

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

Regular Meeting

February 24, 2010

Minutes

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

I. Pledge of Allegiance

Mr. King called the regular meeting to order at 7:30 P.M. and appointed Keith Nelson and Peter Jensen to sit on the board with full voting privileges in place of Judy Ryerson and Jim Bakas.

II. Approval of Minutes

Motion: Mr. Charest moved to approve the Planning Board Minutes of February 10, 2010, seconded by Mr. Taussig.

Mr. Taussig requested an amendment to the minutes for clarification. First was to include the date for the 1-year extension as requested by CG Roxane and the second to include his reason for abstention. Mr. Taussig stated he had abstained for the same reasons he abstained when the Board approved the site plan.

The Minutes as amended were approved, motion carried unanimously.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

1. **Town of Moultonborough – Public Hearing under RSA 674:54 – Governmental Use of Property (Tax Map 44, Lot 16)(139 Old Route 109)** - Public Hearing – Proposed Construction for Recreational Facilities, Phasing Plan

Mr. King stated this was a Government entity and that this was the Public Hearing for the review of a proposed site plan governed by RSA 674:54.

Mr. Merhalski started with a Power Point Presentation, briefly explaining the procedures that will be followed by the Board for the Public Hearing. Mr. Merhalski stated this was a Public hearing under RSA 674:54, and referred to the State Statute. Mr. Merhalski reviewed each section of the Statute, noting Defined Governmental bodies are exempt from all local land use regulations (Zoning, Site Plan and Subdivision Permits, Special Use Permits, Violations of Zoning, etc.) if the proposed use is governmental in nature. Mr. Merhalski stated the Statute does not apply to State or Federal Permitting (DES Wetlands, Site Specific, Alteration of Terrain, EPA Stormwater, etc.) and the Town must comply with State or Federal permitting.

The Board chose to hold a Public Hearing and they may issue Non-binding Comments “relative to conformity or nonconformity of the proposal with normally applicable land use regulations.” These Comments, if any, must be submitted to the Town within 30 days of the Public Hearing (March 24, 2010). Mr. Merhalski stated the Town is not required to comply with comments or recommendations in comments sent to the Town by the Planning Board.

Mr. Merhalski noted next the Town Representative, Carter Terenzini, Town Administrator will make presentation about project and the Planning Board may ask questions at any time. Once Mr. Terenzini has finished his presentation and the Board has asked their questions the Public Hearing will be opened. The Public may speak when recognized, asking that each state their name and address for public record, and direct their questions/comments through the Chair of the Planning Board. The Chair will facilitate the questions/comments.

Mr. Merhalski stated the Board may then close the Public Hearing and may ask further questions or deliberate on comments to be submitted to the Town.

Mr. King thanked the Town for coming before the Planning Board to have the site plan vetted by them. Mr. King asked that the applicant present the site plan and briefly reviewed the procedures.

Mr. Terenzini gave a Power Point Presentation of the proposed project and how it is governed by RSA 674:54. Mr. Terenzini stated that some of his presentation was a repeat of Mr. Merhalski’s and other information that has been repeated several times in the past, but bear repeating. Mr. Terenzini stated what was before the Board this evening was the proposed project at 139 Old Route 109 and its interaction and interplay under RSA 674:54.

First was The Use Trigger, “...any proposed governmental use of property... which constitutes a substantial change in use or a substantial new use...” Second there is The Notice Trigger, “... at least 60 days prior to the beginning of construction...” they must deliver the notice, with plans, specification, description of the use that is intended to take place. Mr. Terenzini noted next was to test the Use Trigger and how they measure that, noting today the Lion’s Club in its present location, the parking area and gazebo. This is measured against what might happen tomorrow, and in this case it is a Master Plan for the full site which has been broken into a number of phases that may be tackled over time, when and if they are deemed appropriate. The bottom line being when you measure today versus the potential “tomorrow” the Use Trigger has been met... The proposal...”...constitutes a substantial change in use or a substantial new use...” Mr. Terenzini stated many may ask when is today versus tomorrow? Phase I is April 1 +/-, and for the rest of the Site Master Plan, who knows. The phases will come along as demand and support develop and in any event each phase will be subject to the Town Meeting process.

Next was testing the Notice Trigger. Phase I is the soccer field, possible relocation of some of the driveway and access into the property and the possible addition of some parking. The construction contract would be dependent upon the bids at the time they are received and reviewed. This will take place April 1 +/- . The notice was delivered to the Planning Board in late January and they are within the required 60 day window. Mr. Terenzini spoke as to how do they decide when and if to bring a phase forth, noting Form will follow function and function will follow demand. After Phase I, it is “When and if...” and “If ever...” Mr. Terenzini stated this brings the question forward, why have this whole plan? Phase I and April 1st, brings this before the board. Referencing the Site Master Plan with the notice seemed to be the most forthcoming approach. Bring just one piece to the board, when clearly there are other things that might happen on the site, and didn’t seem upfront and honest. So that is why they presented the whole Site Master Plan.

Mr. Terenzini stated the Grading Plan starts from the Use and Layout and it is the grade plan that drives drainage paths. The Town does not want to negate future possibilities, they want to do it once and do it right. The Grading Plan and Layout has been arranged for the entire Master Site Plan that might

happen sometime in the future. Back to April 1 +/-, the soccer field, the possible relocation of the driveway and gazebo and some expansion of parking. Mr. Terenzini noted so why is there is talk of a building? Form will follow function, don't negate the future and try to do this once. You need the Site Master Plan in order to develop the overall grading plan.

Mr. Terenzini stated while Phase I is why they are here tonight, it is talk of "the building" that brings everyone here. He believes that it is important to touch on the buildings. The Board and the Public viewed Option A, B and C which included a different buildings that could, maybe if ever, be completed in different phases. In any event, each phase will be subject to the Town Meeting process. Mr. Terenzini stated with respect to the building, they will not bring the building forth unless a fully vetted business plan has been prepared by others. So with the triggers dealt with, the Master Site Plan dealt with, the buildings dealt with (as to why it's on the plan and how it might be phased) and when and if, maybe if ever it is built, Mr. Terenzini turned to Phase I, noting Ray Korber, P.E. of KV Partners was present to answer the various design or technical questions of the Board.

Mr. Korber gave a little more detail about the Phase I portion of the project, referring to a preliminary set of plans and specifications for the Town to review. Essentially Phase I includes the construction of the soccer fields, relocation of the bandstand/gazebo and some clearing done on the northerly side of the property, just south of the wetlands area. This is required in order to construct the soccer field. The proposal is to try to use town resources to the maximum extent possible to help minimize the construction costs. Then a contractor will excavate the field area to a certain sub-grade elevation, bring in select material to support top soil and the playing surface, as well as drainage. Test pits have been done onsite. The ground water elevation is about 3-3 ½ feet below grade, so elevating the soccer field will help facilitate drainage and will allow the creation of drainage swales around the field.

Also being proposed for Phase I is the expansion of the parking lot and a realignment of the upper section of the access road. This will provide separate parking for the soccer field and the Lion's Club so that traffic isn't intermingling on the site. The first step would be to put out the entire project for Phase I for contractors to bid on. They do have a bid alternate, for the parking lot. This essentially would allow the Town to evaluate the bids and if the bid alternate is within the Town's budget, then the Town could move forward and have a contractor complete the work. If not only the soccer field will be constructed. Mr. Korber stated they have recommended a temporary access road and restrict the contractor to utilize it to get on site, which would allow the Lion's Club to operate for its purpose during construction of the soccer field.

Mr. Korber commented on the overall Grading Plan and Layout. He stated that they have submitted a drainage report to the Town on the overall site plan. They looked at the conceptual plan as it has been developed to date and assessed what the impacts were for the full site. The exhibit shows that the site is being utilized to the maximum extent as possible. They determined between pre and post development flows there is an increase on the post development flow, but believe there are some solutions that can be looked at as they move forward with a more detailed design of the subsequent phases of the project.

Mr. King noted for the record the Board had been provided with a critique memo from the Town Planner, and this was responded to by the Engineer.

Mr. Charest questioned if soccer fields were constructed and the drainage system is for the whole lot, is the Town limited to what can be done on the site? If he came to Town Meeting with a plan for Work Force Housing, could the plan be used for that? Mr. Korber stated that would be a different use than what they analyzed and it would need to be looked at in more detail. He does not believe that it would limit the use in that example as it is a building footprint. Mr. Charest stated he was referring to the drainage. Mr. Korber stated what is being proposed for Phase I is to upgrade the culvert, put in a cross culvert at the entrance. Mr. Korber went on to explain the drainage pattern on the site, and they are

maintaining the drainage pattern under the post development condition. The amount of flow will increase because they are adding parking lot surface.

Mr. Nelson questioned when the increase flow be dealt with? Is it something that will be in the future when the other Phases are developed or is it incorporated into Phase I? Mr. Terenzini stated his understanding is that the drainage flow for Phase I will continue along the same pattern and is not increasing to a point where it is causing any issues. This will be dealt with when and if the paved parking lot and buildings are constructed.

Mr. Nelson asked Mr. Korber in his opinion if the expansion of the parking area will make a significant difference in the flow. Mr. Korber stated it will increase the flow to the wetland to the north. He did not have the data available but noted it was he thought it was a 1 CFS increase in flow to the wetlands to the north as a result of the parking area and the clearing of the area for the construction of the soccer field. Mr. Nelson questioned if a 1 CSF was a significant amount. Mr. Korber stated, no not in his opinion.

Mr. Nelson questioned how high the soccer field was going to be elevated. Mr. Korber stated 18 inches at the center of the field. The site slopes from the north to the south.

Mr. Nelson questioned when they were developing the plan, did they take the Moultonborough Zoning Ordinance and try to make it fit as best as they could within the Towns ordinance. Mr. Korber stated yes they did. They are restrained due to the wetlands to the north and the private property to the south.

Mr. Nelson questioned how many feet the soccer field from the setbacks. Mr. Korber noted the setback lines shown on the plan, stating the soccer field is about 50 feet from the property line. They have proposed a drainage swale between the Wallace property and the soccer field. This will be a grass lined ditch.

Mr. Nelson asked if there was any consideration to keeping the soccer balls from going into the neighbor's yard. Mr. Korber stated one of the things discussed at the design review meeting was the potential for putting up screening to prevent this. The Town has contacted Mr. Wallace to get his input.

Mr. Nelson asked what the impact was on the wetlands, as our current zoning requires a 50 foot setback, and it appears a corner of the parking will impact the setback. Mr. Korber stated yes the edge of the parking is within the setback. Mr. Nelson mentioned this as this usually would require a conditional use permit to encroach on the setback.

Mr. Nelson asked Mr. Terenzini when and if the buildings are approved for this property are they planning on coming back before the Planning Board. Mr. Terenzini stated unless there is a substantial change to Site Master Plan, no, it is not their intent to come back.

Mr. Taussig noted the northeast corner of the soccer field appears close to Route 109, is there any buffer planned to avoid balls going onto Route 109, a vegetative buffer or shielding and if they had considered moving the field more to the west. Mr. Terenzini stated there currently is fencing along the States ROW. They will allow the natural buffer to remain. There is nothing specific proposed now, but will certainly take a look at this. If they were to move the field further to the west it would encroach on constructing drainage swales.

Mr. Taussig felt the field would be better located to the west where the future, where the proposed ball field is shown on the plan for future development. Mr. Terenzini stated the plan had been tweaked to allow for the best placement of the soccer field and if and when any there is the future development of Phases II and/or III. Mr. Korber further commented that in order to provide drainage for

the soccer field and a portion of the parking lot, they need to create a drainage swale between the parking lot and the soccer field which is how the orientation of the soccer field was determined.

Mr. Taussig questioned the elevation of the soccer field. Mr. Terenzini stated the field is being raised 18 inches at the center and the corner gradually goes down for drainage. Mr. Taussig questioned where the wetlands to the north currently drain. Mr. King questioned which way the grading was. Mr. Terenzini stated towards the north.

Mr. Jensen questioned if there was any proposed structure for the storage of equipment. Mr. Terenzini stated the site plan anticipates that, if a building were ever built, the existing structure might be used for a variety of storage, warehouse and possibly a garage and storage of equipment for the buildings and grounds, both the needs on the site and all of the town's facilities. Any use of the Lion's Club would not happen, until, when, if ever a new service building is constructed. The storage for the onsite equipment at this point will be offsite.

Mr. Jensen questioned if all the parking is completed, what will happen to the edge of the wetlands, how much wider will the wetlands become? Mr. Korber stated he could not guess what the increase in the size of the wetland area as there are too many factors involved to make that determination.

Mr. King questioned if there was any anticipation of the increased drainage escaping the site. Mr. Korber noted they looked into this and what is being proposed on the concept plan is to minimize any runoff to the adjacent properties to the south east and to the west. They are proposing to install a catch basin outside of the building footprint and direct the drainage to a natural drainage ditch to the northwest corner of the parcel. By doing this it will reduce the amount of runoff that currently goes to the parcel to the west.

Mr. Charest commented that he did not see any proposed bathrooms on the site. Mr. Terenzini stated there are not any restrooms being constructed at this point, if needed they would be put in as port-a-potties.

Mr. Charest questioned where the water coming off the parking lot was going to go. Mr. Korber explained the direction and flow of the drainage from the parking lot would drain, noting the upper portion of the parking lot will drain towards the wetlands and the lower portion of the lot will go to the drainage swale between the soccer field and the parking lot.

Mr. Charest noted his concerns with the water coming off the parking lot into the wetlands and questioned what will happen to all the salt and contaminants from the runoff. Mr. Korber stated under the full build out, it will drain into the outlet to the north untreated. Mr. Korber stated this is Phase I, and if there are plans to go forward for Phase II or Phase III of the site, they will look at in more detail about the possibility of putting in vegetative buffers to mitigate any increase in flow.

Mr. Charest questioned if there was going to be any impact in the drainage along the Wallace property. Mr. Korber stated there should not be any effect.

Mr. Charest questioned what type of buffer is going to be used along the Wallace property. Mr. Korber stated they have had initial discussions with Mr. Wallace and are working with him on this. Mr. Charest noted one of his concerns is that the Wallace property is a very historical property and his concern is from a historical perspective.

Mrs. Coppinger stated she had a few questions, first noting for the record that she had previously worked for the town on this site and had designed a septic system for what was to be for the Community Center a few years ago. She had planned to recuse herself from this discussion, but in discussing this with fellow board members, they felt her expertise would be useful to the board. She noted she has not worked

on this proposal presented this evening. Taking into consideration that this was a non-binding nature of the discussion board members ask that she stay seated for the discussion. Mrs. Coppinger questioned if anyone had a conflict with her being seated for this discussion. There were none noted.

Mrs. Coppinger questioned if an Alteration of Terrain Permit has been issued for this project? Mr. Korber stated they are in the process of starting the application process. They have contacted DES and briefed them on the proposal. Mrs. Coppinger questioned if they would obtain that permit prior to moving forward with construction. Mr. Korber stated they are in contact with DES in regards to starting construction. Mrs. Coppinger questioned if there was an under drainage system designed for the soccer field. Mr. Korber stated there is not, noting the Town is in contact with a local contractor for an irrigation system to maintain the field. Mrs. Coppinger questioned what chemicals are proposed in line with the irrigation and maintenance considering the wetlands to the north. Mr. Terenzini stated no maintenance plan has been developed yet, but will develop one using best management practices and have advised the public works that the use of fertilizers on areas that drain towards the wetlands will not be permitted.

Mr. King questioned the location and condition of the current septic system. Mr. Korber noted the approximate location on the plan and stated he did not know the condition of it.

Ms. Fairchild questioned if there had been any traffic studies have been done on the design of the placement of the different components of the site, noting it seems there is a potential of loading, live new traffic down Old Route 109 as it appears there will be a significant increase on the road. Ms. Fairchild questioned if there were any other plans looked at or considered that might allow the site to be entered from a different side or location. Mr. Terenzini stated they have not done a traffic study so he could not tell them the number of trips generated or how they will be dispersed. They did look at a temporary construction entrance off Route 109 and was considered impractical. Construction traffic will be limited to using Route 109, then heading west on Old Route 109. They will not be permitted to access from the intersection of the former Gilligan's Restaurant. The only viable location for the entrance into the site did appear to continue to be off Old Route 109 in the area as indicated.

Mr. Taussig questioned if they will utilize the parking lot in the winter and if so, is there an area for snow storage on the site? Mr. Terenzini stated initially the snow storage area will be in the expanded area of the parking lot to the north. Depending on increase use of the Lion's Club it may be necessary to for winter services. If this is the case, public works understands they may need to remove the snow from the site.

Mr. Nelson questioned if there is any proposal for lighting of the parking lot or soccer field. Mr. Terenzini stated there are no provisions to light the soccer field and they are not expanding the lighting that is currently on site. Mr. Nelson commented there has been vandalism on the existing fields on Playground Drive and asked if this should be a consideration. Mr. Terenzini stated the field location has some self policing due to the location verses the fields located on Playground Drive.

Mr. Jensen referred to the section of the baseball diamond, and questioned how much of the wetland is to be filled. Mr. Korber stated the area shaded in gray on the plan is to be filled.

Mr. King asked that Mr. Korber review the pedestrian patterns for the site, where they are located and what they are made of. Mr. Korber pointed to the walkways, noting they are shown in dark blue. Mr. Korber noted the proposed pedestrian bridges. The walkways will have a 6 inch gravel base and pavement so the soccer field will be ADA accessible.

Ms. Fairchild noted her concern regarding the noise generated from the soccer field and the traffic entering and exiting the site. She asked if there was any way to mitigate some of the sound from the surrounding homes, or whether that has already been studied. Mr. Korber stated regarding noise mitigation there is not an opportunity to do it on this site as it is an open site, with open fields. In order to

mitigate noise impact it would typically require a structure solution, either a noise barrier, such as a berm or a structure. Neither of those are proposed for the site.

Mrs. Coppinger noted earlier Mr. Korber stated they were going to apply for the Alteration of Terrain Permit and stated with the new emphasis on treating stormwater onsite, how do they anticipate that this plan will meet those new regulations? Mr. Korber described how this will be done and stated the site will recharge in several areas onsite and the majority of the runoff will be recharged internally.

Mr. Taussig questioned if there ever was any consideration of putting the soccer field over in the area where the softball field is proposed? This would move the soccer field away from traffic pattern from the Lion's Club and move it away from Route 109 and the noise issues on the Wallace property. Mr. Terenzini stated no they did not look at this as there is a series of dominoes. They tried to look at what the end product would be and lay it out in a sense that made the most overall approach to the site. They reduced one small softball field from the original concept. The overall cost would be higher if they were to construct the soccer field and then relocate it at a later date.

Mr. King asked if there were any further questions from the Board at this time. The Board took a five minute recess from 8:52 – 8:57. Mr. King called the meeting to order and asked that any member of the public wishing to speak identify themselves and their address.

Jerry Hopkins, Second Point asked if there was any provision for the movement of buses onsite. Noting the final Phase, with everything complete, appears to provide for traffic to go around the building. Mr. Hopkins questioned if the radius of turn was adequate for a school bus and on Phase I if there is any provision for a school bus to turn around without having to back up. Mr. Korber stated there is no turnaround for the current design. Mr. Hopkins stated that it is not safe to back up around children and vehicles, noting his concerns and recommended they consider provisions for this for Phase I.

Bob Wallace, Old Route 109 stated his comments regarding parking. Mr. Wallace stated as the building is used now the parking is insufficient. With the addition of the soccer field they will need more parking. Mr. Wallace questioned the elevation of the drainage, noting there are many years when there is standing water in his back yard until June. Mr. Wallace noted he is concerned about flooding on his property. Mr. Korber explained the grade of the soccer field and the proposed drainage swale.

Al Hume, 294 Holland Street, commented last year at Town meeting there was an article approved for \$400,000 which was supposed to fund the two fields. Mr. Hume questioned how much is invested so far into the land and what is going to be the cost of this proposal. Another point brought up was there had been no consideration for lighting. Mr. King stated that this was not the venue to discuss the financial aspects. The Board was reviewing the site plan and physical aspects of the site.

Mr. Taussig referred to the plan, noting an area marked "Multi-purpose Area" and asked what that would be used for. Mr. Terenzini stated it is a grassed area to be used on an as need basis. There is no active programming for that area. This may be used for things such as playing catch or Frisbee.

Mrs. Coppinger questioned the process from this time forward. Mr. King stated the Board has 30 days February 24th to respond if they choose. The Board received a lot of information today, input from the public and questions answered by the applicant. Mr. King feels the board may wish to adjourn the meeting to March 10th where the board may have a deliberative session, reviewing all this information.

Ms. Fairchild questioned if the meeting were adjourned would this limit further public input? Mr. King suggested closing the public input this evening, allowing correspondence. On March 10th open the hearing as a deliberative session amongst board members. This would be open to the public and Mr. King encouraged everyone to attend. At that time the board could direct the Planner on what they feel they is necessary for comments.

Mr. Charest commented he would like to keep the hearing open for further public input on March 10th. Mr. Taussig noted for the record that any recommendations made by the Planning Board are purely recommendations and that the Town or Board of Selectmen may make any decisions they want.

Mr. King noted the Board is waiting on comments from the Conservation Commission.

Mr. Terenzini stated the Selectmen have the ultimate comment in authorizing the execution of a construction contract.

Mr. King asked if there was any further input. Mr. Merhalski noted his comments were summarized in his memo to the Planning Board

Hollis Austin referred to the proposal, questioning who's proposal it is? What key piece on this project is driving all of the auxiliary pieces of the design? Is a particular field, particular building, parking areas? Who proposed the design and came up with the criteria, the architects and engineers? Mr. Terenzini stated they worked off of a concept plan supplied to the Town. What drives that was a collection of variety of activities on the site. All of the iterations that went into the initial concept plan was before Mr. Terenzini was here and he was not privy to all that information.

Mr. Austin asked a question relating to costs. Mr. King stated again that this was not the venue to discuss the financial figures as the board is only charged with reviewing the site plan.

Mr. Austin questioned when the public at large participated in the possibility of different design layouts and the phasing of the designs. Mr. King stated the Board is only reviewing the site plan that has been submitted to them. Mr. Austin questioned when the next chance the public would be able to participate in the design. Mr. King stated Mr. Charest has indicated he would like to continue this hearing.

Motion: Mr. Taussig moved to continue the hearing for **Town of Moultonborough – Public Hearing under RSA 674:54 – Governmental Use of Property (44-16)** to March 10, 2010 hearing #1, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

VIII. Other Business/Correspondence

IX. Committee Reports

X. Adjournment: Mr. Charest made the motion to adjourn at 9:25 PM, seconded by Ms. Taussig, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant