include the fence. After further discussing the fence it was the agreement with Mr. Mason and the board that the fencing would go around the propose storage area. This area is to be screened with evergreen trees that are to be 6' in height (not including the root ball) placed 6' on center in a zigzag manner along the Quinn property line. It was questioned how many trees this would take. It was noted this is to be shown on the plan and that Jim Hambrook can scale the area and provide the correct number of evergreens it will take to screen the storage area along the Quinn property line.

Ms. Ryerson stated that it appeared that the hearing would need to be continued to allow time for Mr. Mason to provide a revised plan which will include: the removal of the proposed gate, the removal of the roads connecting access to the abutting lot, the depiction of the stone wall that was constructed in its place, adding the chain link fence, relocating the 20' x 30' storage area, noting it is to be enclosed within the fence, the depiction of the required screening/buffering on the outside of the fence along the Quinn property line to be evergreens 6' high, planted 6' on center in a zigzag manner and a list of specific material to be stored on the site, and that it be noted on the plan. It was noted for the record that the materials Mr. Mason referred to were left over from the development of the site and that these items may NOT be replenished. Mr. Mason stated that hopefully there is not a need for repairs to the water main. Again, if these materials are used they cannot be replenished. Once they are gone that's it.

Motion: Mr. King moved to continue the site plan amendment hearing for **Lakes Region Water Co., Inc. (71-1)** to April 22, 2009.
Mr. Tausig seconded.
Motion Carried- Unanimously.

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

Motion: Mr. King moved to continue the compliance hearing for **Lakes Region Water Co., Inc. (71-1)** to April 22, 2009.
Ms. Ryerson Seconded.
Motion Carried – Unanimously.

The board took a five minute break from 8:55 – 9:00. Mr. Bakas left for the evening at this time.

**3. Kevin Glover (16-2)(221 Holland Street)
Two Lot Subdivision**

Ms. Ryerson stated that this was a request for a two lot residential subdivision.

Ms. Ryerson noted the Unit Density Calculations are 1.06 units and 2.94 units.

Ms. Ryerson noted that there are substantial wetlands on the site, and that the applicant had chosen to apply to DES for their wetland crossing before submitting their application for subdivision. They have received a DES permit for the proposed driveway crossing.

It was noted the Conservation Commission and Police Department had no comment.

Dan Ellis of Ames Associates presented the application for subdivision. Mr. Ellis briefly described the lot noting that it was approximately six acres. There is an existing dwelling, and septic on the site. The proposal is to create a 4.04 acre site with a residual lot of 1.64 ac. Mr. Ellis stated they have received a wetland permit from DES that will allow them to construct a home to the rear of the 4.04 acres. There is an area towards the front of the lot where a home could be constructed that would not have required the wetland crossing. This area is across the street and adjacent to the entrance of the Town recycling center which is a less desirable area than the rear of the lot.

Mr. Jensen questioned if they will remove the existing crossing of the wetland on the residual lot. Mr. Ellis stated as a condition of approval from DES they are required to remove the existing crossing.

It was noted for the record that Mr. Glover was granted a special exception from the ZBA for purposes of winter boat storage. If the board were to approve the subdivision the special exception would no longer be valid. Mr. Glover stated that he was aware of this, and once the boats leave this spring they will not be going back in.

Mr. Ellis stated that they have received stated subdivision approval.

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

Motion: Mr. King moved to approve the two lot subdivision for Kevin Glover (16-2). Ms. Ryerson added 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. Taussig Seconded.
Motion Carried – Unanimously.

V. Informal Discussions

VI. Unfinished Business

VII. Other Business/Correspondence

1) Ms. Ryerson noted an e-mail received March 2, 2009 from Dan Ellis, Ames Associates. Mr. Ellis stated that his Client, Jo Hills (67-18) had received a copy of the February 11, 2009 PB Minutes relative to her subdivision approval. Ms. Hills noted a condition in the minutes stated “The only restriction being that a well cannot be drilled on that lot.” Mr. Ellis noted this was incorrect and that the restriction should be that a well cannot be drilled within the proposed ground water easement area... That a well CAN be drilled on the proposed lot. The minutes of February 11th have been approved and the board cannot amend them this evening. It was noted that this was a clerical error. The board discussed this and a copy of this discussion will be included in the file folder and a letter will be sent to Ms. Hills.

2) Ms. Ryerson noted a letter dated February 24, 2009 from HydroSource Associates, Inc. Fred Bickford has sent this letter to make the ZBA and PB aware that they have a similar situation that resembles the one that exists at the Balmoral/Suissevale water system, where Lakes Region Water Co., Inc. is developing increased well capacity to come into compliance with NHDES. The current plan is to drill one test well on the property.

3) Ms. Ryerson noted a copy of her letter that she has submitted to the letter of the editor regarding Route 25. As all are aware the article for the re-zoning of Route 25 was defeated yesterday. Ms. Ryerson stated the board should re-convene the Route 25 Study Committee and is looking for more input and participation in this committee.

4) Ms. Ryerson noted a letter dated March 10, 2009 from Cristina Ashjian. Ms. Ashjian submitted her observations and comments from the Planning Board on-site review of CG Roxane's proposed warehouse that was held on March 4th. Ms. Ashjian questioned if the photos were attached to the letter. It was noted that they were not, and that Ms. Ashjian suggested that all board members review the photos prior to the continued hearing for CG Roxane on March 25, 2009.

5) Ms. Ryerson noted there were two job descriptions in the board's folders. One being from Carter Terenzini and a second from her in which she had made a few changes that appear in italics. The board discussed the two at length. It was the feeling of the board that Mr. Terenzini's job description was too long, too much jargon and that they did not want a director, just a planner. They want a planner, who will act as a Land Use Department staff member, reporting to and taking direction from, the Land Use Boards. Board members asked for electronic copies of both job descriptions so they may review them and make any changes/suggestions at their next meeting.

6) Ms. Ryerson noted the survey from LRPC which the board had received at their last meeting. Ms. Fairchild had volunteered to work on some suggested answers as requested by LRPC. Ms. Fairchild gave Members a copy of some suggested answers for review.

7) Ms. Ryerson stated that at their next meeting the board must conduct an organizational meeting. Board Members were provided with a copy of the Planning Board Policies for review prior to the meeting. These will be approved at that time. Ms. Ryerson had one proposed change to the policies regarding the ability for the Chair to request that an expert attend a hearing if the board was not in a hearing mode. She had spoken with Kim Holquist at the LGC who stated that could only be done if it were in the board's policies. Ms. Ryerson has suggested this be added to the policies as item XII, and would contain language such as, "The Chairperson or Vice Chairperson may invite experts to attend a forth coming meeting without authorization of the board." This would also require the renumbering of the remaining policies. Board members asked for an electronic copy so they may review them and make any changes/suggestions at the organizational meeting.

8) Ms. Whitney noted that the Town Administrator has questioned the need to publish Notice of Decisions made by the Planning Board in the newspaper. Upon reviewing the statute, there is no requirement to publish it in the paper. In an effort to reduce costs to the taxpayers of the town it was recommended that they stop publishing the Notice of Decisions in the paper effective March 31, 2009. It was noted that the decisions will still be posted in the Town Hall, Post Office and on the Town's website.

Motion: Mr. King moved that the Planning Board no longer publish Notes of Decision in the newspaper.
Mrs. Fairchild Seconded.
Motion Carried – Unanimously with Mr. Taussig abstaining.

9) Mr. Taussig questioned if the Planning Board Minutes and Agendas could be sent electronically to all Board members. This would reduce paper, and the cost of postage. Ms. Whitney stated that this had been tried in the past and that not all members had access to the internet or high speed internet. She questioned if all members had e-mail access and would like to receive Minutes and Agendas electronically. All members now have access and were in agreement to receive Minutes and Agendas via e-mail.

10) Ms. Ryerson noted a copy of a letter dated January 27, 2009 sent to the Board of Selectmen. Mrs. Patten requested a copy be provided to the board. The letter was in reference to the NH Rural Fire

Protection Initiative. If you would like more information regarding the program, please visit their website at: <http://nhrcd.net/?RFPI/RFPIindex.htm> or call them at 527-2093.

11) Zoning Board of Adjustment's Draft Minutes of March 4, 2009 were noted.

12) Selectmen's Draft Minutes of March 5, 2009 were noted.

VIII. Committee Reports

IX. Adjournment

Motion: Mr. King moved to Adjourn at 10:15 P.M.
Mr. Jensen 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.