

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

Regular Meeting

March 10, 2010

Minutes

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

I. Pledge of Allegiance

Ms. Ryerson called the regular meeting to order at 7:32 P.M. Ms. Ryerson noted elections were held Tuesday and congratulated Jane Fairchild on her re-election and Chris Maroun, the newest elected member to the Board. Ms. Ryerson then took the opportunity to thank Eric Taussig for being a consistent, hard working, valuable member of the Board.

II. Approval of Minutes

Motion: Mr. King moved to approve the Planning Board Minutes of February 24, 2010, seconded by Mr. Charest, carried unanimously.

III. New Submissions

1. Maine PCS (203-7)(781 Moultonboro Neck Road)
Site Plan Review

This is a request for a site plan review to co-locate a Cell Tower Antenna and associated equipment of an existing telecommunications tower located on 781 Moultonboro Neck Road.

Ms. Ryerson noted the request for waivers dated February 18, 2010, from Peter Demarco, Agent.

Mr. Merhalski noted a request for continuation to April 14, 2010. There are going to revise the plan based on information provided in his memo regarding setbacks. They are going to reposition the location on the site.

Motion: Mr. King moved to accept the application of **Maine PCS (203-7)**, grant the waivers for the purpose of acceptance only, and grant the request for continuance of the hearing to April 14, 2010, seconded by Mr. Charest, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

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

Ms. Ryerson stated this was a continued Public Hearing for the proposed construction for recreational facilities, phasing plan for the Town of Moultonborough.

Town Representative, Carter Terenzini, Town Administrator conducted a revised Power Point Presentation as a follow up to some of the questions that were raised at the first hearing. Mr. Terenzini noted they had presented a Master Site Plan consisting of a soccer field, baseball field, parking and possible future buildings. There were a variety of questions raised throughout the first hearing. Mr. Terenzini went over the questions, starting with "Did we look at a design which...., and there were many options. He stated at the first hearing that they had settled on the one that was presented. Mr. Terenzini stated they had looked at other designs, showing slides of Concept A, B, C, D, Final Concept: July of '07, and Revised Concept: December of '08. In reviewing each of the slides, assuming the orientation arrow is correct, minimize ball conflict with others, Phasing (without subsequent relocation), lowest development cost at each phase, and Near/Long Term preservation of Lion's Club structure, they felt the current proposal appeared the best fit. A question was raised about lighting, noting at this point it is not anticipated it will be needed in the short term, and it can be added without any great incremental cost in the future. If installed, it will be appropriate to Night Sky issues. Next question was if there were any proposed bathrooms. Mr. Terenzini stated there are none anticipated at this stage and he noted there are none at Playground Drive and the needs are met there with portable toilets. A concern was noted that the current parking is insufficient to meet current needs. Mr. Terenzini could not speak to the current needs, but noted they think the soccer use demand will be in the neighborhood of 45 +/- spaces, and this would be off cycle with other uses of the Lion's Club. They have provided for 49 spaces. There was a question raised regarding balls going out onto Route 109. They looked at soccer balls versus baseballs and if a choice had to be made as to which might go out into Route 109, they opted for soccer balls. After using the soccer field they will get some experience and will add netting, plantings or screening as a barrier if proven needed. Mr. Terenzini noted the fencing along Route 109 already exists. Mr. Hopkins had raised a question regarding bus turnaround. Mr. Terenzini stated there is a limited need, if at all at this point. The field is being built to a High School standard and they don't anticipate High School games being played there. They did look at the North End of the parking lot as to whether or not they could get a bus turnaround up there, but noted that would push them further into the 25' and 50' buffer zone. They believe with the limited need it can be met with a turnout on Route 109, dropping off and having people walk in across the grass. They will be getting off and reloading on the same side. The eventual phase allows for a 360 degree drive through the site. Another question raised was "Does the proposal negate other different future uses...?" They have not looked at anything substantively different, and no, it doesn't negate anything in the future. Mr. Terenzini stated that if it is a substantial change, they have to come back before the board. Keeping in mind the grading plan and layout was all designed on the proposed uses. If for some reason the Town at some point in the future should decide Work Force Housing or anything else that may go in there, changes things dramatically, they need to come back as it would be a substantial change to what was presented to the board.

There was a question raised regarding the Alteration of Terrain Permit. Mr. Terenzini stated he and the Engineer had met with DES on a pre-application consultation. They showed DES Phase I, a drainage report and reviewed a variety of questions. The specialist from DES handling the case did not see any problems. They did learn that on the parking lot they need to address the design on everything they disturb, not just the added 2,200 square feet. The Town was told to expect a 30-35 day turnaround. The gazebo and the clearing (no stumping) were Okayed. They presented this as a total Site Master Plan, noting that if it is a phased project DES likes to see the entire thing all at once. They did not see any problems with this, but will meet with DES to do a pre-application on other phases based on final design.

Mr. Terenzini turned to Ray Korber, P.E. of KV Partners to address some of the questions raised in the drainage report. Mr. Korber gave a Summary of Response to Comments raised in the report. There were a number of references to the Alteration of Terrain Permit (AOT). As noted, they are going for an AOT for Phase I. For Phase II and Phase III of the development, additional details will need to be developed before they can go for an AOT on subsequent phases. The intent of the drainage analysis was

to look at the entire scope of the project and identify what the impacts are based on the concept that was developed. There was a comment regarding a complete site-specific soil mapping. Mr. Korber stated they are in the processing of doing this and the mapping will be done to the extent required for the AOT for Phase I. There was a comment about using Type II rainfall distribution. Mr. Korber noted that was correct. They will revise the analysis and resubmit the report for the Type II rainfall distribution. In regards to Route 109 and Old Route 109 included within the drainage area itself, they will revise the analysis to include Route 109 and take a closer look at Old Route 109, as it discharges at the property boundary on the western edge. Mr. Korber stated there was a comment about sub catchment D2 and reach 5R in the drainage analysis. He stated those are separate stand alone reaches that the Town asked them to look at as they were concerned about the swale at the abutting Wallace property, and the analysis is correct as is. There was a question regarding resizing of the culvert discharge to the northwest corner of the site. They will revise the analysis and resubmit the report with new information. Another comment was in regards to providing a long-term inspection and maintenance manual. Mr. Korber stated by the environmental regulation the Town is exempt from submitting such a manual, but did commit to the State that they will submit standard operating procedures for Phase I, in terms of how to maintain the proposed drainage swales around the soccer fields. A comment was made that impacts to wetlands will require a permit. They understand this is the case and concur with that comment. There was a question raised regarding the reconstruction of the ditch at the northwest corner. Mr. Korber stated they have not developed the information to the level of detail required to complete the design for reconstruction, and recommends that it be completed during final design development of Phases II and III. There were comments regarding off-site impacts, again Mr. Korber stated that should be completed during final design development of Phases II and III. Another comment was to provide treatment to runoff. Mr. Korber stated they will meet the requirements under the AOT for Phase I. Lastly was a comment/request to meet the wetland setback requirements, and it was noted the Town is exempt from those requirements.

Mr. Terenzini stated in his closing, based upon phasing and the drainage discussed and modifications as noted, they essentially are where they began, the basic proposal with modifications. At the first hearing they projected a start date of April 1st +/- with Bid's now set for April 15th +/- Mr. Terenzini and Mr. Korber answered any questions from the board or public.

Ms. Ryerson stated that Vice Chairman King had conducted the first part of the hearing and requested that he Chair the Public Hearing this evening. Mr. King took input from the board.

Mr. Taussig asked if there was any intention to put in wiring for lighting during Phase I. Mr. Terenzini stated there is no intention of putting in any wiring or conduit in during Phase I. Mr. Taussig questioned the Bus Drop Off, if it was going to be a cutout and paved. Mr. Terenzini stated it would be a paved cutout approximately 15' x 80'. Mr. Taussig noted a comment Mr. Terenzini made, if there were a second phase, the town would come back to the Planning Board, and questioned if that was a voluntary decision on the part of the Town. Mr. Terenzini commented if the second or third phases are essentially as shown here, there is not a need to come back. The question was if proposed Phase I negates the ability to do something different down the line. The answer is it does not, noting if there is a substantial change to what was presented they would need to come back. Mr. Taussig asked if there was any more discussion about noise abatement since the last meeting. Mr. Terenzini stated no. Mr. Taussig questioned evening use, and questioned if this would be a conflict with Bingo and parking. Mr. Terenzini stated if there was a potential conflict they would have to work with the Lion's Club on Bingo night. Mr. Taussig noted his concerns regarding the wetlands setbacks not being applicable to the Town. He stated the best practice would be to make some adherence to setback requirements. The regulations were passed to address environmental impacts. Mr. Taussig questioned if there was a possibility of voluntarily adhering to the wetland setback. Mr. Terenzini commented the soccer field intrusion into the setback is not terribly intrusive and they committed to best management practices in terms of organic fertilizers. The most problematic intrusion into the setback is four spaces of paved parking in the northeast corner of the parking lot in a future phase. They could look at removing those. Mr. Terenzini commented they will comply where they can and noted the town is exempt. Mr. Taussig commented on the berm to the south

side to prevent drainage onto the Wallace property. Mr. Taussig questioned if the elevation of the soccer field was taken into consideration for the design of the berm. Mr. Korber stated yes, there is a drainage swale that wraps around the south side of the soccer field that is designed for 17 csf and they expect 2 csf. Mr. Taussig asked Mr. Korber, in his opinion if in an ideal world, looking at this site, the Wallace property and wetlands, would he construct a soccer field in this location. Mr. Korber stated the soccer field can be built in this location, would there be a more ideal location, yes.

Mrs. Coppinger commented she suspects the northeast corner of the field appears it will be rendered unusable in the spring or certain times of the year as it will not drain very well given the elevations. Mr. Korber stated they can take another look at it, but based on the elevation they have now, they are raising the field 18" in the middle that it will be okay. Mrs. Coppinger asked what Mr. Korber estimated to be seasonal high water table elevation on the soccer field below the existing ground. Mr. Korber stated when they did the test pits they found the ground water elevation at about 3 ½ feet. They would expect seasonal high at about 12". Mrs. Coppinger stated during the seasonal high water table period, the north east corner of the soccer field will be under water. Mr. Korber replied he did not know if that's the case. They can take another look at it and base on the information presented they may have to raise the soccer field more than the proposed 18" at centerline.

Mr. Charest put forward a few questions he has been asked by members of the public. One question was the talk is about a three phase plan, when did the Town ever make a decision on a three phase plan? Mr. Terenzini replied the Town has not decided to fund all three phases. Those would be made when an appropriation was brought forward to a Town meeting. Mr. Charest's concern is the BoS let the hearing process go. At some point it is going to come back that the Town is locked into this three phase plan. Mr. Terenzini stated this is the site plan that is proposed, and they obtained the first round of funding last year. If the community does not wish to proceed, it will have opportunities to vote no on any further development when the funds are requested for it. Mr. Charest commented since this has been planned around these three phase, there isn't much you would really be able to do with the drainage system that is proposed. Mr. Terenzini stated that wasn't true, but you would have to go back to the drawing board, knowing what a new use was and redevelop an approach for the new use. Mr. Charest commented that during his presentation Mr. Terenzini has said "we" several times. Citizens have asked him who is the "we"? Mr. Terenzini replied he could have said I. It's the staff that had worked to develop this. The plan was presented to the Select Board, and they proceeded to request and received approval for the first round of funding. Mr. Charest asked if any members from the public had input in it. Mr. Terenzini commented there has been substantial input it, and the public voted for the first round of funding. Mr. Charest commented at Town meeting he was not in favor of a lot of this, and he was assured during that discussion that would not be the case. Everything that had to be done would be brought back and done openly. Mr. Charest is hesitant to try and justify how this came about on this particular site.

Mr. Charest commented during the presentation there was talk about the wetlands, and the Town being exempt. During site plan review for applicants the board requires businesses to follow and meet policies and regulations. He does not feel the Town should be violating what the Board requires other members to do.

Ms. Fairchild commented that Mr. Terenzini had stated that there would not be any screening or screening discussions with the abutters until Phases II and III, and wondered why that couldn't happen immediately. Mr. Terenzini replied they have had some initial conversations with the Wallace's, and they will have continued conversations with the abutter. There are conversations underway with the abutter to the south (Wallace) and they will be an ongoing part with Phase I. With respect to Ms. Fairchild's question, Mr. Terenzini replied there was a reference to screening along Route 109. There is safety fencing there now and they will wait to see if any further screening is needed along the safety fencing. Ms. Fairchild stated that she is very concerned about the amount of traffic that may potentially be dumped onto Old Route 109. She did not see in any of the past site plans that were discussed that there was any

possible reconfiguration of the entrances. Ms. Fairchild urged the Town to have some traffic studies done, before future phases, and see if there is a better flow for traffic.

Ms. Ryerson commented there is a significant wetland to the east between Route 109 and the proposed ball field, and wetlands to the west. She asked what the drainage connection was to get the water from the east to the west as it goes that way. Mr. Korber stated in regards to the drainage pattern they have tried to mimic in the post development condition, mimic the pre-development condition. Mr. Korber briefly described the existing and proposed drainage for the site. Ms. Ryerson questioned the wetland and where it would drain, to the west? Mr. Korber stated this would be looked at while developing Phases II and III. Ms. Ryerson noted her concerns that this is being presented for comment now, and unless there are substantial changes, the board will never see drawings again, and this is the Boards only shot. Ms. Ryerson questioned if they could assure the board that they would come back to the board when they have more information it would go a long way to making them feel better. Mr. Terenzini stated he would commit to consulting with the Planning Board as this evolves, but for the purposes of the statute they believe they have delivered their notification now in conformance with the statute for this site. Mr. Terenzini stated he would work with the planner and submit comments from the board throughout that process. Ms. Ryerson feels as a board, they can be of help to Mr. Terenzini by telling him there are reasons why the regulations are in place.

Mr. Charest commented on the areas that are wet along Lincoln Drive and how the water has affected Berry Pond. There has been a lot of filing in the areas along Route 25 and if they increase the flow to the wetlands it is going to increase to Berry Pond. Mr. Terenzini replied the AOT permit will require a thorough and rigorous analysis of any diversion of the water, retention on site, or ground water retention and appropriate treatment.

Mr. Nelson had a follow up question regarding change of use, noting if there is a change of use, the intention is to come back to the board. If there was a change of location of a building, parking or change in the drainage pattern, it was not the intention to come back. As Mr. Terenzini stated, it is now their intention to come back to the Planning Board and discuss it. Mr. Terenzini noted the distinction between a formal notification under 674:45, the Public Hearing process, which unless there is a substantial change from this plan, they do not need to come back. However, as this evolves, Mr. Terenzini is committing to providing information for the Planner, he can circulate and consult with the board and get comments back to him, and they will do what they can to incorporate them each step of the way. Mr. Nelson stated that is the function of the Planning Board, is to review plans, and as they see right now, they don't have enough "meat" to give good comments on a lot of stuff. For the Town to say they have satisfied the notification portion and that's all they need to do, that Mr. Nelson does not like. He feels that is should be collaboration between the Town, the Planning Board and the Town's people.

Mr. Jensen commented in scenario's A & C, the ball field is located where the building is now, and questioned if at a future date they were to put both fields in front, would that impact the proposed drainage? Mr. Terenzini noted if the plan changes substantially in moving the building and the ball field then they would have to go back and look at drainage. Mr. Jensen questioned if there has been any consideration given to liability of small children in regards to safety issues with the swale/water drainage. Mr. Terenzini replied the swales are not that steep and the water will not be building up as a detention basin would. They do not see any liability issue related to the design of the swales. Mr. Jensen asked that they look at this again.

Mrs. Coppinger commented that the plan is conceptual in nature, however the computer analysis indicates that there is a 379% increase in runoff from the site at the northwest corner. Mrs. Coppinger questioned how in the future they are going to mitigate the increase. Mr. Korber replied a lot will have to do with how the ultimate building footprint, parking lot footprint, and how Phases II and III play out. Mr. Korber explained the increase is a result of taking the runoff and moving it up to the north west corner to protect the runoff from potentially reaching the abutting property to the west. Mr. Korber stated they do

not have a proposal to mitigate the increase at this time and this would be accomplished during final design development of Phase II and III. Mrs. Coppinger questioned how they propose to meet the ground water recharge requirement of the AOT permit for Phase I. Mr. Korber noted they are preparing the AOT as they speak, and this will have to do with the pervious areas. The additional amount of impervious area proposed is about 2,300 square feet and creates about 40 cubic feet of ground water recharge that is necessary, which is fairly negligible. The challenge they have now is if they take out the existing parking lot, DES requires they analysis the whole new parking lot foot print for ground water recharge and that number increase in the area of 400 cubic feet. They are looking at that now to see how they can mitigate that. Mr. Korber commented that DES will hold the Town accountable to the permit requirements and the regulations. Mrs. Coppinger commented in the pre-application meeting with DES, what were their comments regarding the increase in runoff from the soccer field to the wetlands to the north. Mr. Korber replied that they did not see it as being very problematic.

Mr. King questioned what the difference was between Type II and Type III rainfall and how did it impact the plan. Mr. Korber stated this has to do with the rainfall distribution. Type II is a more severe rainfall event. In this case, the cutoff in the State between Type II and Type III is the boundary between the Town of Meredith and the Town of Moultonborough. Moultonborough is located in the Type II, which creates more rainfall, which creates more runoff, and they have to look how that impacts the proposed drainage across the whole site and the drainage they have done for the Phase I portion. Mr. King stated he was confused about the three phases and asked what the drainage component was for just Phase I that is going to happen. Mr. Korber stated Phase I essentially includes the soccer field and the expansion of the parking area, explaining the swale wraps around the building, along the access road and is basically the east portion of the site from the access road. Mr. King questioned if the drainage direction was northward. Mr. Korber explained the direction of drainage flow. Mr. King questioned if with Phase I would the wet area that abuts the Leblanc property increase. Mr. Korber stated they are going to rerun the figures based on the rainfall distribution just discussed. They suspect there will be a slight increase in runoff. Once they recalculate the numbers they can provided that information to the board.

Mr. Charest made a comment regarding septic, noting port-a-potties are not attractive, and questioned how many do they anticipate are going to be needed. Donna Kuethe answered one or two. Ms. Kuethe commented at Playground Drive they are placed in tasteful wooden structures, so not to be as offensive as the bright blue plastic.

Mr. Charest noted the approval for funding goes until the end of 2012, there have been numerous questions and still continue to get more. Mr. Charest questioned what is the rush? Why can't the Town wait until they get some of the questions answered? Mr. Terenzini replied from one side he's gotten "what's the rush" and from other side he's had the question of "what's taken you so long". Mr. Terenzini feels they have been through a thoughtful analysis of this, they have the specifications close and ready to go out for bid and they are prepared to submit. They have been given authorization and they are going a pace and doing what they are doing. The reason the funding was set a 2012 was they are going to have to go through a similar exercise at Playground Drive and knew that collectively that would take a the three year time period.

Mrs. Coppinger questioned if they have construction drawings for Phase I that are nearly ready, why did they not submit them to the board? Mr. Korber stated they are still in development, they are down to the smaller details such as walkways and access from the parking to the ball fields to meet ADA requirements. Mr. Terenzini stated they gave the board what they had at the time of the submission. Mrs. Coppinger questioned what a realistic start date would be, July 1st? They have not submitted the AOT permit and DES said 35 days and they haven't submitted plans yet. Mr. Korber gave the time frame for the submittal date of the AOT, and bid process to be done simultaneously. The intent is around the end of April early May. Mr. Terenzini commented there is work that needs to be done prior to the contractor going on the site, the gazebo being moved by the High School mentoring class and the clearing done by the volunteer work crews. Mrs. Coppinger commented they will need to prepare a SWPPP, Stormwater

Pollution Prevention Plan, an EPA required federal permit. Mr. Korber stated yes that is a requirement for construction. They typically require the contractor to submit that, so they need to adhere to it.

Mr. Jensen questioned if they complete this phase and find that there is water standing on the field, and did not accomplish what they intended to do in the first place, noting the reason for this is there is water on the Playground Drive field, what will KV Partners do? Mr. Korber stated they will take into consideration the comments from the public hearing when they do the soil mapping and they will look at where the ground water is.

Mr. Taussig questioned Mr. Korber if the Town were just building a soccer field on the site, and nothing else, where would he place the soccer field? Mr. Korber replied he would look at placing it on the west side of the site. That's where he would look, but doesn't know if it would work out that way. That would be taking into consideration Mr. Wallace's concern as an abutter and the proximity of the soccer fields to the wetlands. Mr. Korber went on to say, that's not the concept that has been put forth. Taking in all of what is in the concept plan, the soccer field is in the right location.

Mr. Taussig's final comment related to the submission of the Town to the Planning Board. Noting if there was a commercial property owner on Route 25 in a commercially zoned area that came in to the board with a site plan proposal of this nature, without construction plans, the board would not look at it. Mr. Taussig feels this was a thin review the board could do without proper construction plans or the information that is necessary. With reference to wetlands setback, Mr. Taussig thinks the intent of putting in a wetlands ordinance was to try and protect the wetlands, and not set up ways for entities to avoid it. Mr. Taussig feels the town should try to be a model and not utilize a state law to get an exemption from it.

Mr. King opened the public input portion of the hearing asked that any member of the public wishing to speak identify themselves and their address for the record.

John Anderson, 86 Skyline Drive, questioned if the Town would be liable if the drainage to the south impacts Mr. Wallace's basement. Mr. Terenzini replied that they don't believe that the drainage pattern will negatively impact Mr. Wallace's property. Mr. King questioned if it does, is the Town liable. Mr. Terenzini stated that was too much of a hypothetical for him to answer without more detail. Mr. Anderson made a comment relating to cutting all the vegetation to the south and noted his concerns for noise onto the Wallace property. Mr. Terenzini replied that they are not cutting all the vegetation to the south, there will be some selective cutting. They are working with this with Mr. Wallace and have proposed an additional berm to be planted. Again, there is not a clear cutting against Mr. Wallace's property under this scenario. The majority of the cutting is to the north of the soccer field.

Alan Ballard, 26 Blacks Landing Road, commented the Engineer and Board have done a good job, and commended the Board for all of the questions and comments that have been made to this point. Mr. Ballard commented Phase III shows a 10,000 square foot building which appears to be causing problems. Mr. Ballard questioned why they are working around a potential Phase III as this has not been approved. Why has 10,000 sq. ft. been set aside, why not redo this without a building or a much scaled back potential building. This would allow many questions and comments to be addressed. Mr. Ballard questioned who the public can talk to or ask questions so that this type of approach could be considered. Mr. King replied the BoS at 7 PM on Thursdays. Mr. King noted the Planning Board is charged with just reviewing the site plan presented.

Cristina Ashjian, 361 Old Mountain Road, requested clarification on the submission date for the AOT. Mr. Korber stated they intend to the majority of the permit wrapped up next week. They still need to complete the soils survey. They will submit sometime in the early part of the following week. Ms. Ashjian's understanding is once the submission is complete it triggers a notification to the Town with request for comment, a 30 comment period to both the Planning Board and the Conservation Commission. She questioned if the Town was going to be exempt from that process. Mr. Korber stated he

did not know the answer to the question and noted they are going to do this consecutively, putting the project out to bid and submitting the permit to DES. Mr. Terenzini replied he did not know if they were exempt from the notification back to the local boards, and did not comment on that. They are exempt from the preparation of a maintenance manual. Ms. Ashjian commented Mr. Terenzini had a go ahead on clearing and moving of the gazebo and questioned if he could provide a list of volunteers who are willing to do the work. Mr. Terenzini replied he stated that they had anticipated that would be cleared by volunteers, and doesn't see any reason the list couldn't be made available to the public once they have the sign in sheets and know who's done the work.

Paul Punturieri, 22 Nelson Road, commented as an abutter he did not receive an abutter notification that any construction will be occurring April 1st. He questioned if the Planning Board was commenting only on Phase I and noted the Planning had endorsed the Master Plan in 2008. There was a chapter on Recreation and a sentence in the chapter that says "...the community has started the discussion and must continue the debate through to conclusion... the chances of arriving at the "right" conclusion for Moultonborough will be dramatically improved to the extent that the discussion is all inclusive..." Mr. Punturieri questioned if the Planning Board authorized an all inclusive team of citizens to develop a Community center phasing plan. Mr. King stated they did not, and does not believe that was the charge of the Planning Board. Mr. Punturieri asked if the Planning Board endorsed the RSPT appendix to the Master Plan as a Recreation Chapter. Mr. King noted it was accepted. He questioned if this was a chapter they were working off of to develop a recreation plan for the future of Moultonborough. Mr. Terenzini replied he looked at the Final Concept plan: July of '07, which is what they worked from to develop the Revised Concept: Dec. of '08. Mr. Punturieri commented the Master Plan contradicts what is occurring and the chapter is essentially being ignored. Mr. Punturieri asked if the Town Administrator would identify who the members of the public were that helped develop the phasing plan. Ms. Ryerson commented on the Master Plan, noting they forwarded the recommendations of the people. Mr. Terenzini responded that there were representatives from the maintenance department, public works, the user agencies, the community services team, recreation department, visiting nurse services and the human services department. Mr. Terenzini stated he had spoken with the chairman if the RSPT to understand the different reasoning as to how they ended up where they did. Additionally there were the architects and landscape architects who were the professionals.

Andy Coppinger, 25 Hauser Estates Road, commented on the process and questioned if an AOT permit was issued for Phase I, prior to any work on Phase II or III, if approved by the voters, will a new AOT permit need to be submitted for Phases II and III to move forward. Mr. Korber stated yes. Mr. Coppinger commented prior to any work being done, when the AOT permits are submitted to the state, that the Planning Board would ask the Town to come back for another hearing so that all the questions raised about drainage, details on parking, roads, etc. could be answered when the answers are developed.

Tom Howard, 50 Morrill Drive, commented to the timing of the events that have taken place over the last 3-4 years. Noting in 2006 the Town entered into negotiations with the Lion's Club, Town Meeting 2007 the Town approved the acquisition of the Lion's Club property, Town Meeting 2008 the Town voted to NOT approved funding for architecture and engineering of the specific proposal made, Town Meeting 2008 the Town approved the establishment of a Capital Reserve Fund for the creation of a Community Center and made an appropriation to that fund, Following Town Meeting 2008 the Recreation Strategic Planning Team requested funding to pursue the phasing plan for the site, and the BoS approved it. The phasing plan, after having been done under contract, was presented in November and December 2008 to the Budget Committee and the BoS in preparation for request for pursuing budget requests for athletic fields at Town Meeting 2009.

Bob Wallace, Old Route 109 made a comment relating to the traffic. Mr. Wallace stated the Lion's Club is used all the time, that the parking lot is full both day and night and that there are very few days of the week that the parking lot is not used. Mr. Wallace had a question and comment regarding the drainage. Mr. Wallace referred to an area on the plan and stated when DES was reviewing the site there

was standing water on the site and feels that is an issue that should be addressed. Mr. Wallace commented there are no elevations shown on the plan and indicated the elevations of the soccer field, drainage swales and Route 109. Mr. Wallace then read a statement into the record from someone else (who was not noted) regarding drainage.

Al Hume, 294 Holland Street commended the board for holding the meeting and that it was as a courtesy. Mr. Hume requested Board Members write a letter to the BoS noting their concerns.

Mike Lancor, 71 Sundorf Street, noted his appreciation of the diligence of the efforts of the Planning Board and Engineer. Mr. Lancor commented there is a lot of talk of Phases II & III, but the voters approved, by 76%, a community center field and drainage design and associated cost to alleviate problems at the field at Playground Drive. Mr. Lancor encouraged the engineers and the Planning Board to continue to work together to decide if this isn't the spot, then where is the best place to build a soccer field. The voters did approve a community center field.

Mr. King asked if there were any further questions from the Public at this time. Mr. King closed the public input portion of the Public Hearing at this time. The Board took a short recess from 9:36 – 9:44. Mr. King called the meeting to order and asked the Town Planner to review what the Planning Boards charge was at this point. Mr. Merhalski replied per statute 674:54, the planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing. Mr. Merhalski noted the Public Hearing was opened on the 24th of February and if the Board chooses to comment, they should be submitted by March 24th. Mr. King asked the Board Members what was their pleasure. It was the agreement of the board to forward their comments onto the BoS.

Mr. King gave each member an opportunity to highlight what they felt was necessary to be included in the comments to the BoS. Comments and concerns made by each member of the board were summarized include the following: The Planning Board should have received construction drawings for the project, not the conceptual plans submitted as they are not sufficient enough to allow the Board's complete review of the project. The required buffer(s) adjacent to wetland areas indicated in the Zoning Ordinance for the project should be complied with. The elevation of the soccer field may be too low for the site's groundwater levels and may flood or function inadequately for the needs of the Town at the proposed elevation. The proposed 379% increase in storm water flow to the Northwest wetlands on the site is not acceptable and should be mitigated to ensure protection of the wetland. The Town should ensure that adequate measures are taken to ensure the safety of children on the site, especially in regard to the drainage swales and other structures which have the potential to have water flowing or standing in them. A Special Exception or Variance would be required for this use if it were not coming in under 674:54. Screening of the site from abutting residential properties is required. The submitted Drainage Report is to be revised from a Type III level to a Type II rainfall distribution, potentially resulting in a substantial increase in the amount of storm water for the site and potentially contributing to inaccuracies with the data in the submitted Drainage Report for the site. This may lead to inadequate drainage treatment for the site, as currently proposed. As the plans for Phases II and III of the site are developed, they should be submitted to the Planning Board for further review. The size of the proposed 10,000 sq. ft. structure would require a Special Exception in this zone as it is over the 6,500 sq. ft. permitted without such relief. All state and local permits are usually required to be obtained prior to approval by the Planning Board. These permits have not yet been applied for or obtained. Abutting property owners should have been notified of the project and the Public Hearings. While the statute does not require this for a project under 674:54, the Board is required by statute to notify abutters for regular Site Plan approvals, and the abutters should have been notified as a courtesy by the Town. The wetlands on the site should have been delineated by an independent third party for verification. The proposed pull-off for buses on Old Route 109 should not be implemented. The lack of restroom facilities should not be compensated for with Port-O-Potties for the site. The Town should comply with the requirements of the Unnecessary Noise Ordinance. The project should have followed all of the regulations and requirements

of a commercial project, as the Town is setting an example and should be compliant with its own regulations and ordinances. The project will negatively impact the Wallace property abutting it to the south. This historic home will be impacted by the installation of this project and lose some of its character. There is no buffer proposed for the site along Route 109, and one is needed. There are serious concerns regarding the storm water runoff from the site and the abutting parcels, specifically, the Wallace site. The public should be included in discussions of Phases II and III for the project. The Town may not be meeting the letter of the statute in providing conceptual plans and should prepare a final set of plans meeting the statutory requirements of 674:54 and come back to the Planning Board. The Town should post a bond to provide for potential liability should off-site property owners be negatively impacted by the storm water for the site, including the Wallace property. The lack of information regarding the off-site impacts of Phases II and III is inadequate for this Board's review and should be completed and submitted to the Board for comment. The Town should map the wetlands off site to verify where they drain to and what impact the project will have on them. Noise and other impacts generated from the site should be addressed through buffers.

It was noted that there was additional correspondence submitted to the Board from Joanne K. Coppinger, P.E., dated March 3, 2010, Conservation Commission Comments, dated March 1, 2010, New Hampshire Natural Heritage Bureau, dated March 4, 2010 and Paul Stinson, dated March 9, 2010.

Motion: Mr. King moved to instruct the Town Planner to write a letter to the Board of Selectmen including their comments as summarized by the members, seconded by Ms. Ryerson, carried unanimously.

VI. Informal Discussions

1. Ms. Ryerson noted that Brian Davis had requested to speak to the Board on an informal basis this evening regarding his property, Tax Map 89, Lot 1, 714 Whittier Highway. Due to the items on this evening's agenda, Mr. Davis has requested to speak with the Board at their meeting on March 24th.

VII. Unfinished Business

VIII. Other Business/Correspondence

1) An Application For and Notice of Voluntary Merger for Edward & Candace Albertian (283-7 & 8) (57 & 59 Pot O'Beans Road) was presented to the board. Mr. Merhalski briefly described the two lots to be merged.

Motion: Mr. Nelson moved to approve the Voluntary Merger as presented, seconded by Mrs. Coppinger, carried unanimously.

2) Ms. Ryerson stated the Board was in receipt of a letter dated February 17, 2010 from Thom Lacey – Lacey Irrigation, Tax Map 66, Lot 19, Whittier Highway. Mr. Lacey is requesting a one (1) year extension of his site plan approval which will expire on 03/12/10. The Board discussed this and the following motion was made:

Motion: Mr. King moved to grant Thom Lacey's request for a 1-year extension until March 12, 2011 as requested, seconded by Ms. Fairchild, unanimously.

3) Mr. Merhalski stated the ZBA has recently acted on a Special Exception for the Expansion of a Non-Conforming Structure. There was discussion regarding removing, replacing and expansion. Mr. Stephens may submit a proposal for an amendment for 2011 regarding Article VII, B(3).

4) Ms. Ryerson noted that March 31st is a "5th Wednesday" and there is a work session. This would be an

opportunity for the Board to develop their work plan for the upcoming year, as well as discuss things such as the request this evening for site plan approval extension. How many should be granted, etc. Review the ordinance in regards to compliance for Work Force Housing and to tighten up the restrictions on special exceptions.

5) Ms. Ryerson noted the need to hold the Boards annual organizational meeting on the 24th. The Board should review their policies and procedures and elect a Chair and Vice Chair. Ms. Ryerson stated that Mr. King has indicated that if nominated, he would be willing to serve again as Vice Chair. However, Ms. Ryerson stated that she would not be willing to serve as Chair.

6) Cristina Ashjian noted she had sent a letter to the board dated February 16, 2010 regarding CGR's bi-monthly trucking logs. Mr. Merhalski stated a representative from CGR came into the Land Use Office and indicated that they had a change in management and have no longer retained the services of Attorney Nadeau. They will provide the Board with the necessary missing information in a timely manner.

7) Cristina Ashjian noted that the Clyde Foss Insurance Agency just recently put in a new internally lit sign, questioning this sign. It was noted that the original sign was recently blown down by the wind and they came in to speak with the Code Enforcement Officer regarding their sign. The sign is not internally lit and may be replaced.

8) A member stated the board had recently approved a new sign for North Country Meter and questioned when the temporary sign would be removed and the new sign installed. Mr. Merhalski stated they have one year from the date of the approval for the site plan.

9) Ms. Ryerson noted the Carroll County Conservation District is hosting a Hands-On Web Soil Survey Workshop March 19, 2010, for further information contact joan.richardson@nh.nacdnet.net.

10) Ms. Ryerson noted the NH OEP Annual Spring Planning & Zoning Conference will be on Saturday, May 8, 2010 and encouraged members to attend and may sign up on line at <http://www.nh.gov/oep>.

11) Selectmen's Draft Minutes of February 18, 2010 were noted.

IX. Committee Reports

X. Adjournment: Mr. King made the motion to adjourn at 10:45 PM, seconded by Ms. Charest, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant