

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

Regular Meeting

April 11, 2012

Minutes

Present: Members: Tom Howard, Chair; Peter Jensen, Chris Maroun, Paul Punturieri, Josh Bartlett; Alternate: Keith Nelson – present as a member of the audience for the evening

Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

Excused: Member: Judy Ryerson, Russ Wakefield (Selectmen’s Representative)
Alternate: Natt King

I. Pledge of Allegiance

Mr. Howard called the regular meeting to order at 7:00 P.M.

III. Approval of Minutes

Motion: Mr. Jensen moved to approve the Planning Board Minutes of March 28, 2012, as amended, seconded by Mr. Punturieri, carried unanimously with Mr. Maroun abstaining.

IV. New Submissions

1. Robert R. & Kathleen M. Flanigan and Wesley Schurman & Joan Feden (247- 23 & 24)
14 Davis Lane and Winaukee Road - Boundary Line Adjustment

This was a request for a proposed Boundary Line Adjustment for Tax Map 247 Lots 23 & 24.

Mr. Howard noted the request for waivers of Sections 4.3.A.4 and 4.3.A.10 of the Subdivision Regulations dated March 14, 2012 from Hambrook Land Surveying.

Motion: Mr. Jensen moved to accept the application of **Robert R. & Kathleen M. Flanigan and Wesley Schurman & Joan Feden (247- 23 & 24)**, 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. Maroun, carried unanimously.

V. Boundary Line Adjustments

1. Robert R. & Kathleen M. Flanigan and Wesley Schurman & Joan Feden (247- 23 & 24)
14 Davis Lane and Winaukee Road - Boundary Line Adjustment

Jim Hambrook, of Hambrook Land Surveying presented the application for the boundary line adjustment exchanging equal areas (5,956 sq. ft.) between the lots, with no net change in area of the lots. Mr. Hambrook briefly described the lots, and the area of exchange, noting the reason for the exchange is

that Mr. Schurman wishes to build on the front of the lot, and the exchange creates a more flexible area for a building pocket. The exchange will also make the well radius for Lot 23 a little bit more compliant. Mr. Hambrook noted the request for waiver from depicting the wetlands, and topography & soils was based on the fact that all of the information is available in the original file in the Planning Office. Mr. Hambrook stated that he had reviewed the file and obtained the High Intensity Soils mapping information that was submitted for the subdivision from the file. Based on that information, the existing density for Lot 24 is 1.05 units and for Lot 23 is 1.07 units. He applied the same information and the requested exchange results in a unit density of 1.08 units for Lot 24 and 1.02 units for Lot 23.

Mr. Jensen commented that he had viewed the lot on the online mapping and questioned if there were any wetlands in those areas on the lots. Mr. Hambrook stated in reviewing the mapping, there were some in the back, based on soils, that would not show up on the overlay.

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

Motion: Mr. Maroun moved to approve the requested waivers to not depict wetlands, to not depict the 2-ft. and 5-ft. contours, and to not depict topography and soils information on the Boundary Line Adjustment plat, and moved to approve the Boundary Line Adjustment for **Robert R. & Kathleen M. Flanigan and Wesley Schurman & Joan Feden (247- 23 & 24)**, which adjusts a common boundary between the two lots to equally exchange 5,956 sq. ft. area to the lots (with no net change in area) with the following conditions: 1) Add the address to the title block for Lot 23 (14 Davis Lane); 2) Revise the final plan to reflect that the boundary pins have been set; 3) The final plat be submitted to the Development Services Office in electronic format to include both a pdf and a cadd file format such as .dwg or .dxf.; and 4) Submit executed deeds for recording with all recording costs at the time of recording the plan, seconded by Mr. Bartlett, carried unanimously.

VI. Hearings

VII. Informal Discussions

Mr. Bartlett commented that in reviewing the Policies and Procedures at the last meeting it had been requested to amend the Policies to reflect the name change of the office from the Land Use Office to the Office of Development Services and questioned why the change was made. Mr. Woodruff stated the name of the office was in place when he got here in October. The explanation he was given as to why it was called the Development Services Office is because in the past there was a separate land use office and a separate code enforcement office. What has happened internally, administratively, is the Town Planner is now the supervisor of both of those offices, under one umbrella. It is an administrative change.

VIII. Unfinished Business

1. Discussion on Planner's Research into Planning Board Policy Regulations, Section IX, 1st paragraph, p. 8-policy re: applications requiring approval by both Boards. Mr. Woodruff updated the board on his research. He stated that there was a change to the statute in 2010 or 2011, which says that if an applicant comes in and applies for something with the Planning Board (PB) that requires action by the Zoning Board (ZBA), that is okay, and the PB has the ability to condition their approval based on receiving ZBA approval. An applicant can file either concurrently or prior to applying to the ZBA. This discussion was first brought up during the review of the Policies of the PB, which will need to be revisited. It was the decision of the board to table this item for future discussion.

Motion: Mr. Jensen moved to table the discussion relating to Planning Board Policy Regulations, Section IX, 1st paragraph, p. 8-policy re: applications requiring approval by both Boards, seconded by Mr. Bartlett, carried unanimously.

IX. Other Business/Correspondence

1. Izzy Atlixco, LLC d/b/a El Mariachi Restaurant (44-25)(1094 Whittier Highway) Mr. Woodruff stated this was a continued discussion from the last meeting where the Board discussed the receipt of a letter from the tenants of Tax Map 44, Lot 25. They had approached the office and wanted to make a minor amendment to their site plan approval. Note #8 of their approved site plan states that the restaurant will be seasonal, from Memorial Day to Columbus Day, and they would like to be open year round. They are requesting board approval to allow the letter, received March 9, 2012, to be the memorialization of the change in their site plan. The letter will become part of the file, allowing them to operate year round. At the last meeting the board had asked the Planner to provide them with the history of the public hearings that had taken place for their approval, and the notice of decision. Board members had been provided with the Notice of Decision and excerpts from three meetings. The material showed that there was a lot of discussion about many things, but in the end, when approved, the board had pulled back from a couple of the conditions after hearing testimony from the land owner, Mr. Lincoln. Mr. Woodruff has met with the tenants and they have agreed to remove the logs around the satellite parking lot and place a berm around the lot to help keep the water or snow from the wetlands as it melts. After a brief discussion, in general, board members felt that their initial concerns regarding the wetlands had been addressed, and noted that snow storage would be on the satellite lot.

Motion: Mr. Jensen moved that the board allow the letter of request submitted by **Izzy Atlixco, LLC d/b/a El Mariachi Restaurant (44-25)** for a 365 day operation to serve as memorializing an agreement by the board as acceptable, seconded by Mr. Maroun, carried unanimously.

2. Roundabout Now, LLC (103-7)(512 Whittier Highway) Request for minor site plan changes to a previously approved site plan. Keith Nelson, Roundabout Now, had submitted a letter dated April 6, 2012, to the Board, detailing the plan to begin landscaping of the site. The landscaping may entail some minor changes to what appears on the approved site plan. Mr. Nelson noted that the ordinance may not strictly require Board approval to make many, if not all, of the proposed improvements, but he wanted to inform the Board and to request their blessing. Mr. Nelson referred to his letter, which included an attached marked up copy of a portion of the approved site plan and the corresponding alphabetical letters. He reviewed each of the items contained in the letter, noting that when the entire project on the site was completed, he would submit an "as-built" plan to the Planning Board. Mr. Woodruff stated that he had been to the site and reviewed each of the proposed changes, and it was his opinion that all of the changes would be not only beneficial to the site, but to the traffic on Route 25 and all of the citizens. There is more pervious pavement, a better traffic flow, turning headlights away from a residence and more. He felt that all of the changes would be considered minor in nature and would fall under the clause in the Zoning Ordinance that allows an administrative approval of minor site plan changes that don't include more than 200 square feet of additional structure being constructed. Mr. Woodruff felt that some of the proposed changes were important enough to be brought into the public forum, which is why the letter was submitted. Mr. Woodruff felt that it would be appropriate for the board to endorse the changes, stating that the sketch submitted, depicting the minor changes, would become part of the file, rather than requiring a full revision of site plan approval. Mr. Jensen questioned what file this information would be placed in. Mr. Woodruff stated the file which contains all of the documents, testimony, minutes, plans etc. for the site plan approval for the property. Mr. Jensen questioned if there was a requirement to register the relocation of the septic or a well shown on a plan. Mr. Nelson commented that the NH DES had approved the septic system and the well. Ms. Ashjian commented that there was one reference to eliminating a proposed fence between the abutting property, and questioned if Mr. Nelson had contacted those abutters. Mr. Nelson commented that

his letter stated that he had not yet been able to speak with the residential abutters, Richard & Stacey Hough, and that the change (fence) will not be made, if they have an objection.

Motion: Mr. Bartlett moved that the board accept the letter and sketch submitted by **Roundabout Now, LLC (103-7)**, approving the minor changes, to be filed with the original site plan approval, seconded by Mr. Maroun, carried unanimously.

Mr. Howard noted that the Board had tabled the reference to the order of applications requiring both PB and ZBA action, and questioned if there was a consensus to postpone this discussion to allow time for review by members at a future date. Mr. Woodruff stated that the current policies are not in agreement with the statutes at this point. He noted the statute allows an applicant to file concurrently with the ZBA or to the PB first. Board members requested to have the citation available for the next meeting.

Mr. Howard noted the need for the Board to appoint a Planning Board member representative to the Master Plan Implementation Committee (MPIC). This position was most recently filled by Ms. Coppinger. Mr. Howard questioned if there was a member who was interested in serving on the MPIC. Mr. Punturieri stated his interest to serve on the committee.

Motion: Mr. Bartlett moved to nominate Paul Punturieri as the Planning Board representative to the Master Plan Implementation Committee with a term to run concurrent with his Planning Board term, seconded by Mr. Maroun, carried unanimously.

3. Housekeeping of Site Plan Regulations

Mr. Howard noted the next item on the agenda was “Housekeeping of Site Plan Regulations”. Mr. Howard asked if the Board wished to set a time for adjournment. Members agreed to adjourn at 9:30 pm.

Board members continued with the proposed changes where they had left off at the prior meeting. They worked from the document provided to them previously (“Working Draft” copy of the Site Plan Review Regulations, dated **June 2012 Proposed [working draft]**).

Mr. Woodruff noted they had left off on page 4, with a discussion regarding item 10.A.6, tree cover and vegetation. After a brief discussion, language was suggested to read “Any important specimen trees. Existing and proposed to remain limits of tree or other vegetative cover.” Members then reviewed Articles 10.A.9, 10.B.2, 10.B.6, 10.C.1.f.7 & 10.C.1.f.12 and by consensus were in agreement with the proposed changes. Mr. Bartlett questioned what constituted a “change of use” that is referred to in section 10.A.9? He asked how the Board determines a change of use, or the material expansion of a business. There was a lengthy discussion relating to section 10.C.1.f.9, Site lighting. Mr. Woodruff proposed language that would require lighting on all sides for security. After discussing this Mr. Howard polled the board for consensus to add the proposed language or strike the proposed language. By a vote of 3 to 2 (Josh, Peter, Paul) to remove and (Chris & Tom) to leave in, the proposed language will not be added in. Sections 10.D.2 and 11.A.3 were agreed to as proposed.

Members then discussed Section 11.A.1 with suggestions to the proposed language regarding identification of parking spaces on pavement or gravel. Mr. Nelson suggested draft language such as “the plan shall depict the striping, signage, curb stops or other means of identifying parking spaces”. It was a consensus of the Board to amend the language as suggested by Mr. Nelson.

Mr. Woodruff noted that the board had previously approved Section 11.A.4, 5, 7 & 8. They then discussed section 11.A.9, questioning if it should be relocated to Section 10.D.5. It was suggested by Mr. Woodruff that they revisit both sections at the next meeting allowing him the opportunity to prepare and submit the draft policy entitled, “Town of Moultonborough Traffic Impact and Assessment Standards” referenced in the section, and allow additional time for further discussion on sections 10.D.5 and 11.A.9. The next sections approved by consensus were sections 12.A.7 and 13.C.

The remaining section, 13.E, was related to an earlier subject discussed by the board regarding applications requiring action by both the PB and the ZBA in which the board had determined would need to be revisited. It was the decision of the board to table this item for future discussion as it tied in with the prior discussion.

Motion: Mr. Jensen moved that the Board consider the changes this evening complete via the consensus of the board as presented and amended, and move them forward to Public Hearing, seconded by Mr. Bartlett, carried unanimously.

The Board will continue working on the remainder of the changes at the next meeting as time allows.

4. Mr. Woodruff noted that the Master Plan Implementation Committee had recently met and in reviewing the goals, responsible parties and priorities, a question was raised as to whether Items 27 and 122 had been completed or not. Mr. Woodruff had stated that he would discuss this with the PB. Item #27 was to “Adopt Erosion and Sediment Control Regulations”. Board members stated that they have completed this goal with the adoption of Stormwater Management Ordinance and the Steep Slopes Protection Ordinance which addressed the issues. Item #122 “Increase protection for water resources”, Board members felt that this has not been completed yet.

5. Zoning Board of Adjustment Draft Minutes of April 4, 2012 were noted.

6. Selectmen’s Draft Minutes of March 29 & April 5, 2012 were noted.

X. Committee Reports

XI. Adjournment: Mr. Jensen made the motion to adjourn at 9:32 PM, seconded by Mr. Bartlett, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant