

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

June 10, 2009
Regular Meeting - 7:30 P.M.
Moultonborough Town Offices

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

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

I. Approval of Minutes

Ms. Ryerson stated it was her understanding that Mrs. Fairchild had some concerns regarding the minutes of May 27th, noting that minutes are difficult to prepare if they are to be concise and capture the important discussions.

Motion: Mrs. Coppinger moved to approve the Planning Board Minutes of May 27, 2009.
Mr. Charest Seconded.

Mrs. Fairchild agreed that it is very difficult to take minutes. There was a very complicated meeting on the 27th, with a 3+ hour hearing and a lot to try and capture. Mrs. Fairchild went onto say that her comments were not a criticism of the minute taker, but feels there are issues that need to be raised. She listened to the tapes of the last meeting and does not feel that much of the content of the minutes accurately reflected what was on the tapes. She feels the minutes are confusing in some cases, do not go chronologically, making it difficult to understand. She feels there are things that were omitted, subjects that she feels are important to capture in the minutes. She does not feel that there was any attempt to leave anything important out, but never the less, things she felt were important were left out. Mrs. Fairchild referred to comments/questions made by Mr. Jensen, that were put onto paper after the hearing which were put into the minutes and should not be in the minutes, but be made an appendix to the minutes. Mrs. Fairchild suggested the board could go forward and approve the minutes, noting she would not vote to approve them. She offered to Ms. Ryerson to try to reorganize them and capture them herself, or work with Ms. Whitney, or Ms. Ryerson to redo the minutes, adding or subtracting what she feels is important to have in there. Mrs. Fairchild noted she had made edits to her draft, noting she did not feel those would resolve all the problems with them, but would take care of some of the things she has concerns with.

Mr. Taussig commented that he was present at the meeting of the 27th, and was only speaking to the portion relating to CG Roxane hearing. Mr. Taussig did not see any mention of his name in the minutes relating to three items he had mentioned that he was concerned about. Mr. Taussig stated one was an extensive discussion about the RSA relating to regional notification which was not contained. He had 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. Also indicated was that Mr. Taussig had 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.

Ms. Ryerson interjected at this point, stating that Ms. Whitney has been taking minutes for ten years in the same way. And for the board at this point, with this particular hearing, to change and have individual members say I want this and that in the minutes, my name in the minutes, my input in the minutes, when they have never done that in any other circumstance or any other hearing of the entire evening.

Mr. Taussig stated he was talking about one hearing that he had two items in there, in fact three, but two items that he specifically cited. There are many other instances that he has cited that the minutes were inaccurate, such as reflecting an incorrect vote. When there has been an error he has noted it. There are only two omissions that he thought should be addressed, that he raised and he would like to see in the minutes. One related to compliance with the RSA on regional notification and second that he requested the peer reviewers be present.

Mrs. Fairchild stated that she had printed out, from the New Hampshire Attorney General's Office, Department of Justice, the guidance relating to minutes to be sure that we are in compliance with RSA 91-A. She noted that in the minutes, there has been some feeling in this body at times that the minutes can be very brief and very succinct. The guidance says "minutes must be recorded, and must include 1) the names of the members present 2) the names of the persons appearing before the body 3) a brief description of every subject discussed" It goes on to say they don't have to be verbatim of everything that happens, but we need to have a word or two, a description of what was discussed. There are things like the signs on the road that were discussed at length, for the trucks turning and entering at the CG Roxane facility. That's not noted at all in the minutes and she thinks it is a serious omission that we don't have that description of what they discussed in there. The guidance also goes on to say that minutes are a permanent part of the body's records and must be reported in open to public inspection within the 144 hours. Draft minutes can be used to satisfy this requirement until the final minutes are completed, but they must be clearly marked as draft. Mrs. Fairchild suggested the board take a second pass at the minutes and see if they can do a more comprehensive job of what needs to be in them.

Ms. Whitney commented that she has no disagreements with anything that anyone feels they want captured in the minutes. Noting she is only one person who looks at what she feels, may or may not be important. Noting that she does her best and is aware of what needs to be included and covered in the minutes. Our minutes are sent to and reviewed by counsel, noting he is not present at the meetings to hear what takes place. What one person may feel is important may not be captured as important to somebody else. She has no qualms at all about anybody that feels that there is something they wish that they feel was important to be included in there. As far as saying "brief descriptions" of everything discussed, would be near impossible to do. Ms. Whitney stated to Ms. Fairchild that she did take her comments as direct criticism to her.

Mrs. Coppinger questioned if the board needed to approve the minutes now. Mrs. Fairchild stated no. The board can hold them as draft minutes. Mrs. Coppinger suggested that Mrs. Fairchild and Mr. Taussig get their comments to Ms. Whitney. Ms. Whitney stated they could prepare their suggestions, as to make certain that it is captured the way that they want because she can do no justice to them. Mr. Taussig does not feel that this is an appropriate way of doing it, and that minutes should not be prepared by committee. His comments related to two items which he thought were omissions which he would like inserted. Ms. Whitney stated she has no issue adding the comments as requested by Mr. Taussig.

Mr. Charest commented on the manner in which are minutes are done. This has been discussed before. Noting the RSA only requires that we keep a synopsis of the hearing. We record and keep the tapes of our hearing. The minutes are only a brief synopsis and not a transcript of the meeting.

Mr. Jensen commented that he thought the purpose of reviewing the minutes was to do just what Mr. Taussig suggested, which was if you have something that didn't get put in the minutes, because minutes are not intended to be a transcription of the meeting, and you as a member feel is important, that

you request it be added to the minutes and after that review it is done. Mr. Jensen feels that this is being made out to be more than what it is.

Mrs. Fairchild stated that she would be happy to send in a list of the things that she would like to see changed.

In light of the discussion Mrs. Coppinger moved to withdraw her motion, add Mr. Taussig's two comments and asked if Mrs. Fairchild had any items she would like added. Mrs. Fairchild stated that she still did not think that this corrects the difficulties that she sees with these minutes as a legal document. Mrs. Fairchild questioned if the board wanted her to review everything that she had written. Ms. Ryerson stated no. Mrs. Fairchild questioned how she was to get them in the minutes, and would be happy to write those things if the board will delay accepting these minutes tonight. Ms. Ryerson stated if there are things that Mrs. Fairchild mentioned and felt were left out, but the board at this point can't rewrite the minutes, reorganize them, move them around.... Mrs. Fairchild asked the courtesy of giving her a day or two to write a list and have those things included and then at the next meeting approve them.

Ms. Ryerson thought that that was a reasonable request.

Motion: Mrs. Coppinger moved to withdraw her prior motion to approve the Planning Board Minutes of May 27, 2009.
Mr. Charest Seconded.

Motion: Mrs. Coppinger moved that the board delay accepting the May 27th Minutes until Jane has provided her comments and that we move at the next meeting to approve the minutes of May 27th.
Mr. Charest Seconded

Ms. Ryerson questioned if this would be acceptable in writing as Mrs. Fairchild will not be at the next meeting, also to be included are Mr. Taussig's two comments.

Motion Carried – Unanimously.

II. New Submissions

1. Chris Maroun/Morester, LLC (135-19)(14 Moultonboro Neck Road) **Site Plan Review**

This is a request for a site plan review for proposed storage, processing and sale of cordwood/firewood, mulch and related landscaping materials in addition to existing use of property.

Ms. Ryerson noted the request for waivers dated May 20, 2009 from David M. Dolan Associates, PC.

Motion: Mr. Taussig moved to accept the application of **Chris Maroun/Morester, LLC (135-19)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #3.
Mr. Jensen Seconded.

Motion Carried- Unanimously.

2. Jonathan C. Gilman, Trustee of the Norway Point Trust (243-28) **Three Lot Subdivision**

This is a request for a Subdivision of 60.76 acres into three lots. Lot 1 (Parcel "A") 1.3 acres ± ; Lot 2, 13.424 acres ± and remaining land of 46.036 acres ±.

Ms. Ryerson noted the request for waivers dated May 19, 2009 from Paul M. Darbyshire Associates.

Mrs. Coppinger recused herself from this new submission, as she is a direct abutter.

Motion: Mr. Taussig moved to accept the application of **Jonathan C. Gilman, Trustee of the Norway Point Trust (243-28)** 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. Dixon Recreational Company, LLC (213-17)(65 Barrett Place) Continued Site Plan Review

Mrs. Coppinger stated that she was seated on the board for this prior hearing, but is going to step down at this time as it has been brought to her attention that there may be the appearance of a conflict as she worked on this when working for Dave Dolan, not this proposal, but different proposals in the past.

Ms. Ryerson stated this was a continued hearing for Site Plan Approval for Dixon Recreational Co., LLC.

Catherine Broderick, attorney representing Dixon Recreational Co., LLC was present for the hearing. Also present this evening was Barry Dixon and Dave Dolan. Ms. Broderick noted the board had conducted an on-site visit on May 19, 2009. Ms. Broderick gave a quick review what has led them here. The board granted subdivision approval to the property in 2007 to break 3.42 acres off the commercial campground property, leaving 54.5 acres. The 3.42 acre lot became a residential lot. The ZBA approved an additional fifty sites in 2006 and a special exception for the sale of campers. This property was also the subject of an enforcement action that was resolved in 2008. One condition of that resolution with the town was that Dixon Recreation had to come back to the ZBA and get a special exception and variance to change the campground, and then back to the PB for site plan review.

In January 2009 the ZBA granted the variance and special exception. The fifty additional sites changed to twenty, and are shown on the plan. Ms. Broderick stated that there have been various changes talked about in prior hearings that have not been made on the plan. Their hope tonight was to get everything they need and then have Mr. Dolan prepare a final plan. Some of the items raised in early May and on the site walk were comments from the Fire Chief relating to a dry hydrant attached to the swimming pool. Chief Bengtson provided an e-mail indicating he had meet with Mr. Dixon regarding this and has given the go ahead from a perspective of the Fire Department.

Ms. Broderick went on to say that the board conducted an on-site, and talked about an issue that was raised at the prior hearing, this being how to get a buffer between the commercial property and the residential property and keep the location of the proposed drive where it is. They are proposing to build a berm and tree buffer that will encroach on the residential lot. The residential lot owner then would be obligated to retain the berm and buffer by way of deed. It is similar to an easement but because it would benefit the residential lot it is a condition. A buyer would purchase the lot conditioned on keeping the berm and buffer there. The maintenance of the buffer would be the requirement of the commercial campground, but the residential lot owner cannot take it down. This would be noted on the plan. The area depicted as storage and display will be relabeled as storage, and will not be a display area.

At the prior hearing it was noted that the existing tree line for both the campground and residential site was not depicted on the plan or the setback line for the wetland. Mr. Dolan noted the area of wetland on the campground is approximately 7,500 sq. ft. and based on observing the Mason property, at most there is equal area on the Mason property, for a total of approximately 15,000 sq. ft., therefore less than 20,000 sq. ft, which is why there is not a 50' setback shown.

Ms. Broderick noted there was a question about the tree line not being shown on the plan. Mr. Dolan stated they have located portions of the tree line. They have not located the tree line throughout the property among all the campsites. When they were before the board in 2005 or 2006 they were asked to show the tree line which was around the Mason and McCall property. They have the information to depict the tree line from the end of Smith Road, along the northerly property line where it abuts Mason. That is the extent of their work, where it abuts the residential property, where it would be most important. To map the tree line throughout the entire campground would be over kill. They could easily add that to the plan.

Ms. Broderick provided the board with a drawing of an example of what the buffer will be between the commercial and residential lot. The board had talked about the buffer at Skelley's Market. Mr. Dixon plans to plant spruce trees six feet apart, staggered. The board stated a note be added to the plan that the trees are to be evergreens 6' high, planted 6' on center in a zigzag manner.

Mr. Taussig noted his concerns regarding the berm/buffer being placed on the abutting residential lot. He feels it should be on the commercial lot and the intention of the ordinance is to have the barrier on the commercial lot. Ms. Broderick stated the barrier benefits the residential lot, but the responsibility will all on the commercial lot. Mr. Taussig feels that this issue is a self imposed problem that he has placed upon himself when the subdivision was done a few years ago.

Ms. Ryerson stated that she was not at the on-site visit and questioned how did the moving of the berm come about? The board discussed this with Ms. Broderick who questioned how wide does the board feel the berm needs to be, what is a reasonable width. The sketch provided by Ms. Broderick shows the berm being 20' in width. Mr. Dolan explained why the driveway was shown in its current location was that there was a dredge and fill permit for a wetland crossing and in order to get across that crossing and be able to negotiate an RV making a left hand turn you need room on the opposite side of the wetland.

Mr. Charest commented that in his opinion the berm would be more advantageous to have the berm on the residential lot.

Joanne Coppinger spoke as a member of the public, noting that abutter Don Mason was not able to attend this evenings meeting. Speaking on behalf of Mr. Mason she noted his concern that there was a problem along his property line with clear cutting as well and there is a need for some reforestation along there. Mr. Mason indicated the abutter to the northwest is getting a buffer but that there is a need for one along his property line as well. He had requested that Mrs. Coppinger point that out to the board. Mr. Charest stated that from his recollection from the site walk there is an existing tree buffer. Mrs. Coppinger noted without the tree line indicated it is hard to tell. Mrs. Coppinger stated that she was not acting as Mr. Mason agent, just a member of the public.

Mr. Dixon commented that both the PB and ZBA have been over this a few times. They have indicated on several plans, but not on this one, that the tree line buffer of 25' has been surveyed by Dave Dolan and is depicted on another plan. "The property was not, repeat, not clear cut up to the property line. There was a 25' tree buffer that was left." Mr. Dolan stated the tree line is on other plans. The board has required the tree line to be shown on the plan.

Ms. Broderick provided the Chair with a copy of the ZBA approval which was subject to the following restrictions being noted on the site Plan: 1) months of operation May – October inclusive 2) commercial setbacks be applied and those areas to be used as a buffer only 3) On-site sales of existing

RV's or RV's be brought on-site and placed on an approved campsite for the purpose of sales within the park.

In closing the board reviewed the outstanding items and issues to grant a conditional approval. Revision to the plan would include the restrictions required by the ZBA, the removal of the word 'display' in the area that says storage/display. Note on the plan that there will be a buffer on the adjacent residential property which will be a deeded condition of sale, and the tree line between the Mason / Dixon property be shown. Mr. Taussig requested to modify the requirement that the buffer be, to the extent possible, on the commercial lot and only the minimum amount on the residential lot. A note being added to the plan that the trees on the berm are to be evergreens, 6' high, planted 6' on center in a zigzag manner and the berm is to be at least 20' in width and 5' in height.

Motion: Mr. Charest moved to approve the site plan for **Dixon Recreational Company, LLC (213-17)** with the condition that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings, adding notation to the plan to include the restrictions required by the ZBA, the removal of the word 'display' in the area that says storage/display. Note on the plan that there will be a buffer on the adjacent residential property which will be a deeded condition of sale, and to the greatest extent possible the berm/buffer be located on the commercial lot and only the minimum amount on the residential lot. A note being added to the plan that the trees on the berm are to be evergreens, 6' high, planted 6' on center in a zigzag manner and the berm is to be at least 20' in width and 5' in height, the tree line between the Mason and Dixon property line to be shown on the plan, grant the waiver request as submitted and reserve the Right to Amend.
Mr. Jensen Seconded.
Motion Carried – Unanimously.

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

**2. 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 stated the board had continued the hearing on May 27th. Since then we sent out additional material for peer review on the noise assessment completed by Michael Bahtiarian, of Noise Control Engineering, Inc. who had reviewed the work of Air & Noise Compliance. The board needs to discuss the amended review, go over the list of items they discussed at the last meeting. The board was provided with a set of new plans this evening, showing the noise barrier, which now has a height of 16' opposed to the prior 12'. That was worked out between the noise engineers.

Ms. Ryerson stated that it had been brought to her attention by e-mail (a copy provided to board members in there folder) that there's been an objection to the way she handled the prior hearing, noting that she explained to Jane when asked, the way it was handled was the way they normally do. They ask the applicant to make their presentation/statement, then board comments, anyone in support of the applicant and then the public. Ms. Ryerson stated if the board would like to review this differently tonight, making their comments before they hear from the applicant, as it was confusing to some last time as the applicant had their punch list. Ms. Ryerson noted she had asked board members if they had any comments that they had, that had not been part of the list, such as Mr. Jensen's question to noise and other things. If the board prefers to do it that way Ms. Ryerson stated she would entertain a motion or consensus that they change their usual procedure, to hear the input from the board first, before they hear from the applicant.

Mr. Charest stated that his confusion resulted last time from a number of issues that were brought up, say ten, they then discussed #1, 2, 3, then got to #4 and someone would still have a question on #2, so they'd go back to #2, then go onto #4, #5 #6, then a question on #2 or #3. There was a lot of jumping around and you cannot keep track of it.

Ms. Ryerson questioned now in retrospect if the board had concerns that were raised by the peer reviews that they felt were not addressed at the prior meeting that they would like to bring up.

Mr. Taussig referred to his email he sent to Ms. Ryerson. He wrote it because he was concerned with what he described as an agenda of the peer reviews being taken over by the applicant. His fundamental problem was that at one point Ms. Nadeau came in with a punch list, which was presented to the board immediately and that the punch list became the defacto agenda for the hearing at that point. Mr. Taussig's stated his problem was that after the board got into the discussion with the punch list, there came a point in time where Ms. Nadeau seemed to be very impatient and she asked for a sense of the board. This was effectively asking for a polling of the board, which was in affect a rump vote as to what the board wanted, or didn't want, or whether they would approve a particular provision, or it wouldn't approve a particular provision. What troubled Mr. Taussig about that was effectively the board was voting prior to there being any public input to the whole matter. Ms. Nadeau was raising questions as to what the board wanted or didn't want, what they would approve or wouldn't approve before they had public comment. Obviously the peer reviews were there for the board to ask questions and for the public to respond and ask questions as well. He feels that there was a lack of due process that was extended to the public on that, because that came first. Mr. Taussig's personal view is any vote or indication that day, whether an approval or disapproval with reference to any of those items Ms. Nadeau had should be rescinded on a *nun pro tunc* basis. Mr. Taussig does not feel the board should be committed to that at this point in time because there may come a point in time when the board will establish conditions upon the applicant, and when they do that that will be the time to vote on those particular conditions and not to pre-vote.

Mrs. Fairchild noted that she had a different take on that, noting that Ms. Nadeau was not present this evening and she could not speak for her intent of what she was asking of the board. Mrs. Fairchild felt Ms. Nadeau was asking the board to make a uniform request before asking them to get this or that. Mrs. Fairchild felt Ms. Nadeau was asking the board to come up with, as a board, what they wanted from them in the future.

Ms. Ryerson stated she feels the board had consensus feelings that we were on the right track here because it was getting very messy. Ms. Ryerson questioned if anybody had any comments on the recent peer review. Mr. Jensen commented that one of his suspicions was correct in that the peer review of the level of a normal voice is not what was their analyst suggested it was. There was a sort of agreement that a night time operation assessment hadn't been done. The peer review follow up suggested that night time for sound traveling begins around 10 PM. If they are ceasing their operation at 9, it will not be an issue. Ms. Ryerson noted the board has not taken up hours of operation at this time.

Present this evening for CG Roxane was Tony Moore and Kip Downs from Bauen Corporation. Ms. Ryerson questioned if Mr. Downs had a comment based on the amended peer review. Mr. Downs deferred to Mr. Moore. Mr. Moore stated there were two main things that he got out of the peer review. They needed to mitigate the noise and they specified the recommended height for that mitigation which would be 2' above the height of the highest exhaust level of the truck, therefore a 16' wall. They submitted an amended drawing showing the changed wall and construction drawings of the wall.

Ms. Ryerson noted her confusion regarding both the original peer review and the amended was that there was a lot of discussion of the decibel level, the hours and the nearest houses. At the end the report seems to say that there will be disruption to the people in the neighborhood because of this, therefore they are recommending the wall. She did not see any discussion of what the noise levels would

be once the wall was built. Are they saying there will be no noise once the wall is built, or it will be at the background levels? Mr. Moore noted that he didn't specifically see that, but in his reading on the Ever Quiet wall is that it will lower the noise level at least 5 decibels if you are standing directly on the other side and will be mitigated even more the further distance you go away from it.

Ms. Ryerson noted the applicant has asked for the operation of the facility to continue as late as 11 at night. How does that affect this sound study if the measurements were taken at daylight? Or is that irrelevant once the wall is built? Mr. Moore stated he takes it as irrelevant. That's the way he interprets it. He has asked Ms. Nadeau to reduce his hours away from 11 PM. Two months ago Mr. Moore conveyed to Ms. Nadeau to convey 9 PM as being the cutoff. They have made that decision after speaking with the partners of CG Roxane. They were told that 9 PM is the cutoff for all operations down there.

Board members noted that it had been stated several times by Ms. Nadeau that they wanted to mirror the hours of operation at the top of the hill.

Ms. Ryerson made an attempt to compile a list using Ms. Nadeau's punch list, her own notes, and the studies themselves. The list was a starting point and would like as a board to decide what it is they would like to see.

Mr. Taussig stated one of his problems with dealing with the particular issues is that they do not have Carol Murray and the sound engineer to answer the questions they have. For instance the question just raised about noise after a certain time. His concern is that the peer reviewers are not present to ask questions that may arise during the hearing. Mr. Taussig has requested the sound engineer and Carol Murray to be present to answer questions at the time they are addressing the review of the peer reviews.

Motion: Mr. Taussig moved to adjourn the hearing with reference to these items
Until they have the peer reviewers here at the same time.
Mrs. Coppinger Seconded.

Mrs. Coppinger agreed that it would be easier to have the experts present, so that when they ask a question they are not left hanging. Mr. Taussig noted this would save time in the overall scheme of things because you don't need to wait two weeks or four weeks until they get an answer, and by that point they've forgotten what the question was and it becomes difficult to organize their thoughts.

Mr. Downs stated that it was his understanding that the board has hired experts to conduct peer review at CG Roxane's expense. His question is hasn't the board given the peer reviewers a list of things they want to know? Ms. Ryerson stated yes. Mr. Downs asked if they have been answered. Again, yes. Mr. Jensen noted that when an answer comes, very often it brings up another question, or a clarifying question. There is one danger for the board is that this could go on endlessly with questions. Mr. Jensen feels that it would have been fairer to themselves and the applicants to have requested them to be here in the beginning. Mr. Taussig noted that he had requested this at the last meeting.

It was noted there was a motion on the floor but if the board voted now to continue the hearing it would be closed at this time. Mr. Taussig withdrew his motion at this time and Mrs. Coppinger withdrew her second of the motion.

Cristina Ashjian noted that she had reviewed the amended noise review and it says the hours are from 6 AM – 9 PM. Where did these hours come from? Mr. Moore stated that it was from Michael Bahtarian, of Noise Control Engineering, Inc. speaking directly with Frank Kuhn, President of Air & Noise Compliance.

Mitzi Crowe questioned if the experts are present at the next hearing would the public be allowed to ask them questions. Ms. Ryerson stated yes, through the chairman.

Herb Farnham questioned if the board could request that the sound expert conduct an on-site visit of the property before coming to the continued hearing.

Mrs. Coppinger questioned the hours of operation. It was the feeling of the board that they could not properly address these until they get answers relating to the noise report.

Mr. Taussig stated there was a long discussion regarding Jake brakes and noise. Carol Murray would be able to address her comments relating to Jake braking.

Mrs. Fairchild stated that she had several concerns regarding trucks braking coming from the top of the hill or from the warehouse. Also stated she has many concerns around traffic safety and traffic hazards, noting Mr. Kinmond's comment regarding trucks maintaining lane control. Mrs. Fairchild feels that the intersection of Route 171 and Ossipee Park Road should be looked at again and questioned whether the board could address this now as it is the same issue of "is there any difference between what they are doing now and what's already going on at the top of the hill" can the board include anything now. Ms. Ryerson stated she asked "Why, when we just rebuilt that road, didn't we do it then?" Mr. Kinmond replied that we couldn't do it because it's a state controlled issue. Mrs. Fairchild noted as the new site has frontage on Route 171 and Ossipee Park Road they can talk about it as part of this application and discussion. Mrs. Fairchild questioned if this is happening and the trucks are not maintaining lane control whose responsibility is that? Ms. Ryerson questioned what would trigger the board looking at that from the new site.

Ms. Ashjian referred to page 3 of Carol Murray's report and read her comment relating to this subject into the record "The entrance onto the state highways is regulated by the state. The reviewer suggests that the Board contact NHDOT District 3 directly to confirm their approval before their final decision. This reviewer's opinion is that the impact on the state highway was dependant on the previously approved application due to the truck limitation, but a contact is appropriate." Mr. Taussig suggested that when Ms. Murray was present she could address the question.

Mr. Moore questioned if they could contact Michael Bahtiarian, of Noise Control Engineering, Inc. by speaker phone. It was noted this was not a favorable option as it is very difficult to hear and reply to questions.

It was the decision of the board and agreed upon with the applicant to invite the peer reviewers to appear on July 8th and to continue the hearing to allow time to contact the peer reviewers and accommodate Mr. Moore's schedule.

Motion: Mr. Charest moved to continue the site plan review for **C.G. Roxane, LLC (Old 85-21/ New 94-4)** to July 8, 2009.
Mrs. Fairchild Seconded.
Motion Carried – Unanimously.

The board took a five minute break from 9:23 – 9:28.

**3. Chris Maroun/Morester, LLC (135-19)(14 Moultonboro Neck Road)
Site Plan Review**

Ms. Ryerson stated that this is a request for a site plan review for proposed storage, processing and sale of cordwood/firewood, mulch and related landscaping materials in addition to existing use of property.

Ms. Ryerson noted the request for waivers dated May 20, 2009 from David M. Dolan Associates, PC.

It was noted the Conservation Commission commented that the submitted plan, dated 5/14/09 does not show any applicable (50') setbacks from any wetlands that are larger than 20,000 square feet in their entirety. The Planning Board should ascertain that no use or development shall occur within these setbacks without approval.

Dave Dolan was present this evening to present the application for site plan review. Chris Maroun was present in the audience for this hearing. Mr. Maroun is the owner of the site and operates Miracle Farms Landscaping. Mr. Dolan briefly described the location of the lot and the proposed changes to the site. Mr. Dolan noted this is a developed site of approximately five acres in size, with the majority of the lot in Commercial Zone 'A'. The last site plan before the board was in 2006. There is storage materials area, vehicle parking, designated storage areas and in addition to that use Mr. Maroun would like to process and sell firewood, mulch and related landscape materials. The process of the firewood will take place on the rear of the property. The 50' setback line has been added to the plan on the wetland next to Moultonboro Neck Road. There are no proposed site changes. The existing tree line is shown on the plan. The hours of operation are noted on the plan for both the landscape contract as 7 AM – 7 PM, Monday through Saturday and for the processing of the cordwood and mulch is 8 AM – 5 PM, Monday through Saturday. The purpose for this is to extend the work season, increasing the work season for the business. There will be no increase in the number of employees or vehicles on or off the site. The ZBA granted a special exception for the use in May. Mr. Dolan answered any questions from the board.

Mr. Taussig questioned what is wood processing. Mr. Dolan stated making firewood, stacking, palletizing, and making mulch and woodchips.

Ms. Ryerson questioned how the wood would get on site. Mr. Dolan stated by trucks. To date they have had 40 tractor trailer loads of mulch delivered to the site. The trucks delivering the wood to site would not be at the same time of the year as the delivery of the mulch. Mr. Maroun noted that this was a compliment to the landscaping.

Mrs. Fairchild questioned the noise from a chipper or shredder. Mr. Maroun stated the processor is a machine, and certainly does make noise. The hours are limited and his intention in the future is to recycle and process some of the materials. Therefore the need to have the ability to make mulch and use the byproducts of the wood processing, the bark and the sawdust.

Abutter Shirley Clifford spoke in favor of this request. Kath Blake spoke in favor as well, noting that it supports local employment. Mr. Charest commented that he is in favor of the proposal as well.

Mr. Taussig noted his concern regarding noise. It was noted that the hours of operation for the proposed use are 8 AM – 5 PM, Monday through Saturday, which are normal business hours.

Mrs. Fairchild questioned the appearance from Route 25 or Moultonboro Neck Road. It was noted the wood processing area is not visible from Route 25 and there is a large berm with mature evergreens screening the site from Moultonboro Neck Road. Mr. Maroun stated that he would like to have an area that he can display the palletized wood. The board discussed this with Mr. Maroun and agreed upon two display areas to be depicted on the plan. The area will be large enough for the display of 4-6 pallets of wood and will be between the edge of the gravel drive and last bin by the berm and next to the building by the flag pole.

Mrs. Fairchild questioned the location of the drive they were referring to. It was pointed out on the plan that there are two driveways on the site. One did not appear to be clearly labeled and is shown as gravel. The board has requested to revise the plan to indicate gravel drive.

The board questioned if there was to be any signage for the wood. It was noted if Mr. Maroun wished any signage that the location must be depicted on the plan and be approved by the BoS. Mr.

Maroun noted that there is a granite sign post shown on the plan and if he has the available square footage to meet the sign ordinance he would like to add it to the existing sign. This would need BoS approval.

Motion: Mrs. Coppinger moved to approve the site plan amendment for **Chris Maroun / Morester, LLC (135-19)** subject to the gravel driveway being labeled, the two display areas for palletized cordwood be depicted as discussed, Grant waiver as requested and 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. Charest Seconded.
Motion Carried – Unanimously.

**4. Jonathan C. Gilman, Trustee of the Norway Point Trust (243-28)
Three Lot Subdivision**

Mrs. Coppinger stepped down from the board for this hearing.

Ms. Ryerson stated this is a request for a Subdivision of 60.76 acres into three lots. Lot 1 (Parcel “A”) 1.3 acres \pm ; Lot 2, 13.424 acres \pm and remaining land of 46.036 acres \pm .

Attorney Karen McGinley was present to present the application for subdivision. She noted that she was representing Jonathan Gilman as Trustee of the Norway Point Trust. Mrs. McGinley gave a brief history of the property noting it is a 60 acre parcel that has been owned by the same trust since the 40’s. There are four parties in the trust, one owner, Susan Wallis, who owns $\frac{1}{4}$ share interest in the trust would like to sell her portion of the trust. The trust has been working with the attorneys and surveyors to come up with a plan to subdivide the property. Mrs. McGinley referred to the plan, noting the uniqueness of the location of the Wallis home. It is located on a point that would need to be subdivided along with a back lot to secure Mrs. Wallis’ $\frac{1}{4}$ share in the property. The Norway Point Trust has received approval from the ZBA for proposed Lot 1, as it is non-conforming. There was no need for ZBA action on proposed Lot 2 as it is 13.424 acres, and they were granted a special exception for the remaining land of 46.036 acres, as it will have the three homes of the others in the trust. There will be no changes on the property.

Paul Darbyshire, surveyor, gave additional information on the proposed subdivision. Proposed Lot 2 is 13.424 acres, with approximately 4 acres of wetlands and will be accessed from Rupert Road. Proposed Lot 1; 1.3 acres which is where the Wallis home is located, shows the location for a proposed well. In addition to the 1.03 acres is a 0.9 acre easement area that is attached to Lot 1 to support a proposed septic system. They have received approval for construction of a septic on the easement area. The remaining lot is 46.036 acres and has three existing houses.

Mr. Taussig questioned if the Wallis lot had an existing septic system. Mr. Darbyshire stated yes.

Ms. Ryerson noted the wetland setbacks were not delineated on the plan. While it does not appear on our checklist, the regulation was passed and they should be shown on the plan. Mr. Darbyshire stated that he would add those to the plan.

Motion: Mr. Taussig moved to approve the subdivision for **Jonathan C. Gilman, Trustee of the Norway Point Trust (243-28)** subject to the receipt of State Subdivision approval, the setback lines be added to the plan, that the project be built or developed substantially in compliance with the plans on file and testimony at the hearings and grant the waivers as requested.
Mr. Charest Seconded.
Motion Carried – Unanimously.

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

VI. Unfinished Business

V. Informal Discussions

1) **Walter Conway – Arcadia Campground Condominium Association** requested to speak to the board on an informal basis regarding **Tax Map 146 Lot 4**. Mr. Conway stated that he has been the president of Arcadia for the past three years. He was here this evening seeking input and direction from the board relative to dealing with mold issues that have become a problem with many of the porches on the units in Arcadia. Mr. Conway gave a brief history regarding a mold issue that had arisen in the manager's home located on the site. Arcadia hired a professional to clean the house, and at that time several property owners hired said professional to look at their porches. They were told that there were mold spores in the air, and as they passed through their porch they carried the mold spores into their RV units. Mr. Conway stated that in Amendment #4 to the Condominium documents, which are approved by the Town, Arcadia can only put plastic coverings over their screened openings in off season. They put the plastic up when they are closing their unit for the season and must take it down when they open their unit in the spring. They may not put it up and take it down throughout the season. Mr. Conway was here to get direction from the board as to how Arcadia could get approval to put plastic up on their porches throughout the season to prevent rain water from raining in on the screen porches, getting the knee walls wet and then molding. Ms. Whitney stated that there is a lengthy history associated with the porches and enclosures that has been through litigation. It is her understanding that any changes made to the Condominium documents must be approved by the Planning Board through site plan amendment. The board members present this evening were not familiar with the history between Arcadia and the Town. It was the recommendation of the board that Mr. Conway make application to the board for a site plan amendment noting what changes they are requesting. Mr. Jensen was not certain that just adding plastic coverings to the openings would eliminate the mold issue, and suggested that Mr. Conway provide any supporting information that this would eliminate the mold issue. Mrs. Coppinger questioned why this would require a site plan amendment. It was noted that the court decision had placed this in the control of the Planning Board. The request would not require a plat, as there are no proposed changes to the actual site plan, but would be conducted through a hearing for site plan amendment.

2) **Peter Morrill – Morrill Homes** requested to speak to the board on an informal basis regarding **Tax Map 152 Lot 18**. Mr. Morrill and broker Kath Blake noted that they have had significant delays in completing the road for the subdivision. The Planning Board granted a conditional approval on September 12, 2007, one condition being that the road must be completed or a bond in the same amount of 110% for the cost of the road must be in place before September 12, 2009. Mr. Morrill was here this evening to update the board on the progress of the subdivision and road, noting that they will not have it complete by that date and to request a continuance of the conditional approval in order to secure one final state approval and to complete the road into the subdivision. Mr. Morrill requested an additional one year to complete the road.

Motion: Mrs. Coppinger moved to grant the extension to September 12, 2010 for **Morrill Homes (152-18)** as requested.
Mr. Charest Seconded.
Motion Carried – Unanimously.

VII. Other Business/Correspondence

1) Ms. Ryerson provided the board with a list that included Tasks for the Planner. This list was compiled by the committee members. She asked that members look at the list and give some thought if there are any other tasks they may wish to include on it.

2) Zoning Board of Adjustment's Draft Minutes of June 3, 2009 were noted.

3) Selectmen's Draft Minutes of June 4, 2009 were noted. Ms. Ryerson noted the BoS had recently Marie Samaha to the Conservation Commission. Also noting that Mr. Terenzi had received a form submitted by an individual regarding serving on development related boards or committees. Ms. Ryerson questioned if the board felt the need for additional alternates to the Planning Board. The board is allowed to have five alternates on the board and would be interested if someone wishes to become an alternate. Mr. Jensen said he thought it a good idea to have more alternates. Ms. Ryerson said she would contact the person who had expressed interest and ask him to attend our meetings to see if he's still interested.

VIII. Committee Reports

Mrs. Coppinger updated the board on the progress of the screening committee for the hiring of a Town Planner. The committee sent three names to the BoS for consideration. Since that time one has withdrawn to accept another job. The committee members prepared a one page summary for each of the two candidates for the BoS. The BoS interviewed the two candidates last week and have made a decision, and made an offer. The BoS has not announced which candidate they have chosen but we should know more after their meeting tomorrow night.

IX. Adjournment

Motion: Mrs. Fairchild moved to Adjourn at 10:47 P.M.
Mr. Charest Seconded.
Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator