

Moultonborough Planning Board
P.O. Box 548
Moultonborough, NH 03254

Regular Meeting

September 9, 2009

Minutes

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

I. Pledge of Allegiance

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

II. Approval of Minutes

Motion: Mr. Nelson moved to approve the Planning Board Minutes of August 26, 2009, seconded by Mr. Charest, carried unanimously.

Motion: Mr. Nelson moved to approve the Planning Board On-site Minutes of August 31, 2009, for Tax Map 52 Lot 27, seconded by Mr. Taussig, carried unanimously.

Mr. Nelson did not participate in the discussion regarding Tax Map 114 Lot 33.1.

Motion: Mr. Taussig moved to approve the Planning Board On-site Minutes of August 31, 2009, for Tax Map 114 Lot 33.1, seconded by Mr. Charest, carried unanimously with Mr. Nelson abstaining.

III. New Submissions

**1. SRS North End Restaurant Holdings, LLC (65-1)(882 Whittier Highway)
Site Plan Review**

This is a request for a site plan review to enclose an existing patio in on rear of building for use as a market.

Motion: Mr. Nelson moved to accept the application of **SRS North End Restaurant Holdings, LLC (65-1)** and to schedule a hearing this evening to be Hearing #3, seconded by Mrs. Coppinger, carried unanimously.

IV. Boundary Line Adjustments

**1. ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)(Route 25)
Boundary Line Adjustment – request for extension of approval**

Ms. Ryerson noted the board had received request for an extension of a previously approved boundary line adjustment from Land Technical Service Corp. dated September 3, 2009. Mr. Maher was present in the audience to speak to this request, noting they are in the process of obtaining the required

NHDES wetlands permit for TM 169-72. Mr. Maher stated they have resubmitted a revised design that meets the terms issued by DES and anticipate receiving the permit within a few weeks.

The board discussed the request and the length of time for the extension.

Motion: Mrs. Coppinger moved to grant the request for extension for 120 days for the boundary line adjustment for **ACLD Trust, Robert A. & Leona M. Maher, Trustees (169-69 & 72)**, seconded by Mr. Charest, carried unanimously.

V. Hearings

1. **Kenneth J. Berlanti and Adam B. Cambre (114-33.1)(Red Hill Road)** **Continued Major Four Lot Subdivision**

Mr. Nelson stepped down from the board for this hearing.

Ms. Ryerson noted the request for continuance dated September 8, 2009, from Loralie Gerard, Agent for the applicant.

Abutters Jean and Eric Pearson were present for the hearing. Mrs. Pearson noted her concerns regarding the ROW for access to their two abutting lots. Mrs. Pearson questioned who would be responsible for the costs of upgrading the existing driveway to road standards. They are concerned that this application may incur costs to them for the upgrading of the existing driveway. The board noted that the developer must pay for the improvements up to the section of the road where the last lot is proposed, after that it can remain a driveway as it will only access the Pearson's two abutting lots.

Motion: Mr. Taussig moved to continue the hearing for **Kenneth J. Berlanti and Adam B. Cambre (114-33.1)** to September 23, 2009. Seconded by Mr. Charest, carried unanimously.

Mr. Nelson returned to the board at this time with full voting privileges.

2. **Townsend's Hometown Grocery LLC (52-27)(967 Whittier Highway)** **Site Plan Review**

Ms. Ryerson noted the request for continuance dated September 8, 2009, from Loralie Gerard, Agent for the applicant.

Motion: Mr. Jensen moved to continue the hearing for **Townsend's Hometown Grocery, LLC (52-27)** to October 14, 2009, seconded by Mr. Bakas, carried unanimously.

3. **SRS North End Restaurant Holdings, LLC (65-1)(882 Whittier Highway)** **Site Plan Review**

Ms. Ryerson stated that this was a site plan review to enclose an existing patio in on rear of building for use as a market. Ms. Ryerson noted the patio has already been enclosed and that the plan shows the new addition as built. In May the board informally spoke with Scott Fuller, agent for North End and had recommend the CEO issue a building permit as they did not see how enclosing the patio would be an issue, and required a site plan to be provided in a reasonable time frame.

Mr. Nelson commented note #9 on the plan states the lots are Commercial Zone "A" & Residential/Agricultural, while both lots in their entirety are commercial. The board discussed this at

length, noting additional parking for the restaurant is located on TM 65-2, and they had received a special exception from the ZBA for commercial use. Mr. Nelson noted the restrictions on the lot apply to both lots 14 & 15 (now lots 1 & 2).

Dave Dolan, agent for the applicant stated that when the special exceptions were granted the lots were under the same ownership, and now they are separate. Lot 1 has an easement on Lot 2 for additional parking. Lot 2 in its entirety is a commercial lot. Mr. Dolan will add a note to the plan referencing the ZBA special exception, granting commercial use as specified, to the entire parcel.

There was a discussion regarding tree cutting on both lots, noting the board had required plantings as a condition of approval in 2000.

Motion: Mrs. Coppinger moved to approve the site plan amendment as presented for **SRS North End Restaurant Holdings, LLC (65-1)**, Seconded by Mr. Taussig, carried unanimously.

Mr. Nelson noted the board had not included in the motion a note being added to the plan or reserving the right to amend.

Motion: Mrs. Coppinger moved to rescinded her prior motion, Seconded by Mr. Jensen, carried unanimously.

Motion: Mrs. Coppinger moved to approve the site plan amendment as presented for **SRS North End Restaurant Holdings, LLC (65-1)**, with the condition a note be added to the plan indicating both lots 1 & 2 are commercial, subject to the special exception granted by the ZBA, and that any further development of the lots will require site plan approval by the Planning Board, and reserve the right to amend. Seconded by Mr. Bakas, carried unanimously.

The board went out of order from the agenda as Mr. Ambrose was not present at this time for the informal discussion.

VII. Unfinished Business

1) Ms. Ryerson noted that earlier today she had met in the Land Use Office with the Town Planner, CEO and Ms. Whitney. The CEO referred to a list provided to the board last August of sites that appeared to be non-compliant. The board reviewed the list, adding a few additional sites to the list. The board discussed the issue of sites that appear to be non-compliant and how to deal with them. It was the decision of the board to have Mr. Merhalski draft a letter to the CEO, requesting he review the sites discussed and report back to the Planning Board with a letter of his findings and actions taken. At that time the board will determine if they will proceed with calling compliance hearings on the sites with proper notification and public hearings as required.

VI. Informal Discussions

1) **Ed Ambrose** was not present to speak with the board regarding his letter dated August 24, 2009, submitted to the board regarding his Letter of Credit for Stonewall Acres, **Tax Map 24 Lot 4**. In his letter, Mr. Ambrose had indicated that some of the improvements had been completed and he would like to reduce the Letter of Credit from \$244,432.50 to \$48,510.00. Mr. Merhalski provided the board with a copy of the memo to Mr. Ambrose detailing the discrepancies between the approved subdivision and the site as it exists at present, and gave a Power Point presentation with photos taken of the site. The Planning Board reviewed the photos and discrepancies and discussed the direction they would take with this request. There were seven items of deficiency that need to be addressed prior to any reduction in

the bond. It was the consensus of the board to authorize Mr. Merhalski to write a letter to Mr. Ambrose, informing him the board had determined that a new bond estimate will be required prior further action taking place.

VIII. Other Business/Correspondence

- 1) Mr. Merhalski stated he had checked the RSA's for legal requirements relating to Conditional Use Permits, noting that they do require a public hearing. The Land Use Office will make an application form for this request to be reviewed by the board.
- 2) Ms. Ryerson noted the NHOEP Fall Conference to be held on October 17, 2009 at Loon Mountain.
- 3) Selectmen's Draft Minutes of September 3, 2009 were noted.

IX. Committee Reports

- X. Adjournment:** Mr. Charest made the motion to adjourn at 9:08 PM, seconded by Mr. Nelson, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator