

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

April 22, 2009
Regular Meeting - 7:30 P.M.
Moultonborough Town Offices

Present: Members: Judy Ryerson, Natt King, Eric Taussig, Jane Fairchild,
Joanne Coppinger – arrived at 8:15
Ed Charest (Selectmen’s Representative)
Alternates: Peter Jensen, Keith Nelson
Excused: Members: Jim Bakas

Ms. Ryerson appointed Peter Jensen and Keith Nelson sit on the board with full voting privileges in place of Jim Bakas and Joanne Coppinger.

I. Approval of Minutes

Motion: Mr. King moved to approve the Planning Board Minutes of March 25, 2009.
Mr. Charest Seconded.

Mr. Taussig stated that there was an error in the minutes regarding the vote on the nomination for Chairperson. Mr. Taussig noted that he had voted no and had given a statement explaining his vote. Mr. Taussig indicated that he had sent an email to the Land Use Office stating this error, which included his statement made that evening.

Mr. Taussig also felt that there were several omissions in the minutes, mostly relating to the hearing for CG Roxane. The board questioned these omissions and he stated that he had requested an Environmental Impact Study, not a peer review and felt that there should be a Traffic Impact Study completed, not just a review from Route 171 to the proposed entrance of the site. The questioned was raised if the board was getting into a discussion without being in a hearing mode. Mr. Taussig stated that he would like to review the tape regarding the hearing for CGR. Mrs. Fairchild would like to review the tapes as well. Mr. Nelson noted the board was only able to vote on the minutes as presented.

Mr. Nelson noted an error in the spelling of Brian Blackadar, shown as Brain Blackadar. This spelling error will be corrected in the minutes.

Motion: Mr. King moved to approve the Minutes as amended.
Mr. Charest Seconded.
Motion Carried – 5 to 2; Judy, Ed, Natt, Peter & Keith – in favor and
Eric & Jane abstaining.

II. New Submissions

**1. Robert M. Hammond, Trustee; Robert M. Hammond Trust & Moultonboro
Airbase, LLC (23-14 & 18-18) Boundary Line Adjustment (Whittier Highway)**

This is a request for a Boundary Line Adjustment conveying 1.56 acres from Tax Map 18 Lot 18 (Moultonboro Airbase) to Tax Map 23 Lot 1 (Hammond) resulting in lots of 53.5± acres and 4.23 acres.

A letter dated April 1, 2009 from Hambrook Land Surveying was noted requesting the waiver of some items of the checklist including the letter from the Fire Dept., Wetlands, Boundary detail Lot 18, Setback lines and Topography.

Ms. Ryerson questioned the request for waiver of an item 4.A.3 & 11 and would like to discuss this with the board. The waivers were granted for the purpose of acceptance only and are to be discussed in the hearing.

Motion: Mr. King moved to accept the application of **Robert M. Hammond, Trustee; Robert M. Hammond Trust & Moultonboro Airbase, LLC (23-14 & 18-18)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Boundary Line Adjustment # 1.
Mr. Charest Seconded.
Motion Carried- Unanimously.

III. Boundary Line Adjustments

1. Robert M. Hammond, Trustee; Robert M. Hammond Trust & Moultonboro Airbase, LLC (23-14 & 18-18) Boundary Line Adjustment (Whittier Highway)

Ms. Ryerson stated that this is a request for a Boundary Line Adjustment, which was just accepted by the board.

Jim Hambrook, agent for Mr. Hammond presented the application for the Boundary Line Adjustment. Mr. Hambrook noted the proposal is to transfer 1.56 acres from the airport property to the Hammond property. Currently the Hammond property is 2.67 acres, the adjustment will result in a total acreage of 4.23 and a residual lot of 53.5 acres for the airport. The proposed new boundary will be the centerline of the brook that divides the two properties. The area to be transferred is currently mowed and maintained by Mr. Hammond due to the proximity of his property.

Mr. Hammond stated the request for waivers are for information on the airport lot. This lot has not been surveyed. There are numerous surveys of the area. There is one survey of the airport property that was done in 1975 and is referenced in Note #5 on the plan. Mr. Hambrook stated they located the tarmac in the area of the boundary line while surveying the Hammond property. Mr. Hambrook answered any questions from the board.

Mr. King questioned for clarification that Mr. Hambrook stated there were numerous surveys of the airport. Mr. Hammond stated of the surrounding area, Skyland Park, the subdivision along Route 25, subdivision of the hanger lots and lots along Evans Road. There is one survey that was done of the airport property itself in 1975. Mr. Hammond went on to say that aside from the hanger lots, the airport property has not changed since the survey. There is not a site plan for the airport.

Mr. King stated he feels a complete survey of the airport was critical for the Boundary Line Adjustment between two commercial lots. Making sure there is a site plan that is accurate and up to date for each of the lots.

Ms. Ryerson asked, given that there is survey material available, how difficult it would be to prepare a site plan for the airport. Mr. Hammond stated they could prepare a composite plan, but that he would not stamp it as a site plan simply because he doesn't know if all the information is accurate on all the surrounding surveys. Mr. Hambrook provided the board with an aerial photo of the area and outlined the boundaries of the airport. Mr. Hambrook does not know the coverage of the airport, but could tell the board that there is more than 50% green space and that the proposed boundary line adjustment would not make the airport lot non-conforming as to coverage.

Ms. Ryerson questioned how Mr. Hambrook arrived at the 53.5 acreage for the airport lot. Mr. Hambrook noted from boundary information.

Mr. King questioned if the board would be putting themselves in a tenuous position by not requiring a site plan for the airport lot and having other abutters come in for boundary line adjustments, and at that time requiring it.

Mr. King suggested approving the boundary line adjustment with a condition that the airport (Mr. Zanis) provide the board with a site plan within a reasonable amount of time. Mr. Zanis was present in the audience and stated that his plan is to present a site plan for the airport this year for the addition of a maintenance building.

Mr. Taussig questioned how old the airport was. Mr. Hambrook stated the survey was done in 1975, and Mr. Hammond noted the first flight was in 1968.

The board discussed this and members had mixed feelings on requiring the airport to provide a site plan. It was noted that there are not any proposed changes to either property, no buildings to be constructed at this time.

After further discussion many members felt that this adjustment is in an effort to help Mr. Hammond and that it would be making a non-conforming site less non-conforming and that requiring Mr. Zanis to complete a site plan would be a burden and great expense.

It was noted for the record that if this application was to be approved that it would not be setting a precedent for any future applications. Mr. King stated that he would have to view in the future that any lot that abuts the airport and comes in for a boundary line adjustment would need to be treated the same way. Ms. Ryerson stated if the circumstances were similar, no additional buildings and the change to the boundary did not affect the acreage and lot calculations, she did not see why that would be a problem.

The board discussed with Mr. Zanis when he contemplated provided a site plan to the board. Mr. Zanis stated that he helped to do it this year. After a further discussion the board was contemplating placing a condition of approval that would require Mr. Zanis provide the board with a site plan by XX date. Mr. Zanis objected to this due to the economy and felt that this was a requirement that would be burdensome. He then stated that he would like to think he would complete a survey this year, but did not want to be required as a condition of approval.

The board further discussed if they would require a site plan be submitted for the airport property. It was the decision of a majority of board members that it would not be required.

Motion: Ms. Ryerson moved to approve the Boundary Line Adjustment for **Robert M. Hammond, Trustee; Robert M. Hammond Trust & Moultonboro Airbase, LLC (23-14 & 18-18)** subject to section 5.4 of the Subdivision Regulations and grant the waivers as requested.
Mr. Charest Seconded.
Motion Carried – 5 to 2 in favor with Mr. Jensen and Mr. King opposing.

IV. Hearings

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

Attorney Don Smith was present for both the Boundary Line Adjustment and the Site Plan Amendment for Mr. Hammond. Mr. Smith stated with the Boundary Line Adjustment that was just approved by the board, they would need to present the board with a revised site plan updating the

additional 1.56 acres. Mr. Smith also stated that Mr. Hammond has submitted an application for Equitable Waiver of Dimensional Requirements to the Zoning Board of Adjustment that is scheduled for a hearing on May 6th, and they would like to wait for the decision of the ZBA. Therefore, Mr. Smith requested a continuance of the site plan hearing to May 13, 2009.

Motion: Mr. King moved to continue the site plan hearing for **Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)** to May 13, 2009.
Mr. Charest Seconded.
Motion Carried – Unanimously.

Mr. Nelson left at this time (8:25) and Mrs. Coppinger (who arrived at 8:15) resumed her position on the board with full voting privileges.

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

Ms. Ryerson stated that this was a continued hearing for site plan review for Lakes Region Water Company (LRWC).

Jim Hambrook, agent for LRWC presented the board with a revised plan which included the changes requested by the board at the hearing on March 11, 2009. Mr. Hambrook noted the revisions to the plan included adding the chain link fence to the plan. It noted that the fence was approved on the original site plan and had not been shown on this plan. The addition of an earthen berm, stone boulder wall, and the removal of the connecting driveway to the abutting property. The 30' x 20' storage area has been relocated as requested, and a notation on the plan of the materials (see Note #5) to be stored, with a sunset provision that once these materials are used/gone that they cannot be replaced. The depiction of a buffer adjacent to the storage area, which is to be evergreens 6' high, planted 6' on center in a zigzag manner to provide screening of the storage area to the Quinn property and the removal of the gate.

Ms. Ryerson stated in reviewing the revised plan along with the prior minutes, it appears that the fence was to go around the storage area. Mr. Hambrook noted that this had not been conveyed to him. The board discussed this, noting that if the material was gone there would no longer be any storage there. After further discussion with Mr. Mason they were in agreement to allow the plan to remain as presented, and NOT to have the 20' x 30' storage area fenced in.

Motion: Mr. King moved to approve the site plan amendment for **Lakes Region Water Co., Inc. (71-1)**, with the condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings, grant the waivers as requested 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**

Mr. King stated that based on the site plan amendment just approved by the board it appears that the violations of the site have been addressed.

Motion: Mr. King moved to close the compliance hearing for **Lakes Region Water Co., Inc. (71-1)**.
Mr. Jensen Seconded.
Motion Carried – Unanimously.

**4. C.G. Roxane, LLC (Old 85-21 / New 94-4)(Ossipee Park Road / Route 171)
Continued Site Plan Review**

Ms. Ryerson noted a letter dated April 20, 2009 from Attorney Nadeau. Ms. Nadeau noted last month the Planning Board had continued CGR's hearing on its site plan application, requiring the receipt of certain third party reports. These reports will not be available until mid-May. Therefore she has requested a continuance to May 27, 2009.

Mr. Taussig stated that as he noted earlier this evening he would like a discussion with the board on the studies that were ordered. He has requested the hearing be continued to the first hearing in June to allow time for him to review the tapes. Mr. Taussig feels that there should be an Environmental Impact Study and a Traffic Impact Study completed, and that the traffic issues should be addressed on Route 171, not just from the intersection of Route 171 to the entrance of the proposed warehouse. Mr. Taussig feels the location is sensitive and should have a full fledged environmental impact study completed like the one that was done for the Sabatino subdivision.

Motion: Mr. King moved to continue the site plan review for **C.G. Roxane, LLC (Old 85-21/ New 94-4)** to May 27, 2009.
Mr. Charest Seconded.
Motion Carried – Unanimously.

V. Informal Discussions

1) **Chris Read** requested to speak to the board on an informal basis regarding his lot located on the corner of Whittier Highway and Glidden Road, **Tax Map 142 Lot 33**. Mr. Read stated that he has owned the lot for about 14 years and that people put all sorts of things on the lot for sale without his permission. Lance Packard would like to purchase the lot to sell two boats or a car or so at a time. Mr. Read questioned what the board would require for this use. It was noted that the sale of cars and boats is an allowable use in Commercial Zone A, which the lot is located in. Therefore the use would not require a special exception from the ZBA. It would require site plan approval from the Planning Board. It was noted there is a requirement in the Zoning Ordinance that any lot for commercial shall have a minimum of 150 feet. If an existing lot has less than 150 feet it shall require zoning approval for such use. Mr. Read will contact Jim Hambrook to prepare the necessary applications.

VI. Unfinished Business

1) Mr. King again noted the board had approved a site plan amendment last fall for **Walter Koziarski (71-14)** with a condition that an adequate buffer to be determined by the Planning Board. On September 10, 2008, Dave Dolan spoke informally with the board regarding the plantings and it was the consensus of the board to have Mr. Koziarski to return to the board on October 22, 2008 and provide them with a planting/screening plan. At this time the board has not received the plan. Mr. King noted it will soon be spring and an ideal time for planting. On March 25th it was the decision of the board to send a letter to Mr. Dolan, copying Mr. Koziarski, reminding them the plan is required as a condition of the site plan approval. This was done on March 30, 2009. To date, a plan has not been submitted to the board. A second letter will be sent out via certified, return receipt mail requiring this to be submitted by May 27, 2009 or the board will move forward with a compliance hearing.

2) Mrs. Fairchild noted the survey from LRPC which the board received back in February. Ms. Fairchild had volunteered to work on some suggested answers as requested by LRPC and had given Members a copy of some suggested answers for review at the March 11th meeting. She is still looking for input from the board.

3) Ms. Ryerson noted next week is a "fifth" Wednesday and that there is a work session. Some of the

items the board will be working on are the review of Policies, and draft model ordinance for well head protection areas and aquifers, review of the survey from LRPC, the draft flip book from MRI and the discussion of Route 25.

4) Mrs. Coppinger gave a brief update on the Planner Screening Committee, noting that they have had three meetings. Members on the committee are Joanne, Judy, Natt, Bob Stephens, Jean Beadle and Joe Skiffington. The committee solicited potential questions for the applicants from the PB, ZBA and public. They received 50 ± questions, which they have narrowed down to fifteen. To date they have received nineteen applications/resumes, which they will review at their next meeting on April 27th.

VII. Other Business/Correspondence

1) A letter dated April 6, 2009 from Natt King to Randy Frye regarding the cutting of timber on Tax Map 103 Lot 20 was noted.

2) A copy of a letter dated March 31, 2009, from the BoS to the the State of NH Liquor Commission regarding North Shore Diner (Lisa and James Randall) was noted.

3) Zoning Board of Adjustment's Draft Minutes of April 1, 2009 were noted.

4) Selectmen's Draft Workshop Minutes of March 26 & April 16, 2009 were noted.

5) Selectmen's Draft Minutes of April 2, 9 & 16, 2009 were noted.

6) Cristina Ashjian presented the board with a letter dated April 22, 2009 (which she read into the record) regarding her review of the CGR warehouse application file.

VIII. Committee Reports

IX. Adjournment

Motion: Mr. King moved to Adjourn at 9:42 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.