

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

Regular Meeting

September 23, 2009

Minutes

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

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 Jim Bakas.

II. Approval of Minutes

Mr. Nelson requested an amendment to the minutes on page 3. The last sentence of the second paragraph as written gives the impression that the board had the conclusion that the buffer is adequate, and he does not think that it was. He has requested the sentence to be removed. Okayed by board.

Motion: Mr. Charest moved to approve the Planning Board Minutes of September 9, 2009 as amended. Seconded by Mr. Jensen, carried unanimously, with Ms. Fairchild abstaining.

III. New Submissions

**1. Public Service Company of New Hampshire (165-3)(Moultonboro Neck Road)
Conditional Use Permit – Wetlands Buffer**

This is a request for a Conditional Use Permit for the installation of a gravel access pad in wetlands in a deeded Right of Way easement owned by PSNH across a lot owned by the New Hampshire Electric Cooperative on Moultonboro Neck Road.

Motion: Ms. Fairchild moved to accept the application of **Public Service Company of New Hampshire (165-3)** and to schedule a hearing this evening to be Hearing #2, seconded by Mr. Charest, carried unanimously.

IV. Boundary Line Adjustments

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 stated that this was a continued hearing for a proposed four lot subdivision, and noted the request for a Conditional Use Permit from Gerard Land Surveying date September 22, 2009.

Ms. Ryerson commented there were several issues that were discussed at the last meeting that still need to be addressed.

Loralie Gerard was present representing the applicants. Ms. Gerard stated that Ed Rogers, the engineer for the project was not able to attend this evening's hearing, and that she would be only addressing issues relating to surveying. Mr. Rogers has been in contact with the Town Planner and had faxed a twenty-six page document to Mr. Merhalski earlier today.

Mrs. Gerard submitted revised plans to the Land Use Office earlier in the day. She noted revisions to the plan include the elimination of one lot. Therefore, this is now a request for a three lot subdivision. If proposed Lot #4 is to be further subdivided the issue of continuing the road to the end of the property line would need to be addressed at that time. Ms. Gerard stated she had located grade stakes that were placed in 2004 for the Utility Easement. These have been depicted on the plan. Ms. Gerard reviewed the list of deficiencies from the prior hearing and how she has addressed them. In order to bring the road up to subdivision regulations there is the need for a Conditional Use Permit, which was submitted. New lot calculations were submitted for Proposed Lot #2.

Mr. Merhalski provided the board with a revised memo dated September 23, 2009 listing items that are still outstanding and need to be addressed by the Planning Board, including the relocation of the right-of-way (ROW), copy of the proposed easement deed for the drainage easement, location of utility easement, and a turnaround for emergency vehicles where the proposed roadway terminates at Lot 4.

Once again, there was a lengthy discussion with the Town Planner, Planning Board and Mrs. Gerard regarding the ROW, with questions relating to the 50' ROW and the utility easement. There were representatives in the audience from both the Public Service Company of New Hampshire and New Hampshire Electric Cooperative. Dan Cornelissen of NHEC stated the requirements for the setting of poles has changed since 2004 with the distance of 250' between poles, to 200' and that they require a 30' easement for the poles, clearing and anchoring. Usually 15' of this easement area overlaps with the 50' ROW for the roadway.

Abutters Eric and Jean Pearson reiterated their concerns regarding the ROW. Mr. & Mrs. Pearson own two abutting lots to the rear that have access through the subject lot.

It was the feeling of the board that there were many items that still need to be addressed, requiring a continued hearing. Ms. Ryerson noted that the application was accepted in July, and that the 65 day clock will expire September 25, 2009. Ms. Ryerson noted the need for the applicant's agent to request an extension of the Board's time to final action on the application Ms. Gerard requested an extension until October 28, 2009.

Ms. Ryerson summarized the outstanding items to be addressed include the clarification of both the access easement and the utility easement, the re-location of the hammer head, making it a conventional hammer head at the end of the subdivision road, as opposed to part of the driveway on proposed Lot #2, A report on the drainage to include the summary of conclusion, addressing both pre and post construction, details of the plunge pool, and amending note #13 on the plan regarding sprinklers to include that it be recorded in the deeds.

Motion: Mr. Taussig moved to continue the hearing for **Kenneth J. Berlanti and Adam B. Cambre (114-33.1)** to October 28, 2009. Seconded by Mrs. Coppinger, carried unanimously.

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

**2. Public Service Company of New Hampshire (165-3)(Moultonboro Neck Road)
Conditional Use Permit – Wetlands Buffer**

Ms. Ryerson stated that this is a request for a Conditional Use Permit for the installation of a gravel access pad in wetlands in a deeded Right of Way easement owned by PSNH across a lot owned by the New Hampshire Electric Cooperative on Moultonboro Neck Road.

James Mayo from PSNH and Dan Cornelissen of NHEC were present in the audience for the hearing. Mr. Mayo stated there is a small impact of the wetlands for the replacement of two existing utility poles, addition of new poles, anchors and a gravel access area. The total impact is 1359 sq. ft. which includes 765 sq. ft. of temporary impact. Mr. Mayo noted they have received a NH DES Wetlands Permit.

Mr. Merhalski had prepared a draft Notice of Decision for the Conditional Use Permit. Mr. Merhalski reviewed the Notice with the applicant and board.

Motion: Mr. Nelson moved to approve the Conditional Use Permit for **Public Service Company of New Hampshire (165-3)** subject to compliance with the Draft Notice of Decision as set forth this evening. Seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

Mr. Nelson stepped down from the board for this informal discussion.

1) **Randy Frye** requested to speak to the board on an informal basis regarding tree cutting in Commercial Zone “B” **Tax Map 18 Lots 37, 38, 39, 40 and Tax Map 23 Lots 31, 32, 33, 34, 35**, located on Whittier Highway and Ben Berry Road. Article VI (A) 6 of the Moultonborough Zoning Ordinance requires that all lots in the commercial zones and other commercial lots shall require Planning Board approval before tree cutting or topographical changes can be made. Trees may be removed without Planning Board approval which are a danger to persons or property or which are dead or diseased.

Mr. Frye stated that this will be a conventional logging project, cutting approximately 60% of the trees. This will be a selective cutting of pine and hardwoods. There will be no clear cutting of the lots. The trees taken will be 10 inches and larger in diameter. Some of the larger trees will remain along Route 25. It was the consensus of the board that this is a reasonable request for cutting.

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

2) **Paul Zanis** requested to speak to the board on an informal basis regarding tree cutting in Commercial Zone “B” **Tax Map 18 Lot 20**, located on Airport Road. This request is similar to Mr. Frye’s with the exception that Mr. Zanis proposes to re-clear an area approximately 100’ by 200’ which is mostly saplings. He will maintain a buffer of 25’ to 50’ from abutting properties, and maintain a 25’ buffer along Airport Road, with the exception for the curb cut onto Airport Road. It was the consensus of the board that this is a reasonable request for cutting.

VII. Unfinished Business

VIII. Other Business/Correspondence

1) Mr. Merhalski provided the board with a draft letter to the CEO requesting he review sites listed in the letter that may be out of compliance with the Zoning Ordinance, or previous Planning Board approvals. The board reviewed the properties included in the letter removing numbers 2, 8 & 20 as they have been or are already being addressed. Numbers 3, 6, 11 & 16 are sites that appear to be in compliance at this time,

but during “season” have display items that exceed their approved display area. The board authorized Mr. Merhalski to send a letter to those property owners indicating that they must comply with their approved Site Plan.

2) Mr. Merhalski started with a Power Point Presentation, noting he had provided the board with Draft Ordinances relating to Steep Slopes, Groundwater Protection and Stormwater Protection. During this presentation there was a power outage at 10:09 pm. Mr. Merhalski requested board members review the drafts and respond to him with any comments which they will discuss at the work session on the 30th.

3) Zoning Board of Adjustment’s Draft Minutes of September 16, 2009 were noted.

4) Selectmen’s Draft Minutes of September 17, 2009 were noted.

IX. Committee Reports

X. Adjournment: Mrs. Coppinger made the motion to adjourn at 10:19 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator