

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

Regular Meeting

April 25, 2012

**Minutes**

Present: Members: Tom Howard, Chair; Paul Punturieri, Josh Bartlett;  
Russ Wakefield (Selectmen's Representative), Alternate: Natt King

Excused: Members: Peter Jensen, Judy Ryerson, Chris Maroun; Alternate: Keith Nelson;  
Staff: Town Planner, Bruce W. Woodruff

**I. Pledge of Allegiance**

Mr. Howard called the regular meeting to order at 7:00 P.M. and appointed Natt King to sit on the board with full voting privileges in place of Peter Jensen. Mr. Howard welcomed Mr. Wakefield this evening, noting he was the new representative for the Board of Selectmen.

**III. Approval of Minutes**

**Motion:** Mr. Punturieri moved to approve the Planning Board Minutes of April 11, 2012, as amended, seconded by Mr. Bartlett, carried unanimously with Mr. King and Mr. Wakefield abstaining.

**IV. New Submissions**

1. Rizzo Family Trust (14-4)(Sheridan Road)  
Subdivision

This was a request for a proposed Major Subdivision of approximately 106 acres into two lots, Lot 1 being 1.97 acres and the "remaining land" being approximately 104 acres, both lots having frontage on Sheridan Road. Mr. Howard noted the request for waivers dated 4 April 2004 [*sic*] from David M. Dolan Associates, PC.

**Motion:** Mr. King moved to accept the application of the **Rizzo Family Trust (14-14)**, grant the waivers for the purposes of acceptance only and to schedule a hearing for this evening to be Hearing #1, seconded by Mr. Punturieri, carried unanimously.

2. Castle Preservation Society (408-002-001)(483-664 Ossipee Park Road)  
Site Plan Review

This was a request for a proposed site plan review for Tax Map 408 Lot 002-001 to allow an existing one story frame building for the sales of ice-cream, sandwiches (pre-made) and box lunches.

Mr. Howard noted the request for waivers dated April 4, 2012, from Advanced Land Surveying Consultants, PC.

**Motion:** Mr. King moved to accept the application of the **Castle Preservation Society (408-002-001)**, grant the waivers for the purposes of acceptance only and to schedule a hearing for this evening to be Hearing #2, seconded by Mr. Bartlett, carried unanimously.

## V. Boundary Line Adjustments

## VI. Hearings

### 1. Rizzo Family Trust (14-4)(Sheridan Road) Subdivision

Dave Dolan of David M. Dolan Associates, PC presented the application for subdivision. Mr. Dolan briefly described the lot, stating that the lot was approximately 106 acres and located on Sheridan Road. The proposal is to create one new lot and one residual lot. The lot is undeveloped with the exception of a gravel road over a portion of the lot, which is used to access a tower on the abutting property. There is no deeded easement for the access. Proposed Lot 1 is to be 1.97 acres and the “remaining land” being approximately 104 acres. Lot 1 is surrounded by stone walls and appears to have been a separate lot at one time, known as the “Peter Field”. Mr. Dolan stated they have received NH DES Subdivision approval and an approved driveway permit from the Town. Mr. Dolan answered any questions from the Board.

Mr. King referred to the Town Planner’s memo from the TRC meeting, questioning if the five items had been addressed. Mr. Dolan stated that there was not an easement for the communication tower service road, and that he would add the intent of plan note.

Mr. Dolan noted that they had requested waivers of the requirement to depict the location and dimensions of the entire boundary of the remaining 104 acres, the requirement to depict 5 foot contours of the remaining 104 acres and the requirement to depict off site geographic details located within 200 feet of the entire perimeter of the property. He noted that topography was shown at two-foot contour intervals on proposed Lot 1, and that the site details were shown in the area of proposed Lot 1.

Mr. Howard opened the hearing for public input. It was noted there was no public input.

**Motion:** Mr. King moved to approve the requested waivers: a) To not depict the location and dimensions of property lines; b) To not depict 5 foot contours on the remaining lot; c) To not depict off site geographic details located within 200 feet of the remaining lot. And to approve the Subdivision for the **Rizzo Family Trust (14-4)** as presented with the following conditions: 1. Add intent of plan note; 2. The final plat to 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., seconded by Mr. Wakefield, carried unanimously.

### 2. Castle Preservation Society (408-002-001)(483-664 Ossipee Park Road) Site Plan Review

Mr. Howard stepped down from the Board at this time. Mr. King chaired this hearing.

Michael Desplaines, Executive Director for the Castle Preservation Society presented the application for site plan review. Mr. Desplaines briefly described the proposed use, which was to use an existing one story frame building for the sale of pre-made sandwiches and ice cream for guests of the Castle. He noted that this was an existing building which has been known as the nut shell or snack shack. There are no other proposed changes to the site. Mr. Desplaines answered any questions from the Board.

Mr. King stated a request for waivers dated April 4, 2012, prepared by Advanced Land Surveying Consultants was submitted with the site plan application. He noted that there were some seventeen (17) different requests for waivers. The Board reviewed the request and it was noted all the requests were reasonable due to the small change in use that is proposed and the size of the Lot being in excess of 128 acres in size.

Mr. Wakefield questioned if the ice cream was going to be packaged novelties or ice cream from a five gallon tub. Mr. Desplaines stated it would be served from a tub. Mr. Wakefield questioned if there was running water in the building. Mr. Desplaines stated yes, there was running water, sinks and a bathroom that was pre-existing. He stated that the building was most recently used for storage but it appears to have been some form of living quarters at one time.

It was questioned if the sales of the ice cream and sandwiches would be open to the public in general. Mr. Desplaines stated that the public could come up the “back” way and access the ice cream stand, but that they close at 5:30 pm daily and the primary use is as a visitor amenity to the castle attraction and would not be promoted as an ice cream stand.

Mr. King opened the hearing for public input. It was noted there was no public input.

**Motion:** Mr. Bartlett moved to approve the 17+ waivers as requested. And to approve the Site Plan for the **Castle Preservation Society (408-002-001)** as presented, conditional upon the receipt of the final plat submitted to the Development Services Office in electronic format to include both a pdf and a cadd file format such as .dwg or .dxf., seconded by Mr. Punturieri, carried unanimously.

Mr. Howard returned to the board as Chairman at this time with full voting privileges.

## **VII. Informal Discussions**

Mr. Bartlett stated at the last meeting he had questioned what was considered a material expansion and he had asked what regulation it was in and where was it referred too. He stated that it is in the Site Plan Regulations, Section 1, second paragraph “No development, material change in use or material expansion of existing use...” Mr. Bartlett again asked if there was a definition of a material expansion. It was the decision of the Board to table this discussion to a time when the Planner was present to see if there is a standard definition, or is it a consensual definition, rather than specific. Mr. Bartlett would like a clear understanding. It was requested that the Planner work on a definition of material expansion and how to apply it.

## **VIII. Unfinished Business**

1. Mr. King requested to speak to the Board regarding the draft policy recommendations for design standards and procedure for existing town-maintained roads which was completed by the Planning Board Subcommittee on Road Standards back on November 15<sup>th</sup>, 2011. Mr. King stated that he had chaired the subcommittee, and that there were several members on the committee, including Scott Kinmond. Mr. King noted his concerns regarding recent discussions relating to the possible removal of trees along the edges of right-of-ways in the town. Mr. King wanted to make certain that the Board of Selectmen was familiar with what the committee had done, and the draft Policy they had prepared and forwarded to the Planning Board for their endorsement. Mr. King stated that it was his understanding that former BoS representative Charest was to relay this information on to the BoS. Mr. Wakefield was provided with a copy of the draft “Policy Recommendations for Design Standards and Procedure for 3R projects on existing tow-maintained roads”. Mr. Wakefield stated that Mr. Charest had spoken with the BoS regarding this draft.

It was noted that on May 1, 2012, there will be a 2012 Road Program Informational Meeting at 7 pm here at town hall. Members shared their concerns regarding the removal of trees, noting the Master Plan and the goals to preserve the rural character of the town and roads. Mr. Howard noted one of the most significant components of the policy was the concept of the context sensitive solution concept that allows all stakeholders to participate in and own their part of a road design for a balanced design that takes all aspects of the problem into account rather than just the engineering/drainage/geometric/safety issues. Mr. Howard went onto state that the Planning Board had recently completed revisions to their subdivision regulations which address new roads and in an effort to be sensitive to the Master Plan objective goals, the board endorsed the draft policy. Members were concerned with some of the changes that are happening in advance of the adoption of the policy or changes to the ordinance. Mr. King noted again, the Public Hearing that will be held on Tuesday, May 1<sup>st</sup> at 7 pm.

## **IX. Other Business/Correspondence**

### **1. Completion of Housekeeping of Site Plan Regulations**

Mr. Howard noted the next item on the agenda was “Completion of Housekeeping of Site Plan Regulations”. Mr. Woodruff had prepared a final draft site review regulations document dated 4/20/12 for the Board’s review and also a draft Traffic Impact Assessment policy document that is referenced in the site review regulations. Board members briefly reviewed the documents, noting the numbers differ in the draft Traffic Impact document when compared with Section 10.D.5 of the site plan regulations. Mr. Punturieri commented that it appears that the planner will determine the study area and questioned what that would be based on. Another question/concern raised by the board was how burdensome this requirement would be on small projects. At a prior meeting, member Chris Maroun stated that during his process in seeking board approval for his small commercial site, it was suggested that a traffic impact study be completed, which would have added an additional \$5,000 price to his project. After further discussion during his public hearing it was determined that this would not be necessary for his then project. Another discrepancy between the two documents was the language “All” verses “Certain development projects” will require a study. Mr. Howard noted that Mr. Woodruff had acknowledged the discrepancies.

Mr. Punturieri stated that he had questions regarding item #3 on page 3, and would like an explanation of Level of service (LOS) “C” and “D”. Mr. King questioned if the Policy applied to the Site Plan Regulations only, or did they apply to the Subdivision Regulations too. Mr. Punturieri questioned if there was a “professional” impact study person, noting that it must be clear as to who would be completing the study and what their professional background is and what is the trigger for the study?

Mr. Howard felt that as there were several members not able to attend this evening, including the Planner, then it would be best to table the discussion regarding the Traffic Impact Assessment policy to a time that Mr. Woodruff would be able to address the concerns and issues raised this evening.

Board members continued on with Section 13.E. regarding applications requiring action by both the PB and the ZBA. Mr. Woodruff had prepared draft language amending Section 13.E. Mr. Bartlett thought the language was awkward and should be revisited. He also questioned what was an expansion? Noting the need for a definition as this could be very subjective. Mr. Wakefield commented the Board needs some subjectivity, things may not be specific and the board may have to use some common sense at times.

The Board then moved onto Section F and approved the proposed changes of items 1 and 2 by consensus.

Items to be revisited are Sections 10.D.5 and 13.E.

**2. Housekeeping Zoning Ordinance** – Not discussed this evening.

3. Zoning Board of Adjustment Draft Minutes of April 18, 2012 were noted.

**X. Committee Reports**

- XI. Adjournment:** Mr. King made the motion to adjourn at 8:04 PM, seconded by Mr. Punturieri, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant