

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

**Regular Meeting**

**October 27, 2010**

**Minutes**

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

Mrs. Coppinger called the regular meeting to order at 7:00 PM. Mr. Nelson was present this evening, but not seated as a voting member as he stated the need to recuse himself for all of the hearings on the agenda.

**I. Pledge of Allegiance**

**II. Approval of Minutes**

Mrs. Coppinger requested an amendment to the October 13<sup>th</sup> minutes, page 4, regarding Hearing number 2. She referred to a sentence stating "Mrs. Coppinger asked for....." which should read "Mr. King asked for...." as she was not seated for the hearing and Mr. King had chaired in her place.

**Motion:** Mr. King moved to approve the Planning Board Minutes of October 13, 2010, as amended, seconded by Mr. Charest, carried unanimously.

**Motion:** Ms. Ryerson moved to approve the Planning Board On-site Minutes of October 19, 2010, seconded by Mr. Jensen, carried unanimously with Mrs. Coppinger and Mr. Nelson abstaining.

**III. New Submissions**

1. Camp Tecumseh (212-1)(975 Moultonboro Neck Road)  
Site Plan Review

This is a request for a site plan review for the proposed construction of a "Sports Building & Wood Shop.

**Motion:** Mr. King moved to accept the application of Camp Tecumseh (212-1) grant the waivers for the purpose of acceptance only, and to schedule a hearing this evening to be Hearing #3, seconded by Mr. Jensen, carried unanimously.

2. Property Owners Association at Suissevale Inc. and Arthur J. Anderson (121-1 & 121-2)  
(Suissevale Avenue & 31 Suissevale Avenue) Boundary Line Adjustment

This was a request for a proposed Boundary Line Adjustment resulting in an equal transfer of land (4,413 s.f.) between Lots 1 and 2, Tax Map 121.

**Motion:** Mr. King moved to accept the application of Property Owners Association at

Suissevale Inc. and Arthur J. Anderson (121-1 & 121- 2) grant the waivers for the purposes of acceptance only and to schedule a hearing for this evening to be Boundary Line Adjustment #1, seconded by Mr. Charest, carried unanimously.

#### IV. **Boundary Line Adjustments**

1. Property Owners Association at Suissevale Inc. and Arthur J. Anderson (121-1 & 121- 2)  
(Suissevale Avenue & 31 Suissevale Avenue) Boundary Line Adjustment

Dave Dolan of David M. Dolan Associates, PC presented the application for a Boundary Line Adjustment (BLA). The proposal is an equal transfer of land (4,413 s.f.) between Lots 1 and 2, Tax Map 121. Mr. Dolan briefly described both properties, noting the Anderson home was built in the early 1960's. Upon surveying the property it was discovered the boundary line goes through the center of the house. Mr. Anderson and POASI have agreed upon an exchange of land adjusting the property line so the Anderson home will become conforming to the sideline setback.

There were no questions from the Board at this time. Mrs. Coppinger asked for questions or comments from the public.

Abutter Harry Powers (31 Cortina Street) stated he had no objections to the proposed BLA.

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

**Motion:** Mr. Maroun moved to approve the boundary line adjustment for Property Owners Association at Suissevale Inc. and Arthur J. Anderson (121-1 & 121- 2), subject to compliance with the Draft Notice of Decision as set forth this evening, seconded by Ms. Ryerson, carried unanimously.

#### V. **Hearings**

1. Continuation of Public Hearing - The PepperMill, LLC (170-17)(5 Whittier Highway)  
Site Plan Review

Ms. Coppinger noted a letter dated October 26, 2010 from Hambrook Land Survey, Agent for The PepperMill, LLC requesting a continuance to December 8, 2010.

**Motion:** Mr. Charest moved to continue the hearing for The PepperMill, LLC (170-17) to December 8, 2010, seconded by Mr. King, carried unanimously.

2. Continuation of Public Hearing - Roundabout Now, LLC (103-7)(512 Whittier Highway)  
Site Plan Review

Mrs. Coppinger stepped down from the board at this time. Mr. King chaired this hearing.

Jim Hambrook, agent for the applicant presented the application for site plan review. Mr. Hambrook stated at the prior hearing there were various items that were discussed and needed to be addressed. Mr. Hambrook pointed out the amendments made to the revised plan. The changes included the addition of the 75' protective well radius, existing and proposed sewage lines shown on the plan, snow storage areas designated on the plan, screening for the three (3) parking areas towards the abutting parcel to be a six (6) foot stockade fence, four (4) foot egress walkway added along rear of building and the addition of a three (3) foot green space (81 s.f.) between the walkway and building, two dormer lights

depicted on plan for egress on small decks (which will be compliant with the zoning ordinance as stated in note #8), rip rap ditch along the Thomas Well driveway depicted on plan, rip rap ditch from Route 25 to the catch basin depicted on plan, drive to rear of building it was expanded by 159 s.f., loading area depicted on plan and the lot coverage was updated to reflect these changes, now 49.3%. Mr. Hambrook noted the drive was still eleven (11) feet in width. Mr. Hambrook answered any questions from the board.

Mr. King commented that he was not able to attend the on-site visit and requested an overview from members who were in attendance. He stated that there was a concern regarding surface water and noted a waiver has been requested as this was a relatively flat lot. Mr. Maroun commented the concern was regarding the drainage and where the water flow drained too when it came out of the drain under Route 25. He noted that there was rip rap there as well as a catch basin. This did not appear to be an issue.

Mr. Jensen questioned if there was a light barrier proposed between the property and the abutting house. Mr. Hambrook stated they have proposed a six (6) foot stockade fence. Mr. Jensen questioned if there was a defined traffic flow direction around the rear of the building. Mr. Hambrook stated no. There was a discussion regarding traffic flow and headlights shining onto the abutter's property. It was felt that the angle of the driveway would eliminate headlights shining directly at the abutting house. Mr. King suggested the addition of signage near the fence noting that it was a "private drive" to discourage retail traffic from going around the rear of the building. Mr. Hambrook will add this to the plan.

There were no additional questions from the Board at this time. Mr. King asked for questions or comments from the public.

Abutter Stacey Hough questioned if the sewer system was okay in the location depicted on the plan. Mrs. Coppinger, engineer for the septic design noted that it is a septic system which has been approved by the NHDES and the approval number is noted on the plan. Mrs. Hough had several questions regarding the existing septic, approval for the existing septic, new design and the need to install the new septic system. Mrs. Coppinger explained in detail the requirements of the NHDES, which was they must receive approval for a new design, but they do not need to install it, unless the existing system fails.

Bret Balise spoke to the septic, stating those who knew Betty Brown, know that there is a problem with the septic and water.

Mr. Nelson stated that he is aware there may be a problem with the septic, which is why they had a new design approved by DES. The well draws about 1.1 gallons per minute and they may need to install a new well which is proposed near the old/existing well location.

Abutter Norman Poitras stated that he is discouraged with the project. He gave a lengthy history of what he has seen take place, noting there was an asbestos issue, contractor and delivery trucks have damaged his driveway and grass and the overall process is a mess. Mr. Poitras feels that the dormers are an expansion and the applicant must deal with the septic and water issues as they have failed in the past. Mr. Poitras noted he was concerned with the lighting, signage and a trash receptacle.

Mr. Nelson indicated an area on the plan for a location of a dumpster. Mr. Hambrook will add the proposed location to the plan.

Brett Balise questioned the location and screening of the dumpster. He did not think that location would work and questioned the time the dumpster may be emptied. The Board discussed this noting there were other locations in town that have limited hours the dumpster may be emptied. The screening was discussed and Mr. Hambrook noted the grade is lower than the parking area and there is an existing tree line between the abutting properties. If you installed any additional fencing, Mrs. Hough is going to be in

a fort. The board noted there is an ordinance relating to unnecessary noise and was in agreement to limit the time the dumpster may be emptied to between the hours of 6:00 a.m. and 9:00 p.m.

Brett Balise and Stacey Hough expressed their concerns regarding the development of the site. They have no problem with the development of the property but not knowing who the tenants may be leave unanswered questions. Mr. Mehalski commented the application was for a site plan review for the two apartments, retail space and the addition to the rear of the building. Without knowing who the tenants are there are going to be issues that will not be able to be answered. The applicant is aware that once a tenant is determined they will need to come back before the board, unless the CEO determines that there was no change of use.

Mr. King referred to the Planners memo of October 20<sup>th</sup>, noting the board had not made a determination regarding the redevelopment of the buffer. The board discussed this and after viewing the site it was their decision there was not adequate space to require the applicant to install the required 25' vegetative buffer in the front setback.

**Motion:** Mr. Maroun moved to waive the requirement of the 25' vegetative buffer in the front setback, seconded by Ms. Ryerson, carried unanimously.

The board was in agreement that there was not an issue with the existing surface drainage or the need for a stormwater management plan.

The board addressed the questioned raised earlier regarding lighting, asking the applicant if he would be willing to change the old floodlighting to new cutoff. Mr. Nelson agreed to replace the existing floodlighting with lighting that will be compliant with the zoning ordinance.

Mrs. Hough questioned if the board had received a picture of what the rear of the building would look like. Mr. Nelson provided the board with a sketch of what the building will look like when done.

Mr. Charest noted his concerns regarding fire access around the rear of the building, noting the Fire Chief still had not commented on the accessibility. Mr. Hambrook noted the drive is eleven (11) feet in width, which is the same width as the travel lane on Route 25.

Mr. King stated the revised plan was delivered to the office at noon today, questioning if the planner had time to review the plan or would the board like to continue the hearing to allow time for him to review the material presented today. Mr. Merhalski stated he had briefly reviewed the plan and had not completed a draft Notice of Decision but did have a boiler plate Notice of Decision. The majority of his concerns were addressed earlier, noting if there was something else indicated different from the first plan that is a major issue, he hadn't seen. He does not foresee that. The items to be addressed are the addition of the "private drive" sign, times for the dumpster to be emptied and the roadway must meet the approval of the Fire Department. The Planner reviewed the boiler plate Notice of Decision.

**Motion:** Ms. Ryerson moved to conditionally approve the site plan for **Roundabout Now, LLC (103-7)** based on the addition of the "private drive" sign, times for the dumpster to be emptied and the Fire Chiefs approval of the rear access drive and if necessary the applicant must return to the board. Seconded by Mr. Jensen, passed by a vote of four (4) in favor (King, Ryerson, Jensen, Charest), One (1) opposed (Maroun) and 0 abstentions.

Mrs. Coppinger returned to the board at this time with full voting privileges.

2. Camp Tecumseh (212-1)(975 Moultonboro Neck Road)  
Site Plan Review

This is a request for a site plan review for the proposed construction of a “Sports Building & Wood Shop.

Dave Dolan of David M. Dolan Associates, PC presented the application for site plan review. Mr. Dolan briefly described the property, stating the proposal is to construct an 8,490 s.f. sports building. There will be indoor basketball courts and a wood shop located in the building. All travel between the buildings on site is by foot and there is no parking near the proposed building. The building will be located approximately 600’ from Moultonboro Neck Road, 650’ from the lake and 1,200’ from the nearest abutter. The building will be pre-fab construction, approximately 25’ in height. It will be constructed of wood that will be horizontal up to four feet in height and the remainder will be vertical. The building will be cape cod gray, the doors slate blue, the trim red and a green metal roof. The design is consistent with the other existing buildings located on the property. There will be a 8” x 36” building identification sign mounted over the entrance of the building.

Mr. Dolan referred to the Planners memo of October 18<sup>th</sup>. They will add notation to the plan that all proposed lighting will comply with the zoning ordinance. Mr. Dolan pointed out the location of the two utility easements shown on the plan.

Mr. Jensen noted the request for waivers and asked that Mr. Dolan review the request. Mr. Dolan addressed each of the requests for waivers. It was noted the board was in agreement with the request.

Mr. King questioned if the camp was used in the winter. Dave Wakefield stated the camp is closed during the winter, but noted the roads in the camp are plowed during the winter for emergency access and maintenance. Mr. King asked if the roads were salted. Mr. Wakefield replied no.

Mr. King referred to the stormwater drainage report, noting it was hand delivered to office earlier in the afternoon. Mrs. Coppinger stated she had reviewed the report and found no issues.

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 stated he had briefly reviewed the plan and had not completed a draft Notice of Decision but did have a boiler plate Notice of Decision which was reviewed with the board and applicant.

**Motion:** Ms. Ryerson moved to conditionally approve the site plan for **Camp Tecumseh (212-1)** subject to compliance with the requirements as noted, grant the waivers as requested, seconded by Mr. Jensen, carried unanimously.

The Board then reviewed Article IX, Section G (8) of the Zoning Ordinance, noting that there are five (5) criteria (a-e) in the ordinance that need to be met for the granting of the Conditional Use Permit requested. The board reviewed each of the criteria and felt the proposal met the criteria.

**Motion:** Mr. King moved to grant the Conditional Use Permit for **Camp Tecumseh (212-1)** as discussed, seconded by Mr. Maroun, carried unanimously.

It was noted the applicant must comply with flagging the 50 foot buffer/setback when construction is to take place within 50 feet of the Wetland, before and during any construction as required in Article IX, Section I.

## **VI. Informal Discussions**

Due to the length of the hearings **Tom Mason, Jr.** withdrew his request to speak to the board this evening regarding property of Lakes Region Water Company, **Tax Map 72 Lot 95.**

## **VII. Unfinished Business**

1. Mrs. Coppinger noted the upcoming holidays and requested the board review their scheduled meetings. Upon discussing this it was the consensus of the board to cancel the November 24<sup>th</sup> regular meeting and the December 29<sup>th</sup> work session. They tentatively set two work sessions, Monday, November 15<sup>th</sup> and Monday, December 13<sup>th</sup>, both from 7-9 PM. Mr. Merhalski will check on the availability of the meeting room for these two dates and let the board know if there is a need to change them.

**Motion:** Mr. King moved to cancel the November 24, 2010 regular meeting of the Planning Board, seconded by Mr. Jensen, carried unanimously.

2. Mr. Jensen provided the board with a draft language to be included in Section 13 of the Site Plan Regulation regarding enforcement. The board quickly reviewed this and was in agreement with amending the time period from the suggested three (3) days for the first offence to two weeks. Board members were asked to review this any make any comments or changes for the upcoming work session.

3. The board discussed the need for alternate members on the board. It was the decision of the board to post a notice for alternate members on the website.

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

1. Zoning Board of Adjustment Draft Minutes of October 20, 2010 were noted.

2. Selectmen's Draft Minutes of October 21, 2010 were noted.

## **IX. Committee Reports**

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

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant