

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

**Regular Meeting**

**February 10, 2010**

**Minutes**

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

**I. Pledge of Allegiance**

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

**II. Approval of Minutes**

Mr. King requested an amendment of the January 27<sup>th</sup> Public Hearing Minutes, Page 2, Paragraph 3, changing 100 s.f. to 100,000 s.f. Mrs. Coppinger requested an amendment to the same paragraph, adding a sentence to the end for clarification. Mrs. Coppinger suggested the following to be added. "It was pointed out to Mr. Ambrose that the ordinance would not apply to single family house lots."

Mr. Taussig commented there were three letters included in their packets that were never recorded relating to people who had written in regarding the special exception. These letters were not noted in the record. He would like the letters submitted to the Board to be included in the record. Also a reference to a "handout provided by Mr. Nelson" to read "The board reviewed a copy of NH RSA 674:3, I, b with an effective date of January 1, 2010."

**Motion:** Mrs. Fairchild moved to approve the Planning Board Public Hearing Minutes of January 27, 2010 as amended, seconded by Mr. King, carried unanimously with Ms. Ryerson abstaining.

Ms. Fairchild requested an amendment be made to the Planning Board Minutes of January 27<sup>th</sup> for clarification purposes. She would like to reflect that the Board did have a discussion about the substance of the hearing for the Town Property known as the Lions' Club. Ms. Fairchild would like a sentence added to the end of the first paragraph stating "Ms. Fairchild's stated she is opposed to the Planning Board holding a hearing until further information on the project becomes available." And add another sentence before the last paragraph stating "Ms. Fairchild asked that the record reflect her concerns about how the process is being handled."

Mrs. Coppinger noted that she had abstained from voting on the issue regarding the Town Property know as the Lions' Club.

**Motion:** Mr. Charest moved to approve the Planning Board Minutes of January 27, 2010, as amended, seconded by Mr. King, carried unanimously with Ms. Ryerson abstaining.

**III. New Submissions**

**1. Spot Pond Development, LLC (159-9)(12 Severance Road)  
Two Lot Subdivision**

This is a request for a two lot subdivision. The existing 5.26 ac lot to become 2.05 ac. and 3.21 ac. Both lots front on Severance Road. Proposed lot 1 has an existing house with driveway from Severance Road and also has frontage on Route 109. Proposed lot 2 is vacant.

Ms. Ryerson noted the request for waivers dated January 21, 2010 from Ames Associates.

**Motion:** Mr. King moved to accept the application of **Spot Pond Development, LLC (159-9)** grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #1, seconded by Mr. Charest, carried unanimously.

**IV. Boundary Line Adjustments**

**V. Hearings**

**1. Spot Pond Development, LLC (159-9)(12 Severance Road)  
Two Lot Subdivision**

Ms. Ryerson noted that this is a request for a two lot subdivision.

Dan Ellis, agent for David Robar, Spot Pond Development, LLC presented the application for subdivision, noting that it is an existing 5.26 acre lot with frontage on Severance Road and Route 109. The proposal is to subdivide the lot creating one new lot of 3.21 acres with a residual lot of 2.05 acres. Mr. Ellis stated there is an existing house on the lot. Mr. Ellis stated they have received state subdivision approval and a have applied for a driveway permit, which is pending at this time.

Mr. King referred to the Memo dated February 2<sup>nd</sup> from the Town Planner and questioned if the items listed had been met. Mr. Merhalski stated there was no revised submission submitted to the Land Use Office, so all of the items were still outstanding. Mr. Ellis referred to the Town Planners memo, addressing each of the Issues/Deficiencies. The only outstanding item was the driveway permit and a comment from the Fire Chief. Mr. Ellis stated he had spoken with the Chief, and that he indicated this was a small two lot subdivision and he did not have any issues.

Ms. Ryerson noted the Police Chief comment was “No comment from the PD.” The Conservation Commission comment was “so long as the town wetlands setbacks, 50 feet, are honored the Conservation Commission is ok with it.” The Road Agents comment was “Driveway permit specification relative to a) setback flare radius b) slope of drive to road and c) road side slope 2/1 (E/W 80’ +/-) adjacent to town roadway.”

There were no additional questions from the Board at this time. Ms. Ryerson asked for questions or comments from the public. Catherine Borella noted her concern with the placement of the driveway, noting it is difficult to see traffic coming from Route 109. Mr. Ellis stated they have met the required site distance for the placement of the driveway and noted there may been an issue with enforcing the 30 MPH speed zone. Mr. Taussig questioned if the speed limit were 35 MPH, would the site distance still meet the requirements. Mr. Merhalski stated at 30 MPH the site is 200 feet, and between 31 MPH and 40 MPH it is 275 feet. Mr. Taussig questioned if the location of the driveway could be changed to meet

the 275 feet. Mr. Ellis stated they have flexibility in the placement of the driveway and they may meet the 275 feet in both directions.

Ms. Ryerson noted the lot calculations were marginal. Mr. Ellis noted the wetlands were delineated and that the unit density calculations are 1.01 and 1.07 units for the new lot and residual lot respectfully. Mr. Ellis noted the lot calculations are close and based from the Carroll County Soils Map. If a site specific soil survey were completed the numbers would improve.

Sam Pylypczuk noted his concerns regarding water quality as a result of the subdivision on Lady Slipper Lane and this subdivision. Mr. Ellis stated he was not qualified to speculate on the effect a single family home would have on the water shed. They have a buffer and the town has instituted a 50 foot wetlands buffer setback.

The Board discussed the protection of water noting there are two proposed zoning amendments on the ballot this year to address water quality protection. It was noted single family homes are excluded from the ordinance as the impact is not high enough to cause the Board to place that type of burden on an individual home owner.

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

**Motion:** Mr. Nelson moved to approve the subdivision for **Spot Pond Development, LLC (159-9)** subject to compliance with the Draft Notice of Decision as set forth this evening. seconded by Mr. King, carried unanimously.

Ms. Ryerson extended the invitation to the public to attend the work sessions of the Planning Board for their input when proposing amendments to the Zoning Ordinance.

## **VI. Informal Discussions**

## **VII. Unfinished Business**

## **VIII. Other Business/Correspondence**

1) An Application For and Notice of Voluntary Merger for **Stanyan Road Association (165-001, 145-059, 145-054)** was presented to the board. Mr. Merhalski briefly described the lots to be merged, noting there are three lots to be merged into one lot.

**Motion:** Mr. Nelson moved to approve the Voluntary Merger as presented, seconded by Ms. Fairchild, carried unanimously.

2) Ms. Ryerson stated the Board was in receipt of a letter dated January 14, 2010 from CG Roxane (94-4). They are requesting a one (1) year extension for the construction of their distribution center project. The Board discussed this and the following motion was made:

**Motion:** Mr. King moved to approve CG Roxane's request for a 1-year extension until August 22, 2011 as requested, seconded by Mr. Nelson, carried 6-0-1 with Mr. Taussig abstaining.

Mr. Taussig stated that he abstained for the same reasons he abstained when the Board approved the site plan.

3) Ms. Ryerson noted copies of all letters sent to Ed Ambrose regarding the situation with Stonewall Acres. Mr. Merhalski stated he included all the letters in the correspondence to keep the Board apprised of the ongoing situation with Stonewall Acres and the deviation from the approved subdivision Permit granted for the site. This item was first brought to the Board's attention when Mr. Ambrose requested a reduction in his bond amount. Following a site inspection in August, and subsequent meetings with the developer and the Town's Engineer, KV Partners, to discuss the findings of those inspections, he met with Mr. Ambrose a few times to review the Board's concerns with him. While Mr. Ambrose was initially hesitant to begin mitigation and discussions with the Board he had agreed to do so and was working toward an amendment to the previously approved plan and a new bond estimate for the site. However, following his request in September for a 60-day extension of the deadline for submission of these materials, Mr. Merhalski has not heard from him again. Having passed the 60-day extension on November 30, 2009, Mr. Merhalski sent him another request and notified the Board of the deadline's passage. At that time, it was decided to give him more time as the holidays were upon us and the Board was working fervently on the Zoning Ordinance Amendments. It has now been an additional 60 days and he has still not heard back from Mr. Ambrose. Mr. Merhalski has sent him the attached third request for information and asked that he submit either the requested information, or another request for extension, with cause, as soon as possible. In the event that the Town does not receive either of these two items, Mr. Merhalski would recommend that the Board wait until March 1, 2010 and then decide at its first meeting in March (March 10<sup>th</sup>) whether to hold a compliance hearing for early April for the project site.

**Motion:** Mr. Taussig moved to authorize the Town Planner to send a letter to Mr. Ambrose requiring they submit and amended site plan for review by the Board within 60 days of today, and require them to tape off the end of the road for safety purposes, seconded by Mrs. Coppinger, carried unanimously.

4) Mr. Merhalski stated he had one item relating to the Lions' Club property. The Conservation Commission is requesting that the Planning Board withhold sending their final comments to the Board of Selectmen until after they hold their regular meeting on March 1<sup>st</sup>, so they may review it at that meeting and submit their comments to the Planning Board. Mr. Taussig questioned procedures and time frames. Mr. Merhalski stated the Planning Board has 30 days from the February 24<sup>th</sup> hearing to submit comments to the Board of Selectmen. The Board discussed what may be discussed at the hearing, noting that input would be limited to land use issues. Ms. Fairchild expressed her concerns regarding the short time the Board has to review the issues. She feels the hearing could be lengthy and does not want the Board to be rushed in making a decision. Ms. Fairchild would like the Board to be prepared to continue the hearing to another date, and at that time if need be, close the hearing to public input to allow time for the Board to discuss this and compile their thoughts and comments to be forwarded onto the Board of Selectmen. The concern is that the Board has been asked to look at three phases at this time with limited information available for review. The Planning Board will limit their comments only to the proposal and normally applicable land use regulations. The hearing is not to determine whether or not the Town should have it, and they have been asked to review all three phases. Board Members questioned if there were full size plans available for review. Mr. Merhalski was told the engineers will have plans available for the 19<sup>th</sup>. Ms. Fairchild requested that the Board schedule a work session to discuss what was presented at the Hearing. The Board will determine on the 24<sup>th</sup> if an additional session is necessary.

5) Mr. Charest noted his concerns regarding the Townsends property, noting there is a large amount of used tires on the site. The Board discussed this with the Planner, asking if he had the opportunity to view the site with the Code Enforcement Officer. Mr. Merhalski stated they had not met onsite yet. With Bonnie out for vacation and he being unfamiliar with our filing system, he was not able to locate the approved site plan on record. Once he finds the decision he will review it for compliance with the approved site plan on record. If it was complied with at the time and they received a CO, then it will not be a compliance issue, it will most likely be an enforcement issue. The Board noted there are two

locations that Mr. Townsend appears to be storing tires at.

6) Mrs. Coppinger updated the Board regarding the Safe Routes to School. They have finished their Work Product, which is called "Travel Plan" and it is available on the Town's Website.

7) Selectmen's Draft Minutes of January 28, 2010 were noted.

**IX. Committee Reports**

**X. Adjournment:** Mr. King made the motion to adjourn at 9:17 PM, seconded by Ms. Nelson, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant