

**Moultonborough Planning Board**  
**P.O. Box 139**  
**Moultonborough, NH 03254**

Regular Meeting

December 21, 2009

**Minutes**

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

**I. Pledge of Allegiance**

**II. Approval of Minutes**

**Motion:** Mr. King moved to approve the Planning Board Minutes of November 24, 2009, seconded by Mrs. Coppinger, carried unanimously with Ms. Ryerson and Ms. Fairchild abstaining.

**Motion:** Mrs. Coppinger moved to approve the Planning On-site Minutes of December 2, 2009, seconded by Ms. Fairchild, carried unanimously with Ms. Ryerson and Mr. King abstaining.

**Motion:** Mrs. Coppinger moved to approve the Planning Board Work Session Minutes of December 2, 2009, seconded by Mr. Taussig. Ms. Fairchild requested an amendment for clarification in the last paragraph on page 1, adding "that section of the Zoning Ordinance relating to" so the sentence would read "Mr. Taussig then made a motion to repeal *that section of the Zoning Ordinance relating to* Special Exceptions for commercial uses in Residential/Agricultural Zones. carried unanimously as amended.

**Motion:** Mr. King moved to approve the Planning Board Work Session Minutes of December 15, 2009, seconded by Mrs. Coppinger, carried unanimously with Mr. Taussig abstaining.

**III. New Submissions**

**1. Stephen P. Tocco (169-44-001- 44-006)(18 Alpine Park Road)  
Site Plan Review**

This is a request for site plan review to construct two (2) additions to one of the existing condo units and two (2) storage sheds, on the existing three buildings of a six (6) unit multi-family condo site.

Ms. Ryerson noted the request for waivers dated November 18, 2009 from Associated Surveyors.

**Motion:** Mrs. Coppinger moved to accept the application of **Stephen P. Tocco(169-44-001-44-006)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #4, seconded by Mr. King, carried unanimously.

**2. Donald & Cynthia LeMien (115-4)(412 Whittier Highway)  
Site Plan Review**

This is a request for site plan review for the erection of a 4' x 9' free-standing marquee sign for the existing commercial site.

**Motion:** Mr. King moved to accept the application of **Donald & Cynthia LeMien (115-4)** and to schedule a hearing this evening to be Hearing #5, seconded by Ms. Fairchild, 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**

Ms. Ryerson noted a letter dated December 3, 2009 from Loralie Gerard, Agent withdrawing the application for subdivision for Kenneth J. Berlanti and Adam B. Cambre (114-33.1).

**2. Thomas D. Given Revocable Trust of 1994, Thomas D. Given, Trustee, Donna Z. Given Revocable Trust of 1994, Donna Z. Given, Trustee, David A. Given, Mary E. Given (226-1)(51 Garnet Point Road)  
Continued Minor Two Lot Subdivision**

Ms. Ryerson noted a letter dated December 2, 2009 from James M. Hambrook, Agent requesting an extension for Board approval to January 13, 2010.

**Motion:** Mr. King moved to continue the hearing for the **Thomas D. Given Revocable Trust of 1994, et al.**, to January 13, 2010 to be Hearing #1, seconded by Ms. Fairchild, carried unanimously.

**3. Nica-Lee Realty Trust – Michael Morgan, Trustee (44-33) (1070 Whittier Highway)  
Continued Site Plan Review**

Dave Dolan, agent for the applicant noted that this was a continued hearing for site plan review for Nica-Lee Realty Trust. Mr. Dolan gave a brief history of the property and discussions from prior hearings regarding this request. It was noted the Board had conducted a site walk on December 2, 2009. Mr. Dolan addressed each of the changes made to the plan as a result of the on site visit.

Mr. Dolan stated they have requested a Conditional Use Permit to allow the fence to be constructed within the required setback.

Mr. Merhalski had prepared a draft Notice of Decision for the site plan review. Mr. Merhalski reviewed the Notice with the applicant and Board.

**Motion:** Mr. King moved to approve the site plan for **Nica-Lee Realty Trust (44-33)** subject to compliance with the Draft Notice of Decision as set forth this evening, seconded by Mrs. Coppinger, carried unanimously.

**Motion:** Mr. King moved to approve the Conditional Use Permit for **Nica-Lee Realty Trust (44-33)** subject to compliance with the Draft Notice of Decision as set forth this evening, seconded by Mrs. Coppinger, carried unanimously.

**4. Stephen P. Tocco (169-44-001- 44-006)(18 Alpine Park Road)  
Site Plan Review**

Ms. Ryerson stated that this was a request for site plan review to construct two (2) additions to one of the existing condo units and two (2) storage sheds, on the existing three buildings of a six (6) unit multi-family condo site, and noted the request for waivers dated November 18, 2009.

Carl Johnson, surveyor and agent for the applicant presented the application for site plan review. Mr. Johnson briefly described the existing conditions, stating this was approved in 1987. Mr. Johnson described the proposed changes to the site, which is two (2) additions to one unit. Mr. Johnson stated that they have received a NH DES Shoreland permit for the proposed expansion. As noted, there is a request for several waivers. Mr. Johnson referred to the Town Planners memo dated December 1, 2009, addressing each of the Issues/Deficiencies.

Board members questioned the lot coverage on the site, noting it is not shown on the plan. Mr. Johnson stated he had calculated the lot coverage, but neglected to add it to the plan, noting he will add it to the plan. Mr. Merhalski noted the need to correct the Lot number in the reference box to Lot 44.

Mr. Merhalski had prepared a draft Notice of Decision for the site plan review but was unable to locate the copies for the Board. Mr. Merhalski stated it was a boiler plate decision and reviewed that with the applicant and Board.

**Motion:** Mr. King moved to approve the site plan for **The Family Trust (169-44-001-44-006)** subject to compliance with the Draft Notice of Decision as set forth this evening, revisions to the plan as noted, seconded by Mr. Taussig, carried unanimously.

**5. Donald & Cynthia LeMien (115-4)(412 Whittier Highway)  
Site Plan Review**

Ms. Ryerson stated that this was a request for site plan review for the erection of a 4' x 9' free-standing marquee sign for the existing commercial site.

Carl Johnson, surveyor and agent for the applicant presented the application for site plan review. Mr. Johnson briefly described the existing conditions, noting there are no other proposed changes to the site. Mr. Johnson referred to the Town Planners memo dated December 18, 2009, addressing each of the Issues/Deficiencies.

Board members questioned the size of the existing sign on the building. Is it permitted, and if so, when was it permitted. The request this evening is for a double sided 36 square foot sign. Mr. Johnson stated the sign is 32 square feet, and does not know when or if it has a permit. Board members discussed this at length and referred to the section of the Zoning Ordinance regarding this type of signage. The applicant is required to apply to the BoS for approval. The BoS will determine if they may keep the existing sign on the building if it is pre-existing grandfathered or it will need to be reduced to 16 square feet. This could be a conditional of approval.

It was noted that Mr. Merhalski had raised an issue regarding snow storage locations, noting while the Board's purview is only to the impacts of the current sign installation, they request a voluntary change of the applicant. Mr. Johnson stated that he did not wish to commit to any changes without speaking to his client.

Mr. Merhalski had prepared a draft Notice of Decision for the site plan review. Mr. Merhalski reviewed the Notice with the applicant and Board.

**Motion:** Mr. King moved to approve the site plan for **Donald & Cynthia LeMien (115-4)** for the location of the new sign subject to compliance with the Draft Notice of Decision as set forth this evening, as amended. The Board asks that the applicant consider a snow removal site that is more environmentally safe, and they consider reducing the size of the building on the sign, seconded by Mrs. Coppinger, carried unanimously.

## VI. Informal Discussions

**Rich Casella** requested to speak to the board on an informal basis regarding his property located on Whittier Highway, **Tax Map 115 Lot 3**. Mr. Casella had received an approval from the Board for a twelve month extension of his site plan approval. At that time (10/22/08) there was a discussion relating to the change in regulations regarding Building Design and Layout, and the Board approved the extension subject to compliance with Section XI, D(4) of the Site Plan Regulations. The regulation requires external building material to have an appearance of natural wood, brick or stone. Aluminum or sheet metal is not acceptable as external siding materials. Mr. Casella described the placement of the building on the site, noting that three sides are not visible from the road. He asked the Board if he could use metal on the three sides of the building not visible from Route 25. Board members discussed this at length, having different opinions, and concerns about setting precedent. Some members were not able to visualize the site or placement of the building. Board members would like the opportunity to view the site prior to making any decision. Mr. Casella will return to the Board for an informal discussion on January 13, 2010.

## VII. Unfinished Business

## VIII. Other Business/Correspondence

1. Mr. Merhalski noted the BoS has requested comment from the Planning Board regarding Caverly Road. They received a request for a discontinuation of approximately 200 feet of Caverly Road. The Town-owned road, a Class VI road, currently connects up with the new portion of the Morrill Homes Subdivision. The applicant is requesting the Town to discontinue this portion of the second entrance to the subdivision, and they will then combine the triangular section of the road with the adjacent lot. The Board discussed this noting it was an area of concern during the hearing for the Morrill Homes Subdivision. If the road were discontinued it would require Mr. Morrill to apply for a subdivision amendment and merger of the triangular lot with the adjacent lot. Mr. Merhalski will prepare a memo to the BoS.

2. Ms. Ryerson noted a letter dated November 25, 2009 from John M. Clothier, Esq. on behalf of Stephen Woodman. Mr. Clothier is requesting the release of the bond posted for the Woodman subdivision (86-5). The conditions for the release of the bond have been met. Mr. King made a **motion** to release the funds for Stephen Woodman (86-5) seconded by Mr. Taussig, carried unanimously.

3. Ms. Ryerson noted a letter dated December 1, 2009, from Natt King to the Code Enforcement Officer regarding property of Joseph Townsend, 1088 Whittier Highway, TM 44 Lot 32.

4. Ms. Ryerson stated that there are several Board members who are unable to attend the meeting of the 23<sup>rd</sup>. After taking poll for attendance it was noted four members would be present, but neither the Chair nor Vice Chair would be. Ms. Ryerson made a **motion** to appoint Eric Taussig, Senior Member, as Chair for the meeting of December 23, 2009, seconded by Mr. King, carried unanimously.

5. Mr. Merhalski provided the Board with a Town Meeting Deadlines Calendar outlining the required meeting dates and publication deadlines. Board members discussed the scheduling of Public Hearings for the proposed amendments to the Zoning Ordinance. It was the decision of the Board to schedule the first Public Hearing for January 13, 2010, starting at 5:00 PM prior to the regular agenda.

**6. Discussion of Revised Draft Ordinances**

Ms. Ryerson stated the Board held a work session on the 15<sup>th</sup>. As a result of the work session there were a few revisions they would like made to the Draft Sign Ordinance and to Route 25 Commercial Zones.

The first discussion was relating to the Draft Sign Ordinance. It was the decision of the Board to add language prohibiting internally illuminated signs in the village zone. There was some discussion about “Dark Skies” ordinance and what effect this would have as we already have full cut off, and cut off provisions in our ordinance. It was the decision not to include “Dark Skies” at this time. It was the consensus of the Board to authorize the Planner to make the changes as discussed and to forward the Draft to Town Counsel for his review and comments.

The next item for discussion was the discussion of Draft Revisions to Route 25 Commercial Zones Ordinances. The Board reviewed the changes as discussed at the work session on the 15<sup>th</sup>. The Board had a lengthy discussion relating to the “Buffer”. It was the consensus of the Board to authorize the Planner to make the changes as discussed and to forward the Draft to Town Counsel for his review and comments.

**Motion:** Mr. King moved to schedule a Public Hearing for the six proposed amendments to the Zoning Ordinance for January 13, 2010 at 5:00 PM. Seconded by Mrs. Coppinger, carried unanimously.

7. Board of Selectmen Draft Minutes of December 17, 2009 were noted.

**IX. Committee Reports**

**X. Adjournment:** Mr. King made the motion to adjourn at 10:37 PM, seconded by Ms. Ryerson, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant