

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

May 27, 2009  
Regular Meeting - 7:30 P.M.  
Moultonborough Town Offices

**Present:** Members: Judy Ryerson, Natt King, Jane Fairchild, Joanne Coppinger,  
Eric Taussig (arrived at 7:35)  
Ed Charest (Selectmen's Representative)  
Alternates: Peter Jensen, Keith Nelson  
**Excused:** Members: Jim Bakas

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

**I. Approval of Minutes**

**Motion:** Mrs. Coppinger moved to approve the Planning Board Minutes of May 13, 2009.  
Mr. Jensen Seconded.  
**Motion Carried-** With six votes for and Mr. King abstaining.

**Motion:** Mr. King moved to approve the Planning Board On-site Minutes of  
May 19, 2009.  
Mr. Charest Seconded.  
**Motion Carried-** With four votes for and Mrs. Coppinger, Ms. Ryerson and  
Mrs. Fairchild abstaining.

**II. New Submissions**

**1. Lance W. Packard and Patricia Packard(137-1)(81 Glidden Road)  
Two Lot Subdivision**

This is a request for a Major Subdivision of 66 acres into two lots, 10 acres  $\pm$  and 56 acres  $\pm$ .

Ms. Ryerson noted the request for waivers dated May 6, 2009 from David M. Dolan Associates, PC.

**Motion:** Mr. King moved to accept the application of **Lance W. Packard and Patricia Packard(137-1)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #4.  
Mr. Charest Seconded.  
**Motion Carried-** Unanimously.

**III. Boundary Line Adjustments**

**IV. Hearings**

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

Ms. Ryerson stated that this was a continued hearing for a site plan review for C.G. Roxane, LLC, Tax Map 94 Lot 4. Ms. Ryerson noted that the board had received the requested peer review of the applicant's noise study and a separate peer review of the drainage, DES studies and traffic issues as laid out by the applicant.

Ms. Ryerson noted that Scott Kinmond, Chief of Police/Road Agent was present this evening to respond to any traffic safety questions as needed.

Present this evening representing CGR was Attorney Regina Nadeau, Andre Kloetz, (Bauen Corporation) and Kip Downs.

Attorney Nadeau stated that they had reviewed the peer reviews and provided the board with what she referred to as a punch list of the issues raised by Carol Murray with a proposed recommendation for each of them. This is in an effort to reduce the number of outstanding issues. Ms. Nadeau went over each of these items one by one, addressing them and providing their recommendation for each issue.

In regards to the Noise Report Ms. Nadeau noted the Wall to have a performance standard of 29 decibel sound transmission class (STC). Mr. Kloetz provided the board with information on a Wall they wish to install, called the Ever Quiet Wall. After discussion, the Board requested that the height of the wall be investigated to ensure it is at least two feet higher than the stacks of trucks, per standards. Ms. Nadeau referred to information sent earlier, a Report which was prepared by Frank Kuhn, President of Air & Noise Compliance, dated April 4, 2006. Ms. Nadeau requested that this information be forwarded onto Michael Bahtiarian, of Noise Control Engineering, Inc., and asked that the board to approve direct communication between Mr. Kuhn and Mr. Bahtiarian. The board will request an amended report once Mr. Bahtiarian has reviewed the additional information and has spoken with Mr. Kuhn if necessary.

It was the consensus of the Board to forward the additional information provided by Ms. Nadeau onto Mr. Bahtiarian, and give permission for Mr. Bahtiarian to contact Mr. Kuhn and communicate with him as necessary. Mr. Jensen noted some discrepancies in the report provided. Mr. Taussig requests that an amended report address the sound impact to the nearest abutters.

The board discussed Ms. Nadeau's "punch list" at length, including a discussion on Jake braking and whether signage related to Jake braking is desirable; trucks backing/stopping with back up alarms on trucks; signage for idling trucks; signage to warn of "trucks entering and turning"; the possibility of a stop signal or flashing light at the exit of the proposed warehouse; a "Knox Box" at the gate for emergency responders; maintenance of the parking lot and other facilities, and other items. Traffic controls during construction were also discussed.

The board then reviewed the Peer Review completed by Carol Murray, P.E. regarding the traffic movements, storm water drainage and DES studies. One area discussed was the rerouting of trucks around the proposed warehouse. Mr. Kloetz stated the road was not designed for large trucks to use this, it would be for emergency vehicles only, as well as the building is to act as a sound barrier from the abutting property to the North. The board discussed signage on-site regarding the proposed stop sign. Some members felt that a flashing light or remote stop signal should be installed. Chief Kinmond stated that he did not feel that this was necessary. There is only a short distance the trucks travel before intersecting with Ossipee Park Road, and as long as the trucks are able to maintain lane control he did not see the need for the flashing sign.

*Mr. Taussig commented that he had two specific concerns. The first resulted in an extensive discussion about the RSA relating to regional notification. Mr. Taussig stated that he wanted to review the RSA and look at the annotations to see what was in there, and was likely that they would have to*

*follow the RSA and notify the abutting towns. Mr. Taussig also requested that the peer reviewers be present at the next hearing, so the board could ask questions and have answers that came from the peer reviewers, rather than counsel for the applicant.*

Abutter Will Powers questioned what remedy was being proposed to keep the sound from coming onto his property. It was stated none in that area, as it is the entrance and exit to the warehouse. Mr. Powers questioned how the Town or CGR was going to enforce the truck idling times. Ms. Nadeau replied with signage, 2-way radio communication, good faith and locking the gate when the warehouse facility is closed. There was also discussion of the gate, its location and mechanism to ensure its visibility at night.

Attorney Catherine Broderick stated while her question was not directly related to the CGR hearing she noted that her client Barry Dixon was scheduled for hearing #2 this evening and would like to ask the board at this time for a continuance to their next meeting. Attorney Nadeau had no issue with the request made by Ms. Broderick.

Ms. Ryerson adjourned the CGR hearing at this time in order to open the hearing for Dixon Recreational Co. so that the board could make a motion for the request to continue.

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

Ms. Ryerson stated that this was a continued hearing for Dixon Recreational Co., and that Attorney Catherine Broderick was present this evening. Ms. Broderick stated due to the late hour and length of the first hearing they requested a continuance to the next regular meeting.

**Motion:** Mr. King moved to continue the site plan review for **Dixon Recreational Company, LLC (213-17)** to June 10, 2009.  
Mr. Nelson Seconded.  
**Motion Carried** – With six votes for and Mrs. Coppinger abstaining.

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

Ms. Ryerson re-opened the hearing for CGR and continued with Public input at this time.

Enid Holmes questioned the truck traffic going around the proposed warehouse, and questioned the location of the sound barrier. It was reiterated that the trucks were not going to be routed around the building, and that the building was to act as a sound barrier. The location of the proposed sound barrier was pointed out on the plan, noting that it would run parallel to Route 171. Mrs. Holmes read a letter dated May 20, 2009 into the record from her son Edward Peterson.

Cristina Ashjian presented the board with her letter dated May 27, 2009 and read it into the record. In closing Ms. Ashjian hopes the board will assess the trip generation potential and additional traffic impacts of the warehouse site, noting that this is a separate site, with a separate site plan. Mr. Nelson stated that CGR is allowed 40 trucks per day and the board cannot do anything about that. This has been discussed at length before and it was the feeling of Mr. Nelson that there is not anything different than the last approval with respect to the 40 trucks per day. The traffic impact has not or will not change. It may increase from the 22 trucks/day average to the 40, but it's already allowed. Mr. Nelson feels that there is no purpose in looking at this any further.

Chief Kinmond noted when CGR started talking about putting a warehouse at the foot of the hill, it was geared more towards the inclement weather aspect verses a traffic tie up at the top of the hill, which was a secondary situation that developed over time. It was during the peak periods that Ms. Ashjian has

identified and the PD identified some peak periods of 57, 47 trucks on Thursdays or Fridays which are peak volume periods, with the rest of the week being 15 or 20 trucks. It depends on what happens up top when converge on the site at the same time, that becomes problematic. You cannot strategize the times of the arrival of the trucks in even increments so the site doesn't become flooded. What was happening is there were 15 or so trucks arriving at CGR and their lot couldn't accommodate all the trucks at one time. This would cause the trucks to back up and create a hazard. Ossipee Park Road was not designed to have truck traffic stopped on it. They have moved the hazard from the top of the hill, down to the flat where there is a secondary truck pull off. This is still not an ideal situation, other than they have increased safety on the hill itself. The discussion of a warehouse facility was originally around inclement weather and secondary the traffic.

Ms. Nadeau stated they have shown time and time again, they can accommodate 40 trucks without any backup. They have also shown that there are times when for reasons beyond their control, they cannot always control when they all arrive and that's where the backup occurs. So, in the best of all worlds they can handle 40 trucks per day, but there are situations they cannot plan for, which is the purpose of the staging.

Ms. Fairchild asked Chief Kinmond to comment on whether he has identified other safety concerns related to traffic or roads that the Board should address. Mr. Kinmon stated his greatest concern was that of lane control at the intersection of Route 171 and Ossipee Park Road. He sees no other immediate safety concerns if the signage and other measures as discussed are implemented. His team will continue monitoring traffic on the roads.

Ms. Ryerson noted Mrs. Coppinger speculated that this warehouse will allow CGR to expand and questioned Ms. Nadeau's feeling on this speculation. Ms. Nadeau feels that this was a question that has been answered by the Supreme Court and that CGR has consistently represented over and over again that this is a satellite. They can accommodate 40 trucks per day or more than 40 trucks. They are days when they have a traffic tie up. This is to alleviate that. They have an inherent limitation of what they can do, this is not an expansion. The Supreme Court has ruled that the Special Exception is in place for 40 trucks cumulatively shared with the top of the hill.

In response to Ms. Ashjian's request for a formal hearing on regional impact, Mr. King feels that this is of regional impact, but that it needed to be addressed when the initial application for the site plan at the top of the hill was introduced. He feels that the then board missed the opportunity and does not believe that it is appropriate for this board to try and take that route at this time. Mr. Taussig agreed to research the laws related to regional impact facilities and report back to the Board at the next meeting.

Ms. Nadeau noted that they have offered up several things this evening which may be helpful to the board in getting some revised plans with all the notes they have agreed too. Ms. Nadeau stated for the record that they do understand that what has been talked about this evening is only a consensus and understands that it is not a binding direction from the board.

It was the decision of the board to send the information provided by Attorney Nadeau (Report of 4 April 2006 from Frank Kuhn) the handout regarding the Ever Quiet Wall to Mr. Bahtiarian, giving permission and contact info for the two to speak. Then asking Mr. Bahtiarian to review the information provided and having him provide the board with an amended report for the next hearing. Mr. Jensen will submit his written questions for comment by Mr. Bahtiarian. See Appendix 1.

**Motion:** Mr. Nelson moved to continue the site plan review for **C.G. Roxane, LLC (Old 85-21/ New 94-4)** to June 10, 2009.  
Mrs. Coppinger Seconded.  
**Motion Carried – Unanimously.**

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

Mrs. Coppinger stepped down from the board for this hearing. Ms. Ryerson seated Mr. Jensen in her place with full voting privileges.

Ms. Ryerson stated that this was a continued hearing for Robert Hammond.

Joanne Coppinger was present to represent Mr. Hammond and noted they had submitted revised plans. Mrs. Coppinger stated there were two outstanding issues that have been addressed. The hearing had been continued to allow time for Mr. Hammond to be heard by the ZBA for an application that was submitted for an Equitable Waiver of Dimensional Requirements. The ZBA granted the approval to allow the existing five apartments on the site. The second issue was an encroachment violation that was addressed with the boundary line adjustment approved by the Planning Board on April 22, 2009. Mrs. Coppinger answered any questions from the board.

Mr. King noted that there were no setback lines shown on the plan, from the property lines or brook. Mrs. Coppinger stated that she had been made aware of this and would add all the setback lines to the plan. Mr. King questioned the notation on the plan for a future sign, noting there were already two signs located on the property. The board discussed this with Mr. Hammond noting they could not approve a location for a third sign. Mr. Hammond agreed to relocate the existing RM Hammond sign to the proposed location, removing where it is currently located. It was noted that the Planning Board could only approve the location of the sign and not the actual sign. Mr. Hammond must apply to the Board of Selectmen for a new sign permit to make any changes to the signage (which includes relocation).

Mr. Nelson stated that while he disagreed with the decision of the ZBA to grant the use of the fifth apartment, he would like the plan clearly noted where all of the apartments are located, eg., second floor of the retail building, and so forth, including the number of bedrooms. Mr. King went on to further state a restriction that the number apartments may not be increased, expanded into larger apartments and/or become two floor apartments, upstairs/downstairs.

The board discussed the generator display area shown on the plan. Mr. Hammond stated that it was a concrete pad that has been there since 1978. Mr. Nelson stated that the regulations require a 25' setback for display areas. The generator and display area must be moved. If Mr. Hammond wishes to relocate it back so that it meets the 25' setback he may do so and have it clearly noted on the plan.

Mr. King questioned the footbridge on the property. Mr. Hammond stated that it was not on his property. Mr. King and Mrs. Coppinger noted the property line is the center of the brook and that it was on the lot. This will need to be added to the plan. It was noted the airport has a rite of passage over Mr. Hammonds' property for foot traffic. A note will be added to the plan that the access is for foot traffic only.

Mrs. Coppinger went over her list of revisions to be completed as discussed this evening. These are to be included in the motion; relocate the existing sign to the location of the future sign, remove note that states generator display area, generator to be relocated out of 25' setback, setback lines depicted, apartments to be delineated and numerated as discussed, footbridge depicted on plan and a notation that the access is for foot traffic only.

**Motion:** Mr. Nelson moved to approve the site plan amendment for **Robert M. Hammond, Trustee; Robert M. Hammond Trust (23-14)** subject to the corrections and additions being made to the plan to include the depiction of the footbridge with a notation that the access is for foot traffic only, remove the

notation stating generator display area, depict relocated generator display area, depict all setback lines, remove proposed future sign, and label the location of the five apartments, the number of bedrooms and give a description of each existing apartment, relocate the existing RM Hammond sign, removing the current sign location, with the condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings, and reserve the Right to Amend.

Mr. Taussig Seconded.

**Motion Carried – Unanimously.**

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

**4. Lance W. Packard and Patricia Packard(137-1)(81 Glidden Road)  
Two Lot Subdivision**

Ms. Ryerson stated this is a request for a Major Subdivision of 66 acres into two lots, 10 acres ± and 56 acres ±.

Dave Dolan was present this evening to present the application for subdivision. Mr. Dolan briefly described the location of the lot and the proposed subdivision. This is an application for a major subdivision of approximately 66 acres located off the end of Glidden Road with about 33' of frontage on Glidden Road. There are existing improvements on the proposed 10.8 acre lot. The wetlands were delineated on a portion of lot 1 that will encompass the existing developed portion of the property. The remaining 56 acres have not been surveyed. Mr. Dolan has requested a waiver on the boundary survey on the 56 acres. That area is undeveloped. Originally proposed lot 1 was to be five acres in size, so they had completed topography and wetland delineations on a limited area. Mr. Packard decided to increase the lot size to ten acres. The unit density based on soils and slopes, after deducting the wetland is 4.36 units. Mr. Dolan answered any questions from the board.

Ms. Ryerson questioned why the wetland setbacks were not shown on the plan. Mr. Dolan stated that he would add them to the plan. The board discussed the easement area shown on the plan and noted as Note #6 on the plan. Mr. Dolan stated that there is an existing driveway that will serve both of the lots. This area is shown in the cross hatched area on the plan.

Abutter Randy Stokes questioned why the proposed lot line did not come up to the existing property line behind his property. Mr. Dolan stated the area is being reserved if they wish for future access to the residual 56 acres.

**Motion:** Mr. Nelson moved to approve the subdivision for **Lance W. Packard and Patricia Packard (137-1)** subject to the changes to be made to the plat with respect to the wetlands and to grant the waivers as requested.

Mr. King Seconded.

**Motion Carried – Unanimously.**

**VI. Unfinished Business**

Mr. King noted that the Land Use Office had received plans for **Walter Koziarski (71-14)**. Noting when the board approved his site plan in August 2008 they had placed 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.

Upon receipt of the plans Mr. King questioned what venue the board could review the plans and asked Ms. Whitney to contact legal services at the Local Government Center. In speaking with Attorney

Fillmore, she stated that since Mr. Koziarski had failed to meet the requirements of the original deadline that it would require another hearing with proper notification to abutters at Mr. Koziarski's expense. There is no other means of discussing the plans while not in a hearing mode. It was the decision of the board to write a letter to Mr. Koziarski indicating that he did not meet the requirements as he stated and that he must make a formal application to the board so they may review the plan in a hearing mode.

**V. Informal Discussions**

**VII. Other Business/Correspondence**

- 1) Ms. Ryerson noted a letter dated May 22, 2009 from **Suzan Berthelette of Moultonboro Self Storage**. The letter is in response to a visit from the Code Enforcement Officer and not the Planning Board. The Berthelette's have placed a large wooden carved bear on their site and the CEO noted that it must be approved by the board, and depicted on the site plan. The board discussed this, noting it must be shown on the plan and questioned if it is located in the right of way. It was the decision of the board that this change would require a site plan amendment and to notify Moultonboro Self Storage.
- 2) Board members questioned the abutting property of **Michael Morgan** noting the changes that have been made to the building would require a site plan amendment as well. A letter will be sent to Mr. Morgan. Mr. Dolan stated that he believes this is already in the works.
- 3) Zoning Board of Adjustment's Draft Minutes of May 20, 2009 were noted.
- 4) Selectmen's Draft Minutes of May 14 & 21, 2009 were noted.

**VIII. Committee Reports**

**IX. Adjournment**

**Motion:** Mr. Charest moved to Adjourn at 11:15 P.M.  
Mrs. Coppinger Seconded.  
**Motion Carried** - Unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Land Use Coordinator

APPENDIX 1 to Moultonborough Planning Board Minutes of May 27, 2009

Mr. Jensen's questions concerning the noise report that he would like to have addressed in the amended report to be completed by Mr. Bahtiarian.

1. The Noise report detail provided by CGR has a table (Figure 1))that says Normal Speech at 1 m averages 65 dBA. The same table says that a Diesel Truck at 15 m averages 85 dBA. Later in the same report (See Table 4), the author (Kuhn) claims an average of 64 dBA to 68 dBA as the range for the tractor trailer trucks idling at a distance from source of 50-75'. The statement in the report then says that 68 dBA was used as a benchmark for measurement and analysis to produce the report's conclusions.
  - a. I (we) would like an explanation of the seeming discrepancy between the table report of 85 dBA for a diesel truck and the 64 dBA to 68 dBA average range for an idling tractor trailer truck.
  - b. If the 64 dBA to 68 dBA range is correct, please confirm that a normal speaking voice is just as loud as an idling tractor trailer truck (it has never seemed so to me).
2. Assuming both are produced at the same dBA level, please comment on differences between the distance the sounds will travel for the A) normal mid-range frequencies of a human voice vs. B) the predominant lower frequencies of an idling tractor trailer truck
  - a. during a normal daytime and
  - b. during a normal night time.
3. Please comment on why the CGR report detail Summary claimed confidence that the noise levels would be acceptable for daytime operations but made no mention in the summary of night time operation – specifically,
  - a. A) what characteristics would make the transmission of an idling tractor trailer truck's noise different during the day vs. night time, and
  - b. B) if the difference might be significant, what could the board use to determine when daytime begins and ends (temperature or light of humidity or time of day).