

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

Regular Meeting

May 12, 2010

Minutes

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

Mrs. Coppinger called the regular meeting to order at 7:00 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.

I. Pledge of Allegiance

II. Approval of Minutes

Motion: Mr. King moved to approve the Planning Board Minutes of April 28, 2010, seconded by Mr. Jensen, carried unanimously with Ms. Fairchild abstaining.

III. New Submissions

1. Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)(Holland Street)
Subdivision Amendment

This was a request for a subdivision amendment. The applicant is proposing changes to the previously approved subdivision plan.

Mrs. Coppinger stated in reviewing the application that it does not appear to be complete. There was not a full set of plans submitted, the drainage report was done for a 25 year storm, not a 50 year storm as required by our regulations, and the detention pond appears to over flow over the road. Mr. Ambrose was present, stating that he had responses for Mrs. Coppinger's comments.

The Board discussed the acceptance of the application and it was the decision of the Board to accept the application, noting the deficiencies and schedule it for a hearing this evening to allow Mr. Ambrose the opportunity to respond to Mrs. Coppinger's comments.

Motion: Mr. King moved to accept the application of **Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)** and to schedule a hearing for this evening to be Hearing #2, seconded by Mr. Jensen, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. **Continuation of Public Hearing - John & Carol Cosio (39-1)(828 Bean Road)**
Minor Two-lot Subdivision

This was a continued hearing for a Minor Two-lot Subdivision. The Board had continued the hearing in order to conduct an on-site visit, which was done earlier this evening at 6:00 PM. The Board viewed the site, including the “Manmade Ditches”.

Dan Ellis and Nicol Roseberry of Ames Associates and Mr. & Mrs. Cosio were present in the audience for the hearing. Mr. Ellis briefly recapped the proposal, stating they had addressed each of the issues in the Town Planners memo at the prior hearing.

Mr. Merhalski noted the prior plan depicted the garage at 19.2 feet from the property line, and it is now shown as 20 feet. Mr. Merhalski questioned if the Lot line had moved. Mr. Ellis stated yes, they had adjusted the Lot line slightly so that the existing garage will conform to the required 20 foot setback.

There were no additional questions from the Board at this time. Mrs. Coppinger asked for questions or comments from the public. It was noted there were none.

Mr. Merhalski had prepared a draft Notice of Decision for the subdivision. Mr. Merhalski reviewed the Notice with the applicant and board. It was noted the Notice of Decision must be recorded at the Carroll County Registry of Deeds in accordance with state statute.

Motion: Mr. Maroun moved to approve the subdivision for **John & Carol Cosio (39-1)** subject to compliance with the Draft Notice of Decision as set forth this evening. seconded by Mr. King, carried unanimously.

2. **Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)(Holland Street)**
Subdivision Amendment

This was a request for a subdivision amendment. The applicant is proposing changes to the previously approved subdivision plan.

Ed Ambrose, representing Ambrose Bros., Inc., stated they had purchased the previously approved subdivision from Robert Fredette and the changes to the development of the site were partially a result of an error in the engineering plan. The plan called for a culvert crossing under the new road close to the intersection with Holland Street. The grades required by the permit, however, would not allow the installation of the culvert. The road, therefore, could not be constructed in accordance with the plan and for them to be able to “hook” onto Holland Street they had to meet the requirements of the State of NH DOT permit. Mr. Ambrose stated that he had met with the Town Planner and Ray Korber of KV Partners on site in October. Since that meeting he has received authorization from NH DOT to allow flow through the two culverts under Route 109 and has received written permission from Richard Plaisted and Steven Weeks to direct storm water from the site onto their property. Mr. Ambrose noted the most significant change to the plan was the removal of the retaining walls surrounding the cul-de-sac and changing the cul-de-sac to a hammer head configuration. Mr. Ambrose attempted to address each of the issues listed in the Town Planners memo of May 11, 2010.

Mr. Merhalski noted the materials were submitted to the Land Use Office on Thursday, May 6th therefore not allowing for time for a complete review. Mrs. Coppinger briefly reviewed the plans and drainage report earlier in the day and had made her comments during the acceptance of the application. Her comments included that there was not a full set of plans submitted, the drainage report was done for a

25 year storm, not a 50 year storm as required by our regulations, and the detention pond appears to over flow over the road.

The Board discussed at length with Mr. Ambrose the issues and deficiencies with the proposed amendment. Mr. Ambrose expressed his frustrations with the process, noting that he had bought a previously approved subdivision and was not the developer of the property. Board members disagreed with this, noting that Mr. Ambrose constructed the entire road and built fifteen (15) foot high retaining walls at the cul-de-sac which were not per the plan; the plan called for a 2:1 slope. The Board was concerned that the high retaining walls were a safety hazard and would need proper guard rails and a structural engineering certification that they were properly constructed. Board members stated that they had the same goal as Mr. Ambrose and were there to help him through the process and a plan that they could approve. Mrs. Coppinger stated that there were many inconsistencies between the plan and the drainage report and suggested that the engineer should speak directly with Mr. Merhalski in an effort to amend the plans as needed for approval. Mr. Ambrose agreed to the meeting with the Town Planner, Fluet Engineering and if necessary, Ray Korber.

Mr. Ambrose stated that he has a bond for the project and did not understand why there was a moratorium on issuing building permits for the lots. Mr. Merhalski spoke to the bonding issue, noting the Bond was in favor of the Town, so that if the project (the completion of the road and any other infrastructures) was not completed the Town could call in the bond and have the improvements completed, protecting the Lot owners.

Mr. Merhalski will set up a meeting with Fluet Engineering and if necessary, Ray Korber of KV Partners to directly address the concerns issues and deficiencies included in his memo of May 11th, and the issues noted by Mrs. Coppinger. Mr. Merhalski believes this could be done in a timely manner and be able to be completed for the meeting in two weeks. It was the decision of the Board to continue the hearing to allow Mr. Merhalski time to meet with Fluet Engineering and Ray Korber of KV Partners.

Motion: Mr. Nelson moved to continue the hearing for **Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)** to May 26, 2010, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

VIII. Other Business/Correspondence

1) Mrs. Coppinger stepped down for the discussion regarding Robert M. Hammond. Mr. King stated the Board was in receipt of a letter dated May 4, 2010 from Robert M. Hammond, R.M. Hammond Trust, Tax Map 23, Lot 14, Whittier Highway. Mr. Hammond is requesting an extension of the Planning Board's approval to June 23, 2010, for a boundary line adjustment between himself and the Moultonborough Airbase (18-18). The Board discussed this and the following motion was made:

Motion: Ms. Fairchild moved to grant Mr. Hammond's request for an extension until June 23, 2010 as requested, seconded by Mr. Charest, carried unanimously.

2) Mr. King stated he had attended the Board of Selectmen's meeting on May 6th, in which there was a lengthy discussion regarding the Lakes Region Conservation Trust (LRCT) and their Tax Exempt status. Mr. King recommended the Planning Board send a letter to the BoS in favor of LRCT keeping their Tax Exempt status. This resulted in a lengthy discussion with questions and comments regarding the LRCT and the newly created Castle Preservation Society (CPS). All Board members were in agreement that the

LRCT has preserved over 7,000 acres of land in Town, all of which is open to the public for a variety of recreational activities and that the LRCT is filling a void in conserving land. Members referred to the Master Plan which was updated in December 2008, in which town residents value Moultonborough's rural character and feel that it is imperative to preserve land. Mr. Charest expressed his concerns regarding the Tax Exempt status of LRCT and the CPS. Mr. Charest noted other non-profit organizations in town make a contribution to the town known as a Payment in Lieu of Taxes (PILOT). Mr. Charest would like to see LRCT participate in a PILOT program with the town. The BoS has asked that members from both the LRCT and the CPS meet with the BoS to discuss this possibility.

Motion: Mr. King moved to direct the Town Planner to Draft a letter to the Board of Selectmen, encouraging them to recognize the Tax Exempt status of the LRCT, noting they fill a void of the town not having public parks by providing open space and recreational opportunities for the town, seconded by Ms. Coppinger, passed by a vote of 5 in favor (Coppinger, King, Fairchild, Jensen, Nelson), 1 opposed (Maroun), and 1 abstention (Charest).

Mr. Maroun commented that he was unable to vote in favor of this recommendation. While he believes in the LRCT and feels they do great things, in this instance it is bad judgment on the part of LRCT not to communicate with the BOS and perhaps make a good faith gesture and approach the Selectmen and at least discuss the PILOT program.

3) Zoning Board of Adjustment Draft Minutes of May 5, 2010 were noted.

4) Selectmen's Draft Minutes of April 29th and May 6, 2010 were noted.

IX. Committee Reports

X. Adjournment: Ms. Fairchild made the motion to adjourn at 9:05 PM, seconded by Mr. King, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant