

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

June 24, 2009
Regular Meeting - 7:30 P.M.
Moultonborough Town Offices

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

Ms. Ryerson appointed Keith Nelson to sit on the board with full voting privileges in place of Jane Fairchild.

I. Pledge of Allegiance

II. Approval of Minutes

Ms. Ryerson stated that the board had two sets of minutes to approve this evening, first the minutes of our last meeting on June 10th.

Motion: Mrs. Coppinger moved to approve the Planning Board Minutes of June 10, 2009.
Mr. Charest Seconded.
Motion Carried – Unanimously.

The second are the revised minutes of May 27th. Mrs. Fairchild revised the portion of the first draft version in an attempt to put the information into more chronologic order, re-phrase certain things for clarity, add more detail on items she thought important and delete statements she didn't feel were properly included and adding Mr. Jensen's document as an Appendix. Most of the original text remains. All of her changes are related to the CG Roxane hearing only. She did not edit other portions of the document.

The board was provided with a revised version of the minutes which included 1) a "redlined" version of Mrs. Fairchild's edits so members could compare what she revised, and 2) a "clean" version of the document with her changes accepted.

Mr. Taussig noted the revised minutes had not been distributed electronically or by US Mail and he had not had a chance to look at them. Mr. Taussig stated that he would like to defer approving the minutes so he may have time to review them before voting.

Mrs. Coppinger questioned why the revised draft minutes were not distributed electronically. Ms. Ryerson stated the board has authorized Ms. Whitney to distribute only her draft minutes. The board discussed this and felt that draft minutes are just that, draft minutes and that it doesn't matter who has prepared or revised them. The minutes can be distributed with the same disclosure making sure that the board knows the minutes are for review only and that they should not respond with any comments or changes to the Land Use Office or other board members. The only time to discuss changes is at our meetings.

Motion: Mr. Taussig moved that the board defer accepting the May 27th Minutes
Until their meeting on July 8th.
Mrs. Coppinger Seconded

In Further discussion, Mrs. Coppinger said she feels board members should bring to the meeting, specific adjustments to the draft minutes if they feel are necessary, but the board should not allow a complete rewriting of the minutes. The minutes are more than sufficient, if a board member has a concern show where and what they would like inserted.

It was noted that Mr. Taussig had noted there were two omissions that he thought should be addressed, which he raised and wanted included in the revised minutes. One related to compliance with the RSA on regional notification and second that he requested the peer reviewers be present. Both of these have been added to the revised minutes as requested.

Several board members felt there was ample time for members to review the revised minutes and wanted to proceed with approving the minutes. It was noted that there was a motion on the floor to defer accepting the May 27th minutes to July 8th. The Chair called for a vote on the motion: Mr. Taussig – Aye; Mr. Bakas – Aye; Mrs. Coppinger – Aye; Mr. Charest – Nay; Mr. King – Nay, Mr. Nelson – Nay; Ms. Ryerson –Aye.

Motion Carried – 4 to 3 in favor to defer accepting the minutes this evening.

III. New Submissions

1. **Walter E. Koziarski, Jr. (71-14)(426 Governor Wentworth Highway)**
Site Plan Amendment

This is a request for a site plan review for a proposed landscape buffer.

Ms. Ryerson noted the request for waivers dated June 2, 2009 from David M. Dolan Associates, PC.

Motion: Mr. King moved to accept the application of **Walter E. Koziarski, Jr. (71-14)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #1.
Mr. Charest Seconded.
Motion Carried- Unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. **Walter E. Koziarski, Jr. (71-14)(426 Governor Wentworth Highway)**
Site Plan Amendment

Ms. Ryerson stated that this is a request for a site plan review for a proposed landscape buffer. Ms. Ryerson gave a brief background on this, noting the board had conducted an on-site visit of the property on September 9, 2008. The board approved a site plan amendment for Mr. Koziarski on August 27, 2008, to allow Mr. Koziarski to begin working on the site. But, the approval was conditional upon an adequate buffer to be determined by the planning board at their September 10th meeting in 2008 (along with other conditions).

Ms. Ryerson noted the request for waivers dated June 2, 2009 from David M. Dolan Associates, PC.

It was noted the Conservation Commission stated they had no comment.

It was noted the Police Chief stated he had no comment.

Dave Dolan was present this evening to present the application for site plan review. Wally Koziarski was present in the audience for this hearing. Mr. Dolan noted as stated by the Chairman, the request was for an additional boat storage area and as part of the requirement they needed to come back with a proposed landscape plan. Due to the lapse in time, they were required to submit a new application and notify abutters to discuss this plan. Richard Putnam was present to address any questions relating to the buffer and plantings. Mr. Dolan said the plan presented shows the existing tree line along Route 109 and the proposed plantings in the area abutting the neighboring properties. Mr. Dolan had located all the hardwood trees that were 6 inches or greater in diameter, and all the coniferous trees (hemlocks and pines) that were 6 feet and greater in height. Anything smaller than that they did not locate. On the site inspection there was one area that was obviously visible from the road and they have proposed a Norway Spruce in that area, the remainder of the plantings is fir trees. The idea is to enhance the buffer. An example that has been mentioned was Skelley's Market where the trees were planted in a zigzag pattern. They have not done that in this area as there are existing trees, creating a more natural looking buffer. Their goal is to enhance the existing 25' natural buffer, which is how they arrived with this proposal. Mr. Dolan answered any questions from the board.

Mr. King questioned the distance between the proposed plantings. Mr. Dolan stated about 6 feet, ~~accept~~ except where they might be landing on existing trees. They are trying to fill it in between and not disturb existing trees. Mr. King noted hemlocks are good buffers, but once the leaves drop off the deciduous trees what is left of the buffer? Ms. Ryerson noted the winter screening would be non-existent.

The board discussed the existing trees and the proposed plantings at length with Mr. Dolan and Mr. Putnam. Mr. Putnam described the reasons he selected the type of trees proposed and how he arrived at the location to be planted. Mr. Putnam stated that pine trees will grow taller to reach for the sun if covered by the canopy from the hardwoods and will lose their lower limbs. They can be maintained so they will keep their lower limbs.

Mr. Dolan presented the board with copies of two letters from abutters, Lakes Region Water Company and Bart's Seafood noting they feel there is an adequate buffer at this time.

After further discussion with the applicant and agents, they agreed to plant two ~~addition~~ additional trees, which will be 2 Balsam Firs, one on each side of the Ash. The board agreed that there were many trees that have grown in on their own and they prefer the natural vegetation over planted vegetation, but planted vegetation is better than no vegetation. Mr. Nelson feels if the additional Balsam Firs are planted with the other plantings shown on the plan that the buffer will be adequate.

Mr. Putnam noted the trees are not going to remain as full as when put in, as the trees are on his farm and get 100% sunlight all the time. They will look great the first year, the second year fairly good. Then after that they're going to take their own shape so they will get thinner. In order to maintain a tree they should thin out the smaller saplings.

Ms. Ryerson noted there have been boats that have been stored/displayed in the driveway. Mr. Koziarski stated that he didn't know he couldn't place boats there, that he was only restricted right in front of the building to the road. Ms. Ryerson stated that is what is described on the plan, but that our regulations also prohibit any product displayed or stored within the 25' setback from the edge of the right of way. Therefore the two boats that are along the side on the drive cannot be stored there. Mr. Koziarski stated he did not know that and that the boats will be gone tomorrow.

Mr. Nelson questioned of Mr. Putnam if he thought the two additional fir trees suggested on each side of the ash tree will prosper there. Mr. Putnam stated yes. If there is enough sunlight there, they should fill out. Mr. King referred to the existing pines, questioning if they can be maintained so that they form a buffer. Mr. Putnam stated they can. You can shear them every year at the end of June, cutting back on the top. It will slow their growth down and they will stay full, provided they get light. If you are going to maintain the pines as the buffer then they will have to cut back on the hardwoods, the taller tiered trees, in order to let the sun in. Mr. King stated that he was comfortable with this, as long as part of the motion

contains the mention of cultivating and maintaining the pines so that they remain a buffer type of tree. If something happens to the pines and they are no longer a sufficient buffer another remedy will need to be completed. Mr. Dolan noted possible language “a visual buffer has to be maintained.”

Motion: Mr. King moved to approve the site plan amendment for **Walter E. Koziarski, Jr. (71-14)** with the changes noted regarding the planting of additional trees, the existing evergreens be maintained in such a manner as they retain their foliage as a buffer i.e. “the preservation of a vegetative buffer”, grant waivers 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.

VI. Informal Discussions

VII. Unfinished Business

Mrs. Coppinger stepped down from the board for the informal discussion regarding TM 213-17. Mr. Jensen was seated with full voting privileges. *Mr. Taussig stated that he had noted his concerns, questioning if the discussion with Mr. Mason was a re-opening of the hearing for Dixon Recreational. It was noted for the record that the informal discussion with Mr. Mason was not a re-opening of the hearing for Dixon Recreational Co., LLC.*

1) **Don Mason** requested to speak to the board on an informal basis regarding **Tax Map 213 Lot 17**. Mr. Mason noted there was a hearing on June 10, 2009 for **Dixon Recreational Co., LLC**. Mr. Mason is an abutter to the property and was unable to attend the hearing that evening. At the meeting of June 10th the board conditionally approved the site plan for Dixon Recreational Company subject to a list of conditions, one requiring a buffer be constructed on the adjacent residential property currently owned by Mr. Dixon. Mr. Mason shared his discontent with what Mr. Dixon has been doing next to his property. Mr. Mason stated that Mr. Dixon has clear cut right up to his property line, removing one tree and stump on his property. Mr. Mason noted the board had required that a buffer be constructed on the newly subdivided residential lot, but that there was not a requirement that a berm and buffer be constructed along his property line that abuts the campground. Mr. Mason would like the board to revisit this approval or site so that Mr. Dixon will need to replant/construct a berm/buffer along his property line. Board members stated that the area Mr. Mason is referring to had been discussed at the on-site and during the hearing with Mr. Dixon stating that he said he had maintained the required 25’ vegetative setback. It was noted if this is the case, then Mr. Dixon may be non-compliant. Mr. Charest will relay this to the BoS so the Code Enforcement Officer may view the site to see if the trees were cut along Mr. Mason’s property line. Mr. Mason also questioned the location of site numbers 59, 60 and 61. These were originally transient campsites, tent sites that were only used on a temporary basis. Within the past two or three years Mr. Dixon has placed Park Models on these sites. The park models encroach into the required 25’ natural vegetative buffer. Site #59 22’ from the property line, a 6’ x 8’ shed between Sites 59 & 60 is 12’ from the property line, Site #60 16’ from the property line and Site #61 17’6” from the property line. Mr. Mason questioned how Mr. Dixon can put the camper trailers within the buffer zone. These were transient sites before that had nothing on them during the winter when the campground is closed. Mr. Charest will take this issue to the BoS for review by the Code Enforcement Officer for compliance with the required 25’ setback.

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

VIII. Other Business/Correspondence

Ms. Ryerson noted an email that was sent to the Land Use Office from Tony Moore, Corporate Safety Manager & Production Auditor for CG Roxane. Mr. Moore stated that a lot of questions had been raised from board members being present a one hearing and missing the next. During the June 10th hearing,

while discussion about whether Peer Reviewers could be present at the next hearing, the subject was brought up regarding use of conference calls and speaker phones. ~~Nothing~~ Noting that our speaker phone is not adequate for such a task. Ms. Ryerson also noted that we have contacted the Peer Reviewers and they will be attending the hearing on July 8th. Mr. Moore offered the use of CGR's speakerphone, with an 800 number that can be set up anywhere so that absent board members could participate in hearings. This is in an effort to try and help. Ms. Ryerson noted that we have contacted the Peer Reviewers and they will be attending the hearing on July 8th. The board discussed this, but felt that there is always the same situation where different members either can or cannot make meetings and this would not be something they would choose to do. Ms. Whitney will respond to Mr. Moore, thanking him for his offer, but will not be taking him up on this.

It was noted that the Peer Reviewers will be present for the meeting on July 8th. Ms. Ryerson asked who would be in attendance for the meeting. Mrs. Coppinger stated she would not be present, and it was noted Mrs. Fairchild had indicated she would not be present on the 8th. Ms. Ryerson asked that board members are prepared ahead of time with questions they may have for both reviewers. Mr. Jensen asked if the list of issues could be dealt with one at a time, meaning they would take one issue at a time, allow the peer reviewers to address their concerns, allow the board to ask questions regarding that one item, and then allow the public to ask questions on the same issue. This would make it less confusing and if someone were to go back and listen to the tape, the whole issue would be together and not spread out throughout the tape.

Ms. Ryerson noted at the last hearing she had handed out a breakdown. The Planner will be starting on July 15th. He has been given material on the CGR hearing but will not be expected to be up to speed on this by that date. He has been given the ZBA & PB Minutes, Supreme Court & Superior Court Rulings, the site plan and the breakdown prepared by Ms. Ryerson. This will familiarize him with the basic issues the board is dealing with. There are other issues that may come in, such as the development and regional impact or something else. This items on the list were pulled from the Peer Review Studies, and their comments they made. If the board goes through them one at a time, the board can come to some general consensus that they agree they would like this included on the plan or in a motion.

The board feels that the Planner could assist them in the crafting of draft language for a motion that would be written then provided to board members, the applicant and the public at one hearing. Then the hearing would be continued to allow time to review the motion, making certain it contained all that needed to be incorporated from testimony. At the next hearing the board could discuss the draft motion and take the appropriate action at that time.

Several Board Members noted their concerns regarding Lakes Region Water Company using a their residential lot for commercial use. Mr. Charest will bring these concerns to the attention of the BoS.

Selectmen's Draft Minutes of June 11 & 18, 2009 were noted.

IX. Committee Reports

X. Adjournment

Motion: Mr. Nelson moved to Adjourn at 9:16 P.M.
Mrs. Coppinger Seconded.
Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator