

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

Regular Meeting

April 14, 2010

Minutes

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

Ms. Coppinger called the regular meeting to order at 7:00 P.M. and appointed Peter Jensen and Keith Nelson to sit on the board with full voting privileges in place of Judy Ryerson and Jim Bakas.

I. Pledge of Allegiance

VI. Informal Discussions

The Board went out of order from the agenda taking up Informal Discussions. Ms. Coppinger noted the Board had just come from an on-site visit of property of **Brain Davis** located at 714 Whittier Highway, **Tax Map 89, Lot 1**. The Chair asked Mr. Davis to briefly explain what the proposed project entailed. Mr. Davis briefly recapped the prior discussion, noting he would like to add fill on his property adjacent to Route 25. Mr. Davis explained the area to be filled, the type of material to be used, trees to be removed and erosion control measures to be taken. Questions were raised regarding the area to be filled, level of the finished grade, slope of the edge of final filled area and the buffer along Route 25. The Board discussed this at length requesting Mr. Davis provide a sketch of the project depicting dimensions of the area to be filled, identifying trees to remain and be removed, location of silt fencing and to provide photos of the site prior to disturbance.

Motion: Mr. King moved to allow the filling on Tax Map 89, Lot 1, 714 Whittier Highway with the requirements as discussed to include flagging of the area to be filled, clean fill only, pictures of project area prior to filling, trees to remain on edge of property line as noted, fill not to exceed oak trees as discussed, installation of silt fence and seeding and mulching of a final 3 to 1 slope upon completion. Seconded by Mr. Charest, carried unanimously.

II. Approval of Minutes

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

Mr. Charest noted that at the April 1st meeting of the BoS the Board re-appointed him as the Selectmen's Representative to the Planning Board, and Jim Gray was re-appointed as the alternate.

III. New Submissions

1. **Erris, LLC (135-21)(344 Whittier Highway)**
Site Plan Review

This was a request for a site plan review for renovations to the existing gas station with the installation of a new 12,000 gallon buried fuel (gasoline) storage tank, piping and a concrete pad over the new and existing buried storage tanks.

Ms. Coppinger noted the request for waivers dated March 25, 2010 from Hambrook Land Surveying.

Motion: Mr. King moved to accept the application of **Erris, LLC (135-21)**, grant the waivers for the purpose of acceptance only, and to schedule a hearing for this evening to be Hearing #2, seconded by Mr. Charest, carried unanimously with Mr. Maroun abstaining.

IV. Boundary Line Adjustments

V. Hearings

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

Peter Demarco, agent for Maine PCS presented the application for site plan review. Mr. Demarco briefly described the proposed change to the site plan. Mr. Demarco addressed each of items contained in the Town Planners memo of April 2nd. Mr. Demarco provided a report for the file verifying the structural integrity of the structure.

The Board discussed parking requirements for the site. Mr. Demarco stated that the time technicians are on-site is about fifteen minutes per month. The board has requested three (10' x 20') parking spaces be shown on the plan as "proposed reserved parking spaces".

A question was asked if the proposed addition of these antennas would be taking away space required by the ordinance to be reserved for equipment for use by fire, police and other emergency providers. Mr. Demarco stated there was still capacity on the tower for the town.

It was questioned if there was any proposed lighting. Mr. Demarco stated no, the tower is 141 feet in height and the FAA requires lighting at 199 feet.

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

The board required a revised plan indication the location for three parking spaces on the site.

Motion: Ms. Fairchild moved to approve the site plan for **Maine PCS (203-7)** subject to the receipt of an amended plan depicting the three (3) parking spaces, revising the Tax Map and Lot number and compliance with the Draft Notice of Decision as set forth this evening, seconded by Mr. Charest, carried unanimously.

2. Erris, LLC (135-21)(344 Whittier Highway)
Site Plan Review

Mr. Maroun stepped down from the Board for this hearing.

Jim Hambrook, agent for Erris, LLC presented the application for site plan review. Richard and Susan Murphy were present in the audience for this hearing. Mr. Hambrook stated the request is for a site plan review for renovations to the existing gas station with the installation of a new 12,000 gallon buried fuel (gasoline) storage tank, piping and a concrete pad over the new and existing buried storage tanks. Mr. Hambrook described the proposed changes to the site. It was noted there was a detailed set of plans from the engineer for the underground storage tanks, piping and pumps. Mr. Hambrook noted the proposal is to remove the concrete pad, rework piping in accordance with plan, install new pumps in the same location, (there will be no increase in the number of pumps), addition of a dry well for drains on the canopy and a change in signage. Mr. Hambrook provided a detailed plan with before and after photos of the signage, noting there is an overall reduction of 16%.

The Board questioned if this proposal was within the newly-adopted groundwater protection district. Mr. Merhalski stated yes, but that the ordinance does not go into effect until June 30, 2010. It was noted the Conservation Commission was unanimously opposed to this request. Mr. Murphy stated the proposed changes have been approved by NH DES and will be constructed in accordance with permitting.

There Board discussed the newly-adopted requirement for a 25-foot vegetated buffer on all redevelopments, if feasible. The Board was in agreement that this would not be feasible on this site.

There was a lengthy discussion regarding the signage on the site, with questions raised about what was existing, grandfathered, approved/permitted and proposed. It was noted the need for BoS approval for proposed changes to the signage. It was noted the proposal did include signage on the canopy and that there will be a red accent line around the canopy which is flush and will be lit.

There was a question regarding lot coverage verses green space. The Board asked for clarification of what was to be green space and requested an amendment to the plan depicting green space. It was noted there is an existing box trailer located on the site and a "Rhino" propane tank exchange which are not shown on the plan. It was noted these need to be depicted on the plan.

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

There were no further questions. The revised plan shall include the depiction of green space and grassy areas on the plan, the location of the storage container and natural gas dispenser, and the correct setbacks.

Motion: Mr. King moved to approve the site plan for **Erris, LLC (135-21)** as discussed, subject to compliance with the Draft Notice of Decision as amended. seconded by Mr. Charest, carried unanimously.

Mr. Maroun returned to the Board at this time with full voting privileges.

VII. Unfinished Business

VIII. Other Business/Correspondence

1) Town of Moultonborough – Public Notice under RSA 674:54 – Governmental Use of Property (Tax Map 203, Lot 7)(781Moultonboro Neck Road) - Proposed Installation of a 21 –foot RFS Omni antenna and a 14 inch Motorola panel antenna for emergency services on the existing 141-foot communications tower.

Ms. Coppinger noted a letter and other material dated March 30, 2010 from Sergeant Scott J. Fulton of the Moultonborough Police Department. Mr. Merhalski stated the materials are the official notice to the Planning Board in accordance with RSA 674:54, Governmental use of Governmental land. The Planning Board may decide to hold a Public Hearing on this application or not. If the Board decides to hold a Public Hearing they must schedule it for April 28th in order to meet the 30-day statutory requirement of RSA 674:54. The Board discussed the notice provided, and noted that they felt this was a good example where the Town should not have to meet the requirements. The proposed use is for emergency purposes and will serve the public. There are no proposed changes to the site other than the installation of the 21’ whip antenna and 14” panel. It was the consensus of the Board that they will not hold a public hearing.

Motion: Mr. King moved to waive the right to hold a Public Hearing for site plan review for the Town of Moultonborough for the installation of a 21- foot antenna and a 14 inch Motorola panel antenna as presented. Seconded by Mr. Jensen, carried unanimously.

2) Discussion of Planning Board 2010 Work Plan

Mr. Merhalski and the Board discussed the Planning Board 2010 Work Plan. Included in Board Members packets of March 31st were the Short Term Items for implementation from the 2008 Master Plan that were assigned to the Planning Board to implement. He also amended the Draft Work Plan to reflect input received from Board since the March 31st packets went out, and items (and their potential time frames) based on the Board’s 2009 Work Plan’s outstanding items and items from the Master Plan Implementation Matrix, for discussion purposes. Members were asked to bring any additional ideas to the meeting for discussion. Mr. Merhalski suggested that the Planning Board should focus on approximately 10 large items the Board would like to accomplish between now and Town Meeting in 2011, and vote to confirm the 2010 Work Plan if the Board were in agreement.

Mr. Nelson made two suggestions which were listed as Item #16. The Board reviewed each of the items on the Draft Work Plan. After a discussing each of the items it was the decision of the Board to approve the work plan as discussed and amended, eliminating items 6, 11 & 14, and adding item 16.

Motion: Mr. King moved to approve the Planning Board 2010 Work Plan as discussed and amended, eliminating items 6, 11 & 14 and adding item 16. Seconded by Mr. Charest, carried unanimously.

3) Ms. Coppinger noted the Planning Board was copied on a letter to the Board of Selectmen dated March 25, 2010 from William C. Tolman.

3) Ms. Coppinger questioned the status of Pine Woods Campground. After a brief discussion, Mr. Charest stated he would speak with the Code Enforcement Officer for an update on the site.

4) Ms. Coppinger stated there have been questions raised regarding the Safe Routes to School, noting for the record that this was a grant program. There is an emphasis to complete a report in order to get additional grant money.

5) Cristina Ashjian questioned the status of Townsend's Grocery. Mr. Merhalski stated he had received a phone call from a gentleman questioning what would be required to open a store on the property. There was a question regarding the compliance of the site regarding the box trailers and what appears to be a tire distribution center. Mr. Merhalski stated the Code Enforcement Officer had set up an on-site visit with the CEO, Planner and Mr. Townsend for both of his properties and when they went for the appointment, Mr. Townsend stood them up and did not appear. Mr. Merhalski will speak with the CEO for an update regarding an on-site visit.

8) Ms. Coppinger noted a memo dated April 6, 2010, regarding Land Use Boards' Budgets.

9) Zoning Board of Adjustment Draft Minutes of April 7, 2010 were noted.

10) Selectmen's Draft Minutes of April 1, 2010 were noted.

IX. Committee Reports

X. Adjournment: Mr. Charest made the motion to adjourn at 10:44 PM, seconded by Ms. Coppinger, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant