

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

May 13, 2009  
Regular Meeting - 7:30 P.M.  
Moultonborough Town Offices

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

Ms. Ryerson appointed Peter Jensen and Keith Nelson sit on the board with full voting privileges in place of Natt King and Jane Fairchild.

**I. Approval of Minutes**

**Motion:** Mr. Nelson moved to approve the Planning Board Minutes of April 22, 2009.  
Mr. Bakas Seconded.  
**Motion Carried-** Unanimously.

**Motion:** Mr. Nelson moved to approve the Planning Board Work Session Minutes of April 29, 2009.  
Mrs. Coppinger Seconded.  
**Motion Carried-** Unanimously.

**II. New Submissions**

**1. Wynne Sharples Ballinger 1993 Family Trust and Henry Metzger Qualified Personal Residence Trust & Deborah L. Metzger Qualified Personal Residence Trust (84-1 & 84-2) Boundary Line Adjustment (Singing Eagle Road)**

This is a request for a Boundary Line Adjustment to transfer 6,534 square feet from the Ballinger lot to the Metzger lot.

Ms. Ryerson noted the request for waivers dated April 2, 2009 from Yerkes Surveying Consultants.

**Motion:** Mr. Taussig moved to accept the application of **Wynne Sharples Ballinger 1993 Family Trust and Henry Metzger Qualified Personal Residence Trust & Deborah L. Metzger Qualified Personal Residence Trust (84-1 & 84-2)** 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.

**2. Dixon Recreational Company, LLC (213-17)(65 Barrett Place)  
Site Plan Review**

This is a request for Site Plan Approval pursuant to Article VI, D and approved subdivision reduction of campsites and continued operation of seasonal resort campground on 54.53 acre parcel.

Ms. Ryerson noted the request for waivers dated April 16, 2009 from Attorney Catherine Broderick of Wescott, Dyer, Fitzgerald & Nichols, PA.

**Motion:** Mr. Taussig moved to accept the application of **Dixon Recreational Company, LLC (213-17)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing # 2.  
Mr. Jensen Seconded.  
**Motion Carried-** Unanimously.

**3. ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)(Route 25)  
Boundary Line Adjustment**

This is a request for a Boundary Line Adjustment of two existing lots of record.

Ms. Ryerson noted the request for waivers dated April 21, 2009 from Land Technical Service Corp.

**Motion:** Mrs. Coppinger moved to accept the application of the **ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Boundary Line Adjustment # 2.  
Mr. Jensen Seconded.  
**Motion Carried-** Unanimously.

**4. Stephen Woodman (86-5, 5.1, 5.2, 5.3, 5.4)(Red Hill Road)  
Amended Subdivision Approval**

This is a request for an Amended Subdivision Approval to remove the requirement of a 30,000 gallon cistern & replace with the following requirement — Any-all residential dwellings constructed on lots 5.1, 5.2, 5.3 & 5.4 shall require the installation of residential fire sprinkler systems in accordance with NFPA 13D “Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes’ prior to the issuing of a certificate of occupancy.

**Motion:** Mrs. Coppinger moved to accept the application of **Stephen Woodman (86-5, 5.1, 5.2, 5.3, 5.4)** and to schedule a hearing this evening to be Hearing # 3.  
Mr. Charest Seconded.  
**Motion Carried-** Unanimously with Mr. Nelson abstaining.

**III. Boundary Line Adjustments**

**1. Wynne Sharples Ballinger 1993 Family Trust and Henry Metzger Qualified Personal Residence Trust & Deborah L. Metzger Qualified Personal Residence Trust (84-1 & 84-2) Boundary Line Adjustment (Singing Eagle Road)**

Ms. Ryerson noted that this was a request for a Boundary Line Adjustment to transfer 6,534 square feet from the Ballinger lot to the Metzger lot.

Attorney Doug Hill was present to represent the Ballinger Trust. Mr. Hill stated that this was a Boundary Line Adjustment to transfer Parcel "A" from the Ballinger Trust parcel (84-1) to the Metzger parcel (84-2), which is an area of 6,534 square feet. Mr. Hill noted the request for waiver based upon topography. Mr. Hill gave a brief background of the properties and how they arrived at their request for the Boundary Line Adjustment.

Unit Density Calculations were noted at 1.3 units for the Metzger lot, and 5.8 units for the residual Ballinger lot.

There were no questions from the board or public.

**Motion:** Mrs. Coppinger moved to approve the Boundary Line Adjustment for the **Wynne Sharples Ballinger 1993 Family Trust and Henry Metzger Qualified Personal Residence Trust & Deborah L. Metzger Qualified Personal Residence Trust (84-1 & 84-2)** subject to section 5.4 of the Subdivision Regulations and grant the waivers as requested.  
Mr. Bakas Seconded.  
**Motion Carried-** Unanimously.

**2. ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)(Route 25)  
Boundary Line Adjustment**

Ms. Ryerson noted that this was a request for a Boundary Line Adjustment of two existing lots of record. Ms. Ryerson stated the request was to change the configuration of one of the lots to make two lots more equal in size. At present, Lot 72 is seriously non-conforming. The proposal is to adjust the property line, which may or may not make Lot 72 conforming, but definitely less non-conforming.

Eric Hughes of Land Technical Service Corp. was present to represent the Maher's and the ACLD Realty Trust. Mr. Hughes stated they are proposing to adjust the boundaries with the conveyance of Parcel "A" from TM 169-69 to TM 169-72, which is a non-conforming parcel that was created by the development of Route 25. With the proposal there will be two conforming lots. TM 169-69 will be reduced from 3.83 ± acres to 2.174 ± acres. 94,700 ± sq. ft., 41,730 ± is upland soil. TM 169-72 will be enlarged from 0.21 ± acres to 1.859 ± acres. 80,972 ± sq. ft., 72,019 ± is upland soil. The unit density calculations are 1.04 and 1.05 units. Mr. Hughes went on to state that the lots are located in the Bay District Sewer, and they have acknowledgement from the Bay District Sewer to tie into the sewer. Therefore the lot size requirement is 40,000 square feet.

It was noted the Chief of Police commented the access road that might have been proposed on this lot is not feasible due to wetland issues.

The Fire Chief has reviewed the application and has no concerns.

The Conservation Commission stated they have no comment for the boundary line adjustment; however, please take into account a memo from Judy Dever to NH-DES, when the time should come that these lots are developed commercially or otherwise.

Mr. Hughes stated the road frontage is not changing. Both lots have been permitted NH-DOT permits. TM 169-69 has been granted a wetland crossing to access the upland behind. A wetland permit for a crossing on TM 169-72 is currently pending by NH-DES awaiting approval. Mr. Hughes answered any questions from the board.

Ms. Ryerson noted her concerns regarding the lot sizing, which may be a problem if the soils are not properly delineated. Mr. Hughes stated the wetlands were delineated by Peter Cooperdock, noting the size requirement is 40,000 square feet of upland soil for a minimum lot size. Mr. Ryerson said she did not

question the wetland delineation, but if the uplands are based on Carroll County soils, they may not actually support on unit, based on our soils and slopes requirements. Mr. Hughes said that lots would be required to tie into the Bay Sewer district so all they need is 40,000 sq. ft. Ms. Ryerson noted the town now has a wetland setback of 50' which has not been depicted on the plan, and that this is not required for a Boundary Line Adjustment, but should be taken into consideration for future development.

Ron Ulm from Bay District Sewer noted that their rules and regulations require if a lot is in the district and is within 150' of the centerline of the road they must hook to the district, and they will be permitted to do so. Ms. Ryerson questioned this as there have been other developments along that side of Route 25 that have not hooked into the district. Mr. Ulm stated the lots sit back further than 150' so they are allowed to have a septic system.

Mr. Nelson referred to a line depicted on the plan delineating the Bay District Sewer. The Board concluded that because of the wetlands it would be nearly impossible to build closer than 150 ft and if a building were constructed behind that, they wouldn't be required, by the Bay District, to connect to the district. Mr. Nelson suggested the board could place a condition on the approval that they must tie into the Bay District Sewer. Mr. Hughes said it would be so noted on the plat and required to be placed in the deeds.

Joanne Millsaps questioned the pending approval for the second access, noting her concerns about drainage problems that affect their property and others too. Ms. Ryerson noted the second driveway has been permitted by NH-DOT and they are still waiting for NH-DES approval for the wetland crossing on TM 169-72. If the site is to be developed commercially they would be required to come before the Planning Board for site plan approval.

**Motion:** Mrs. Coppinger moved to approve the Boundary Line Adjustment for the **ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)** conditional upon a note being added to the plan and language included in the deeds that these two lots must tie into the Bay Sewer District, subject to the receipt of NH-DES wetlands permit for TM 169-72, subject to section 5.4 of the Subdivision Regulations and grant the waivers as requested.  
Mr. Bakas Seconded.  
**Motion Carried-** Unanimously.

#### IV. Hearings

Mrs. Coppinger stepped down from the board at this time.

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

Ms. Ryerson noted that this was a continued site plan amendment. Ms. Ryerson noted a letter from Joanne Coppinger stating: As Agent for Robert M. Hammond, I need to request a continuance of the Robert M. Hammond public hearing for site plan amendment. The site plan will be ready for the next planning board meeting on May 27th.

**Motion:** Mr. Charest moved to continue the site plan hearing for **Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)** to May 27, 2009.  
Mr. Nelson Seconded.  
**Motion Carried** – Unanimously.

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

**2. Dixon Recreational Company, LLC (213-17)(65 Barrett Place)  
Site Plan Review**

Ms. Ryerson stated this was an application requesting Site Plan Approval pursuant to Article VI, D and approved subdivision reduction of campsites and continued operation of seasonal resort campground on 54.53 acre parcel.

It was noted the Conservation Commission had no comment

It was noted the Chief of Police had no comment.

The following were comments submitted by the Fire Chief.

The criteria used for reviewing this application was NFPA 1194 Standard for Recreational Vehicle Parks and Campgrounds which is applicable under NFPA 1, Uniform Fire Code was is adopted a part of the State Fire Code Saf-C 6000. Chapters 5, General Design Criteria for Recreational Vehicle Parks and Campgrounds and Chapter 6, Fire Safety were referenced. The Applicant should be directed to revise their plan to show the following items.

**Chapter 5 General Design Criteria for Recreational Vehicle Parks and Campgrounds**

5.1.1.3 This site plan shall show and identify camping unit sites, each stand, major structures and facilities, and water supply for fire protection purposes in the recreational vehicle park or campground, to facilitate response by emergency services such as fire, police, and ambulance.

Fire Department Comments: Installation of a Fire Cistern of 30,000 gallons or modification of the existing swimming pool by adding a dry hydrant to be used as water source for fire protection. The closest water source to this location is approximately I mile away at 652 Moultonboro Neck Road.

5.1.1.4 Means of access for emergency responders shall consist of roadways, fire lanes, parking lot lanes, vacant camping unit stands, or a combination thereof, and shall be provided to all structures.

Fire Department Comments: Roadway shall be able to allow access for emergency vehicles and exiting of the campground occupants.

5.1.1.5 Roads shall be designed and constructed to allow evacuation simultaneously with emergency response operations.

5.1.2 Roads. Minimum widths of recreational vehicle park and campground roads designed to accommodate al/types and sizes of camping units shall be 10 ft (3.0 m) per traffic lane and 8 ft (2.4 m) per parallel parking lane.

5.1.2.2 Roads leading to accessory structures shall be not less than 20 ft (6.1 m) of unobstructed width with a 13.5 ft (4.1 m) vertical clearance.

5.1.2.4\* Turnarounds shall be provided for all dead-end roads over 100 ft (30.5 m) in length, and those designed for use by all types and sizes of camping units shall have a minimum internal radius of 30 ft (9.1 m).

5.1.2.5\* Dead Ends. Dead-end roads in excess of 100 ft (30.5 m) in length shall be provided with approved provisions for the turning around of fire apparatus no greater than every 500 ft (152.4 m) and at the closed end.

**Chapter 6 Fire Safety**

6.1.1 Water Supplies for Fire Protection. Water supplies for fire protection purposes shall meet the requirements of the authority having jurisdiction. (See also NFPA 1142 and NFPA 1.)

Attorney Catherine Broderick was present to present the application for site plan approval. Ms. Broderick requested a few moments to review the Fire Chiefs comments with Mr. Dixon. Ms. Broderick

proceeded with a brief history of the property. In 2006 the ZBA approved 50 additional campsites on what was then a 58± acre parcel. At that time the ZBA also approved a special exception to allow the sale of recreational vehicles onsite. Subsequently, Mr. Dixon received subdivision approval to subdivide off a 3.42 acre parcel. As required, Mr. Dixon returned to the ZBA for a new special exception for changing the non-conforming commercial use in the residential district.

The property was a subject of an enforcement action, which was resolved with the town in October 2008. One condition of the stipulation was that Mr. Dixon had to go back to the ZBA for a new special exception and variance. The ZBA granted both in January 2009. The applicant amended the initial 50 additional lots down to 20. The ZBA granted the special exception to continue the sale of recreational vehicles onsite. There was considerable discussion in January as to what kind of use that was. That was made clear at the ZBA level. The sale is typically unit's onsite. There is not an outdoor show room of units. This may include the sale of an existing unit onsite.

Ms. Broderick stated they believe that they have included nearly everything the board needs on the plan at this point. The ZBA required notes to be added to the final plan which include the months of operation, May 1 – October 31, noting commercial setbacks be applied and those areas to be used as a buffer only, onsite sales of existing RV's or RV's that are brought onsite and placed on an approved campsite for the purpose of sales within the park.

Upon reviewing the Fire Chiefs recommendations he would like the modification of the existing swimming pool by adding a dry hydrant to be used as water source for fire protection. Mr. Dixon is willing to do that. As well as the requirements of road widths and turn around.

Ms. Broderick provided the board with a copy of the NH-DES 2006 approval, which states the onsite sewage disposal system is appropriate for 150 campsites. Also provided were photos taken from Mr. Dixons property looking toward the abutting property of John McCall. There were two photos, one taken in the summer of 2008 and a second in April 2009. A third photo was presented as an example of the **eventual** berm screening proposed for the buffer zone. The buffer they proposed is to be a combination of earthen fill build up and trees. Initial overall height from current grade, 6' with the spacing of trees 6 to 8 feet, either spruce or white pine and approximately 200 feet along the property line from the wetland area to wetland area.

There were questions from the board as to the location of the buffer zone. After a lengthy discussion it was stated the buffer would need to be on the campground site and not on the 3.42 acre residential site. This would require the proposed roadway to the new campsites to be relocated slightly to accommodate the berm and trees. It was noted it is the practice of the board to require a buffer in which are evergreen trees that are to be 6' in height (not including the root ball) placed 6' on center in a zigzag manner along the top of the berm. The length could not be determined from the plan. Board members questioned if it would be appropriate for an onsite visit to view the existing tree line along the abutter's property and view the location of the proposed buffer between the campground and the 3.42 acre site.

Abutter John McCall expressed his concerns and disagreed with the photos provided by the applicant, noting the photos are not taken from the same location. Mr. McCall also questioned the location of the buffer, noting that all of the trees had been removed in the 25' setback along his property line. Ms. Ryerson empathized with Mr. McCall, noting that the 3.42 acre site is a residential site and the buffer is required from commercial to residential.

Mr. Nelson questioned the location of the new sites and the need for them to meet our Wetland Ordinance requirement of 50' setback. Ms. Broderick noted, after a quick reading, the ordinance states "includes any lots prior to 2008." Ms. Ryerson pointed out that it also states "except commercial." Dave Dolan, surveyor noted the area of the location for proposed 4 or 5 campsites is exempt as he understands the wetland is less than 20,000 square feet in its entirety, the ordinance's limitation.

It was the decision of the board to continue the hearing to allow the board an opportunity to conduct an onsite. The board would like a depiction of the buffer shown on the plan, which will show the location, length, width of berm, trees planted as noted above, existing tree line on the plan (both campground lot and the 3.42 acre residential lot) and the relocation of the proposed drive to accommodate the buffer/berm. Mrs. Coppinger stated a proposed grading and erosion control plan would be warranted next to the wetlands, especially the ones that are directly up gradient. Ms. Ryerson noted the board should review the Fire Chiefs comments, as they are clearly designed for the development of a newly constructed campground.

**Motion:** Mr. Nelson moved to continue the site plan review for **Dixon Recreational Company, LLC (213-17)** to May 27, 2009 and to schedule an on-site visit for Tuesday, May 19, 2009 at 9:00 AM.  
Mr. Bakas Seconded.  
**Motion Carried – Unanimously.**

Mr. Nelson stepped down from the board at this time. The board took a break from 8:40-8:42.

**3. Stephen Woodman (86-5, 5.1, 5.2, 5.3, 5.4)(Red Hill Road)  
Amended Subdivision Approval**

Ms. Ryerson noted that this is a request for an Amended Subdivision Approval to remove the requirement of a 30,000 gallon cistern & replace with the following requirement — Any-all residential dwellings constructed on lots 5.1, 5.2, 5.3 & 5.4 shall require the installation of residential fire sprinkler systems in accordance with NFPA 13D “Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes’ prior to the issuing of a certificate of occupancy.

It was noted the Police Chief had no comment.

It was noted the Conservation Commission had no comment.

It was noted the Fire Chief has no objection to the amendment and would like to advocate that more developers use the option of installing residential fire sprinklers in accordance with NFPA 13D to meet the fire protection requirements for subdivisions.

Dave Dolan, agent for Mr. Woodman gave a brief history of the property, noting this was a five lot subdivision of 46 ± acres that was approved in 2005. Mr. Dolan noted that nothing has changed with the plan. The amendment is to remove the restriction of a 30,000 gallon cistern and replace it with the requirement that all the houses be sprinkled in accordance with the NFPA 13D. Mr. Dolan noted that there is an existing house that was constructed on lot 5.3 which will need to be retrofitted to be sprinkled. In the development of lot 5.3, and trying to keep the driveway away from the hiking trail, the driveway starts on lot 5.3 and runs through lot 5.4. Rather than have a second driveway, a note has been added to the plan that there be reciprocal easements between lots 5.3 and 5.4 to use a common driveway.

There were no comments or questions from the board.

**Motion:** Mr. Bakas moved to approve the subdivision amendment for **Stephen Woodman (86-5, 5.1, 5.2, 5.3, 5.4)** with 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.**

The board went out of order from the agenda as there was no one here at this time to speak to the request for an informal discussion.

**VI. Unfinished Business**

- 1) Ms. Ryerson noted a letter dated April 23, 2009 from Attorney Lee Mattson. Mr. Mattson noted the board had conditionally approved a boundary line adjustment for Glen & Wendy Crosby and Donald & Mary Carreiro on August 27, 2008. Mr. Mattson has provided the Land Use Office with the proposed deed to convey Parcel "A" as approved by the board. Due to the length of time (Section 5.4 of the Subdivision Regulations) the approval has lapsed. The board discussed this, noting that there have not been any changes to the regulations that affect this request. It was the consensus of the board to authorize the Chairman to sign the Mylar for the boundary line adjustment.
- 2) Ms. Ryerson noted a letter dated May 1, 2009 from Michael W. Josefek regarding the release of a security bond for the installation of a sprinkler system at 13 Victory Lane. Attached was a letter dated May 1, 2009 from the Fire Chief stating he has inspected the sprinkler system and that it has met the fire protection requirements of the Fire Department. It was the consensus of the board to authorize the release of the security bond to Mr. Josefek.
- 3) Ms. Ryerson noted a letter dated May 12, 2009 from Chris Maroun, Miracle Farms Landscaping. Mr. Maroun stated that he is in the process of seeking ZBA & PB approval to utilize property owned by Morester, LLC, TM 135-19 for use as fire wood processing, sales and storage. In the interim, on a temporary basis he would like to store processed wood on land of Richard Murphy, TM 164-20 until he can obtain the necessary board approvals for TM 135-19. The board discussed this request and it was the consensus of the board that they cannot authorize this. The board spoke of obtaining a temporary use permit from the ZBA, however, noting that this would require a hearing and Mr. Maroun is already on the ZBA Agenda of May 20<sup>th</sup> for TM 135-19.

**V. Informal Discussions**

- 1) **Scott Fuller** requested to speak to the board on an informal basis regarding **Tax Map 65 Lot 1**. Mr. Fuller stated that he has been contacted by Scott Ouellette, owner of the property. Mr. Ouellette would like to enclose the existing 20' x 25' patio for the use of a Market. There will be no increase in the number of seating for the restaurant. Mr. Fuller indicated they would like to obtain a building permit so they may start construction now and will provide the board with an amended site plan within 60 days. The board discussed this and it was their decision to recommend the Code Enforcement Office issue a building permit. This was not a consensus of the board, the board was polled for this recommendation: Joanne – Aye; Peter-Abstained; Keith-Aye; Jim-Aye; Ed-Nay; Eric-Nay; Judy-Aye. By a 4 to 2 vote with 1 abstention, the board recommends the Code Enforcement Office issue building permit. It was noted that this work is at the owners risk and that it must comply with all regulations for board approval.

**VII. Other Business/Correspondence**

- 1) Letter dated April 10, 2009 from G & L Attorneys at Law, in which the board was Cc'd was noted.
- 2) Letter dated May 5, 2009 from the Squam Lakes Area Chamber of Commerce was noted.
- 3) JLMC Meeting Minutes of March 17, 2009 were noted.
- 4) Zoning Board of Adjustment's Draft Minutes of May 6, 2009 were noted.
- 5) Selectmen's Draft Minutes of May 7, 2009 were noted.



### VIII. Committee Reports

1) Mrs. Coppinger gave a brief update on the Planner Screening Committee, noting that they have received 27 applications to date and they have pared it down to 7, have conducted 4 interviews, noting they have selected one candidate to be included in their finalist. They are conducting 2 more interviews on Monday and 1 on Tuesday.

The time frame appears that there will be a planner hired by the middle of June, based on this, Ms. Ryerson would like to have some thoughts from the board of things they would like to see accomplished in the first year.

Mr. Jensen asked if Board Members could be provided with a final Job Description for the Planner. This will be sent to Mr. Jensen.

2) Ms. Ryerson noted that at the work shop board members were provided with draft copies of the Flip Book and asked to review and comment on them. A few have been returned to Ms. Whitney. If there are any further comments, please return to Ms. Whitney by the morning so she can compile all of the comments and changes into one and get them back to MRI tomorrow.

3) Cristina Ashjian noted DES has developed a Water Resources Primer to inform policy makers and residents about the state's water resources and the challenges of sustainably managing them. DES is following up the publication of the primer with a series of public information meetings in cooperation with stakeholders. There is a meeting on May 21<sup>st</sup> starting at 5 p.m. at the Squam Lakes Association, Route 3, Holderness, NH. Ms. Ashjian noted the meeting is very informative and felt that it would be of value to any members that may be able to attend. For further information you may visit the DES website at <http://des.nh.gov/organization/divisions/water/dwgb/wrpp/index.htm>.

### IX. Adjournment

**Motion:** Mr. Jensen moved to Adjourn at 9:58 P.M.  
Mr. Bakas Seconded.  
**Motion Carried** - Unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Land Use Coordinator