

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

Regular Meeting

June 22, 2011

Minutes

Present: Members: Natt King, Chris Maroun, Jane Fairchild, Tom Howard,
Ed Charest (Selectmen's Representative), Judy Ryerson – arrived at 7:06
Alternate: Peter Jensen; Dave Holden – Interim Planner
Excused: Member: Joanne Coppinger
Alternate: Keith Nelson

I. Pledge of Allegiance

Mr. King called the regular meeting to order at 7:00 P.M. and appointed Peter Jensen to sit on the board with full voting privileges in place of Joanne Coppinger.

II. Approval of Minutes

Motion: Mr. Charest moved to approve the Planning Board Minutes of June 8, 2011, seconded by Mr. Howard.

Ms. Fairchild asked for a clarification regarding Hearing 1, the last sentence of paragraph 2. She was not certain who the letter of June 3rd was from that Mr. Dolan had received. It was noted the Letter was from the Code Enforcement Officer, and he had made the determination based on the material the Board had reviewed at the hearing, that the parking was grandfathered. This will be added to the minutes for clarification purposes.

Motion: Mr. Charest moved to approve the Planning Board Minutes of June 8, 2011, as amended, seconded by Mr. Howard, carried unanimously with Ms. Fairchild abstaining.

III. New Submissions

1. Jonathan's Landing Condominium & Yacht Club Association (283-14) (17 London Hill Road) Site Plan Review

This was a request for a site plan review. The applicant is proposing the addition to three (3) existing decks on individual units located on a commercial site. Mr. King noted the request for waivers dated June 1, 2011 from James Bee, agent for Jonathan's Landing.

Motion: Mr. Jensen moved to accept the application for **Jonathan's Landing Condominium & Yacht Club Association (283-14)** grant the waivers for the purposes of acceptance only and to schedule a hearing for this evening to be Hearing #1, seconded by Mr. Maroun, carried unanimously.

2. Bald Peak Land Company (182-7)(1 Bald Peak Drive)
Conditional Use Permit

This is a request for a Conditional Use Permit for the construction of four (4) community effluent disposal areas (EDAs) that will impact the 50' wetlands buffer.

Motion: Mr. Maroun moved to accept the application of **Bald Peak Land Company (182-7)** and to schedule a hearing this evening to be Hearing #2, seconded by Mr. Jensen, carried unanimously.

IV. **Boundary Line Adjustments**

V. **Hearings**

1. Jonathan's Landing Condominium & Yacht Club Association (283-14) (17 London Hill Road) Site Plan Review

James Bee, agent for Jonathan's Landing, and owner of Unit 2, 32 Topside, presented the application for site plan review. Mr. Bee stated the proposal is for the addition to three (3) existing decks on individual units located at Jonathan's Landing. He had applied for a building permit and was told by the CEO that Jonathan's Landing was a commercial site, as it was not a single family or two family unit, and the proposal would require site plan approval. Mr. Bee pointed out the location of the three decks on the site plan. Mr. Bee answered any questions from the board.

Ms. Fairchild questioned if the additions were to docks or to decks. Mr. Bee stated decks, and that the units were not located anywhere near the lakefront.

There were no additional questions from the Board at this time. Mr. King asked for questions or comments from the public, noting there were none.

Staff had prepared a draft Notice of Decision for the Site Plan Review Permit, which was reviewed with the board and applicant's agent.

Motion: Mr. Maroun moved to approve the site plan for **Jonathan's Landing Condominium & Yacht Club Association (283-14)** subject to compliance with the Draft Notice of Decision as set forth this evening, and grant the waivers as requested, seconded by Mr. Jensen, carried unanimously.

2. Bald Peak Land Company (182-7)(1 Bald Peak Drive) Conditional Use Permit

Jim Rines, of White Mountain Survey Co., Inc. was present representing the applicant, Bald Peak Land Company. Mr. Rines stated he was there to seek approval for a Conditional Use Permit for the construction of four (4) community effluent disposal areas (EDAs) that will impact the 50' wetlands buffer. Mr. Rines briefly described the existing system. There currently are two leach fields that service the Club House, four cottages and seven private residences. They are not certain which of the units go to which leach field. They are proposing to construct a new system which will consist of four effluent disposal areas (EDAs) and to discontinue the use to the two existing leaching fields. Mr. Rines provided the board with a 1" = 20' scaled plan of the proposed EDAs and work area. Mr. Rines explained the areas that would be impacted by the fill slope and an area to allow for work equipment during the construction process. They will install silt fencing during the project and the fill slope and work area is to be re-vegetated upon completion. Mr. Rines stated that they are required to submit to the NH DES Subsurface for review and approval, noting they have not made application yet, and they must meet all local ordinances, or obtain the required approvals from the town first. Mr. Rines addressed each of the criteria for the granting of a conditional use permit, and answered any questions from the board.

Richard Sherman, abutter on 78 Spring Hill Road noted his concerns regarding the proposed EDAs. Mr. Sherman stated his property directly abutted the site, across and below Spring Hill Road, in both Moultonborough and Tuftonboro. Mr. Sherman would like reassurance from the board that there will never be any problems in the future on his property as a result of this project. He would like to have tests conducted on his well and the brook going through his property, and have them continued to be monitored in the future.

Mr. Jensen questioned what will happen with the existing leach fields, are they to stay or will they be removed? Mr. Rines stated that they will be abandoned in place, and the effluent pipes will be disconnected. Mr. Jensen questioned why Bald Peak made the decision to propose a new system and discontinue the existing system. Mr. Rines stated it was a Capital Improvement Plan. They started the project approximately five years ago and were looking into the future. They do not have any problems at this time, and do not want any in the future.

Mr. Rines stated that he has spoken with Mr. Sherman regarding the project and the nitrate setbacks are from the leach fields. The nitrate setbacks extend onto Mr. Sherman's property now, and there will be additional setbacks from the proposed EDAs. The nitrates will become less over time from the abandoned fields, and the new EDAs will be an improvement over what is there now.

Ms. Ryerson commented that it was her understanding that it is the board's jurisdiction to view the wetlands and to make certain there will not be any detrimental impact in wetlands, not to address groundwater quality.

Mr. Jensen noted his concern was long term. Dave Holden noted if the board was to grant the permit, they may require documentation that the existing leach fields have be disconnected.

Ms. Fairchild questioned the function of the EDAs and the adequacy to handle the flow. Mr. Rines stated there are requirements of NH DES Subsurface for design, flow and gallonage, and noted that the system must receive approval from the NH DES Subsurface.

Mr. Howard made reference to a comment made by Mr. Rines regarding the new system being a "pump system" and questioned why they could not move the EDAs so they did not encroach into the required setback area. Mr. Rines stated when they started the project there was not the current requirement in the regulations, and once they were aware of the regulations they designed the EDAs so there would be least amount of encroachment. If they were to relocate them they would be in the rough off the fairway.

Board members discussed the need for an on-site visit. It was noted the Conservation Commission did an on-site visit and commented that the proposed EDAs will be located above a wetland and slopes towards the wetlands. Board members did not feel that an on-site would be beneficial as they were not wetland scientists, and would rely on the report from Greg Howard.

After further discussion Mr. Rines requested a continuance to allow time for him to review the project with his designer to see if the EDAs could be relocated. If they can be relocated outside of the setback, he will withdraw the application. If they cannot relocate the EDAs, he will be able to provide additional information to the board.

Motion: Mr. Howard moved to continue the Public Hearing **Bald Peak Land Company (182-7)** for a Conditional Use Permit to July 13, 2011, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

Deb Morgan, Ridgewood Country Club requested to speak to the board on an informal basis regarding **Tax Map 69 Lot 31**, located at 258 Gov. Wentworth Highway. Mrs. Morgan was directed to the Planning Board by the CEO regarding her request for entertainment at the County Club. Mrs. Morgan stated they would like approval from the Board for entertainment, inside the building. They are required by the Liquor Commission to obtain Town approval. The Board discussed this, and was not certain this was a decision of the Planning Board and would like further information from the CEO. Mr. Charest and Mr. King stated they would contact the CEO on Friday, and notify Mrs. Morgan of their findings on Friday.

Deb Morgan requested to speak to the board on an informal basis regarding **Tax Map 44 Lot 33**, located at 1070 Whittier Highway. It had recently been brought to her attention that the board had granted site plan approval for the property with the condition of a maintenance agreement contained in the Notice of Decision. Ms. Whitney briefly recapped the site plan approval, noting that Mr. Morgan had submitted a draft maintenance agreement to the prior Town Planner, who had reviewed it and requested changes. A final agreement has not been provided to the Land Use Office. Mr. Morgan passed away in March, and since that time the one (1) year term for site plan approval has lapsed. Ms. Whitney asked if the board was able to grant an extension to allow time for Mrs. Morgan to provide the maintenance agreement. The board discussed this, and based on the circumstances felt they could grant the extension.

Motion: Mr. Maroun moved to approve the request for an extension until September 1, 2011 for the property of **Nica-Lee Realty Trust (44-33)** seconded by Mr. Jensen, carried unanimously.

VII. Unfinished Business

VIII. Other Business/Correspondence

1. Copy of Code Enforcement Officer's letter dated June 21, 2011 to property owner of Tax Map 99 Lot 221 and/or Lot 222 was noted.
2. Zoning Board of Adjustment Draft Minutes of June 15, 2011 were noted.
3. Selectmen's Draft Minutes of June 16, 2011 were noted.
4. Mr. Holden provided the Board with two Memorandums with attachments taken from the NH Route 25 Corridor Study, relating to Access Management and asked that the Board review it prior to the work session on the 29th.
5. The Board discussed items to be included on the Agenda for the June 29th Work Session. They reviewed the approved 2011 Planning Board Work Plan and were in agreement to discuss Access Management and look at the revision of the Sign Ordinance. Ms. Fairchild, Mr. Jensen and Mr. Howard each had prior material or new material available in electronic format they would like to discuss as part of the revision to the sign ordinance. They will provide the material for the work session. Mr. Holden made the comment that some of the issues he has already seen may be able to be prevented if the board had a definition section in the Zoning Ordinance, and that this may be another item the board would like to start working on.

The board will meet next for their Work Session on June 29th from 7 PM to 9:30 PM.

IX. Committee Reports

- X. Adjournment:** Mr. Maroun made the motion to adjourn at 8:55 PM, seconded by Ms. Fairchild, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant