

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

**Regular Meeting**

**July 11, 2012**

**Minutes**

Present: Members: Tom Howard, Chair; Peter Jensen, Judy Ryerson, Paul Punturieri, Josh Bartlett; Chris Maroun, Russ Wakefield (Selectmen's Representative)  
Alternate: Natt King, Alternate: Keith Nelson

Staff Present: Town Planner, Bruce W. Woodruff; Office Secretary, Alison G. Kepple

**I. Pledge of Allegiance**

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

**II. Approval of Minutes**

Mr. Howard noted the need to correct the word on page 2, 2<sup>nd</sup> line of the first motion from soil to soil, to soil and slope.

**Motion:** Mr. Jensen moved to approve the Planning Board Minutes of June 27, 2012, as amended, seconded by Mr. Punturieri, carried unanimously.

At this time the board advanced to the Informal Discussion requested by the Historical Society.

**VI. Informal Discussions**

**1. Mary Lamprey Historical Society (52-24)(953 Whittier Highway)**

Tree trimming around house and stone wall

Mary Lamprey-Bare presented why the Historical Society wanted to do some tree trimming and to take down a couple of trees and remove the overgrown vegetation completely on the side of the building because they are overgrown and are obstructing the view of the building from the road and they have some concerns the roots are compromising the foundation. Ms. Lamprey-Bare showed the board a sketch of what they would like to trim and remove. The second part is that they would also like permission to remove brush and small trees that are growing around the Grange Hall Building.

Mr. Bartlett asked if this was coming to the board as a site plan review and Mr. Howard stated that it is noted in our ordinance that before vegetation can be cut in a commercial zone that a discussion occur with of the Planning Board.

It was the consensus of the board to let the Historical Society proceed with the cutting of vegetation.

**III. New Submissions**

1. **Crucon Real Estate Holding, LLC**  
(141-11)(Whittier Highway) Site Plan Review and Conditional Use Permit

Mr. Howard stated this was a new submission for a Site Plan Review and Conditional Use Permit. He asked the board if there were any question regarding the completeness of the application. Mr. Punturieri asked if we were talking about things that may need to be included in the application. Mr. Howard stated that it was things that need to be included for the application to be accepted.

**Motion:** Mr. Jensen moved to accept the application of **Crucon Real Estate Holding, LLC (114-11)(Whittier Highway)**, grant the waivers to the site plan review regulations that is requested by the applicants agent letters dated June 19, 2012 for the purpose of accepting the application as complete and to schedule the same as public hearing #1 this evening, seconded by Mr. Wakefield, carried unanimously.

**IV. Boundary Line Adjustments**

**V. Hearings**

1. **Crucon Real Estate Holding, LLC (141-11)(Whittier Highway)**  
Site Plan Review and Conditional Use Permit

Mr. Howard opened the public hearing at 7:13PM and stated that Mr. Maroun would be stepping down for this hearing. Mr. King will be seated as the alternate member with full voting privileges.

Dan Ellis of Ames Associates represented Crucon Real Estate Holdings, LLC. Mr. Ellis did a slide presentation with handouts of the site plan and ran thru the narrative that he had submitted in his packet with some additional detail. Also present was Peter Howard who is the professional engineer for this site plan and Jason Drouin, the contractor.

Mr. Ellis gave a quick background of the location of the site. The proposed site is 3.85 acres. It's located in commercial zone A and it's also located in a ground water protection overlay district.

Mr. Ellis stated that currently Crucon employs 72 people and it's a growing business that's causing it to overflow its current facility. The proposal is to build a 30,000 sq. ft. building on a 10,000 sq. ft. foot print with 150 space parking lot with 6 being handicapped spots to accommodate both present and future needs of the business. The site currently shares a driveway with David M. Dolan Associates. That driveway was approved in 1992 as a shared curb cut. Additional curb cuts along this corridor will not be allowed by NHDOT. The site has access to the Bay District Sewer System. The sewer main is located across Rt. 25 and runs parallel to the access road. Nicol Roseberry, Soil Scientist for Ames Associates completed a site specific soil survey. A total of 11 test holes where dug on the property. Peter Schauer of Schauer Environmental Consultants did 4 infiltration tests. The property is not located in a flood hazard area. The site is well wooded with the exception of the 100' PSNH right of way located at the front of the lot which was recently cleared. The post development storm water runoff was designed to be treated by the utilization of porous asphalt pavement.

Mr. Ellis went over the landscape plan and stated that the owner does want to have an attractive landscaped site. This plan shows the minimum of what they want to do for landscaping.

Mr. Ellis stated that they have submitted a driveway permit to NHDOT District 3. They hired traffic engineer Steven Pernaw of Concord to provide traffic impact data and that information has been submitted to the Town Planner. They are currently waiting for District 3 approval.

Mr. Ellis stated that right now there is a plan to have an onsite sign for the business on the edge of the Rt. 25 right away. They have asked for a waiver for the sign design because the owner hasn't settled on a sign design at this time and their request is that the board might consider a conditional approval of the site plan application subject to them providing a sign design to the board at a later date for their full review.

Mr. Ellis stated that the electric will be supplied by NH Electric Coop. They have a line design from them already. A new pole will be set and wires will be run over the highway to the existing pole, from the new pole the wires will run underground to an electric transformer vault and then underground from there to the building. Because of its size, a sprinkler system is required for the building. The system will be supplied by (3) 4,000 gallon tanks with a fire pump located in the basement. The electric fire pump will have a backup generator tied into it. The sidewalks in the parking lot will be concrete. The heating system will be propane with 2 underground propane tanks. The sight lighting is designed by Ken Sweeney of Sharing Incorporated. The lumens bleed off to zero or just about zero at the lot lines so there isn't a lot of light pollution.

Mr. Ellis stated that the maximum area coverage for this zone is 50% maximum. He stated that in the Zoning Ordinance lot coverage is described as anything that's not landscaping or natural growth. The site plan proposed has 49.4% coverage. Mr. Ellis pointed out that 78% of that coverage is designed to allow the storm water to run through. So the resulting coverage by impervious surfaces is actually only 10.6% of the lot area.

Mr. Ellis asked the board if there were any questions about the site. Mr. Bartlett asked about the NHDOT letter that was submitted and Mr. Ellis stated that he would address that the end. The Chair, decided that it would be best to wait until the end of the presentation for questions.

Mr. Ellis continued with the presentation by going over the building design. He stated that this is a 30,000 sq. ft. building on a 10,000 sq. ft. footprint that consists of a walk out basement level and two floors above that. The second floor is designed within the roof line with dormers to try to minimize the appearance of being three stories. The building will also have a security system and a fire alarm system. The roof has an attractive hip and dormer shape. The center section of the building roof is flat to and hidden from view by the dormers to accommodate HVAC units and other utilities. There is a stair tower to allow for roof access. It's a fire protected stair tower isolated from the rest of the building by fire rated walls. Access to the roof is by a locked gate that only authorized personnel will have. There will be a knock box for police and fire if they need to access the roof and a knock box at every entry point into the building. Both the Fire Chief and the Code Enforcement Officer agree that the building meets the Zoning Ordinance for maximum building height. The stair tower roof does project above the 32' maximum. Mr. Ellis stated that this was discussed at length and in the Code Enforcement Officers opinion that it meets the zoning ordinance because it's an unoccupied space. The Fire Chief recommended that this is the best access to the roof and meets the definition of the exclusions in the zoning ordinance.

Mr. Ellis read a brief summary of all the items of the conditional use permit request as they are in located the ground water protection district. One of the requirements was a storm water management and pollution prevention plan. That was prepared by Peter Howard and was submitted to the Town Planner. The items included in plan were that no regulated substances be stored on site with the exception of products used for normal office use and maintenance of the building.

Town Planner, Bruce Woodruff spoke about the traffic study and it was brought up that maybe they should notify Center Harbor and LRPC because of a regional impact. Mr. Woodruff stated that it's up to the board if they want him to notify both Center Harbor and LRPC for the next meeting. Ms. Ryerson stated that she doesn't think there will be 72 people going into Crucon's current location but that there will be someone so we would be approving 150 additional parking spots. Mr. Howard asked if the current traffic impact was based on the current staffing and Mr. Ellis stated that it's based on the sq. ft. of the office building. There was a lengthy discussion about notifying Center Harbor and LRPC and it was the consensus of the board that they did not need to notify them.

Mr. Jensen asked about permeable pavement and how it compares to the natural landscaping surface in terms of its ability to take water. Peter Howard from Steven Smiths & Association addressed this question. He stated that he had the opportunity to go to the University of New Hampshire which has a porous asphalt parking lot. They also have a permeable concrete parking lot. They brought in a cement mixer with 1500 gallons of water and dumped it on the permeable surface and it disappeared. Mr. Jensen asked if he thought that the water goes through that permeable pavement easier than it would through traditional pavement and Mr. P. Howard state that it would go through much easier. He stated that it goes through a filter media. There are different gradations of soil under it and also storage material that holds the water there and allows it to infiltrate into the ground. Mr. P. Howard gave a brief overview of the different gradation of soils. Mr. Jensen asked what happens to the characteristics of the permeable pavement as it ages over time, as the sun hits it and it is hot for days. Mr. P. Howard said that the material holds up and that UNH experimental plots are years old now and they've been able to maintain it. There is a maintenance schedule that they are recommending and it has to do with sweeping and vacuuming. Mr. Punturieri stated that earlier it was mentioned that the total surface slope is 8.5 %. Mr. Ellis stated it was existing terrain. Mr. Punturieri asked what the finish slope would be and Mr. Ellis stated that it's very slight and that the porous asphalt he would like to be as close to flat as possible. Mr. Punturieri's second question was based around how often the porous pavement would be cleaned (sweeping & vacuuming) and it was stated that it would be done 2-3 times a year. Mr. Punturieri then asked about the contractors that are applying it and if they have experience doing this. Mr. P. Howard stated that Pike has people that specialize in doing this. Mr. Nelson stated that in Mr. Ellis narrative it states "treated" and he was confused by that because there not treating it. Your letting it infiltrate, essentially filtering it thru the different layers, you're not doing any treatment. Mr. P. Howard stated its treatment in the sense that it goes thru a filter layer. There is no chemical treatment. Mr. King asked about the salt that is used, if it eventually lives in that filtered area. Mr. P. Howard stated that a lot of it will be filtered. It's a vastly reduce quantity of salt. Mr. King asked where the roof run off goes and if it eventually reaches the asphalt. Mr. P. Howard stated that there is going to be a stone drip edge all around the building and it's not just a landscaped drip edge it's going infiltration of water that falls off the roof to get into in and also there's the flat section of the roof with roof drains that will get into this stone layer that will then get into the layers and infiltrate as well. Mr. T. Howard asked a follow up question saying that the conservation commission had concern about the quality of the water that might reach that wet land that's in the southwestern corner. Can you speak to what happens when we do have the 50 year storm and where the additional water gets carried off into some under drains. Mr. P. Howard stated that the wet land is in the ditch line and it gets all the run off of salt and sand from the highway as well as what comes down the property line. He stated that in the event of a storm that the system water builds up, if you're talking about a 50 year storm we are talking between 5 and 6 inches of water that would fall in a 24 hr. period. That will all go thru that asphalt. Mr. Bartlett asked as a point of interest when you use the word filtration it means you're trapping something at what point does that filter media fill up and have to have the whole thing stripped out and replaced. Mr. P. Howard stated that it's not really a problem because what ends up being filtered is material that is still going to allow material to pass thru it. He stated that that is one of the reasons why they don't want you to put filter fabric in. There is no filter fabric in this system. Mr. Punturieri asked about plowing of snow and if the blade on the plow needs to be raised an inch or 2 above grade if that could be included in the maintenance agreement. Mr. P. Howard stated that they have called for a signage to be placed at the beginning so plowing contractors are

aware. Mr. Ellis stated that raising the plow blade is to reduce scaring of the surface but it doesn't damage the porous surface. Mr. Wakefield asked about the sewerage and having to bore under the highway and stating that Bay District wants them to go to the end of the property line and not beyond that. Mr. Ellis stated that normally they want you to go to the property line but in this case they approved stopping short on both ends. Mr. Wakefield then asked if the responsibility for that sewer line falls with Bay District Sewer after the installation. Mr. Ellis stated yes. Mr. Wakefield asked if they would be part of the installation, do they want to take part in the inspection and Mr. Ellis stated that he believes they require inspections. Mr. T. Howard asked if any consideration was given to phasing the parking. Mr. Ellis said not as this time because with porous asphalt you want to do it all at once. Ms. Ryerson asked if DOT required them to put the road way down, where would it fall in this site. Mr. Ellis said that it would line up almost directly with the upper lot entrance. He stated that this was considered from the beginning of the design. The owner was more than willing to relocate the driveway. The neighbor was consulted on that but wasn't interested.

Mr. T. Howard opens it up to the public for questions. Mr. Dolan speaking as an abutter spoke first about the relocation of the driveway. He was originally under the impression that it would be required that they move their entrance. He thinks the proposed location for the entrance is better there then more west because of the crest of the hill. He thinks it would have an adverse impact on the value of his property if it was relocated. He was under the impression that the state couldn't require the entrance to be moved so he was surprised as well. His other concern was with the issue that Mr. Wakefield raised with the extension of the sewer line and that typically the projects that he's been involved in it was required that the line extend to the property line. That question was addressed by Mr. Ellis in his presentation and he stated that it can be extended to the property line. There was a lengthy conversation about easement lines and turn lanes. Mr. Nelson asked where the easement line on Mr. Dolan's property runs. Mr. Ellis stated that it runs all the way across Mr. Dolan's property to the next lot. Mr. Wakefield stated that this easement was made years ago that it must be in Mr. Dolan's deed. Mr. Ellis stated that it was his understanding that there was a limited amount of curb cuts that they could grant so that the subdivision was designed to accommodate that and do shared curb cuts for these lots and if necessary do an access road to turn three curb cuts into seven lots. Mr. Wakefield asked what was in Mr. Dolan's deed and he stated that it has easements; one curb cut was issued for that location with an easement for a common driveway. Mr. Ellis stated that the location of the easement will be widened and a revised easement will be taken care of.

Mr. Howard asked if anyone else had any questions.

Cristina Ashjian stated that she had a couple of questions. Ms. Ashjian wanted to know why there wasn't more of a parking design that integrated more trees and islands. Mr. Ellis stated that the parking lot was designed with cost in mind and also maintenance. Mr. Ellis explained that it's difficult to plow a parking lot with lots of islands, trees and landscaping to go around. Mr. Wakefield also addressed Ms. Ashjian's question by explaining how the Town Hall parking lot was designed with islands and how difficult it is to plow with all the islands that it has. Ms. Ashjian then asked about phasing in the parking lot instead of doing it all at once and that she thought it was contradicting what Ms. Ryerson's issue was with the Regional Impact. Ms. Ryerson stated that a couple of years ago when the board was faced with a large expansion of an existing facility said that the time to do a regional impact study was a few years before when it was first put in so maybe the boards should do the study now so that in three years when we are faced with issues we won't have a situation where the board says it's too late to do the regional notification. Mr. Howard stated that that question seems directed to the board to debate after they close the public hearing.

Mr. Woodruff reminded that board that if your regulations had required a breaking up of parking areas, as many site review regulations across the state do, that he would have addressed it. Early on in the process they did ask the question, if they would be willing to add more islands and plant more trees and

break up the parking because it is recognized as a good planning technique and makes sites look better, understanding that it's hard. He stated that all we can do is ask, and the proposal before the board meets the regulations.

Mr. Howard asked about the western border where you noted that the vegetation will remain, clearly the PSNH easement has been cleared you made note because of that there be no vegetated buffer on the remaining parking that is pointed right at Rt. 25. Mr. Howard asked Mr. Ellis if he thought that PSNH would be willing to include in their agreement vegetative screening so that the headlights from those last few parking spots aren't shining down Rt. 25. Mr. Ellis said that he would have to reopen discussions with PSNH. He stated that PSNH doesn't ask, they have every right to come and mow down everything. Mr. Howard stated that he understands that but if you have in your agreement the allowance for 4' trees to screen those headlights that might be a good thing to have in the agreement. Mr. Ellis stated that he would open a discussion with PSNH about that.

Ms. Ryerson asked what Mr. Howard meant about the headlights and there was a discussion about that and what spots in the lot he was talking about.

Mr. Howard asked if there were any further comments or questions from the public. Mr. Howard asked if we were to continue this hearing should we open it to the public. Mr. Woodruff said that the board should vote to continue the public hearing. Mr. Ellis reminded the board that they still haven't talked about the staff memo which included 7 outstanding items. Mr. Howard asked Mr. Ellis if he'd like to address those. Mr. Ellis went through the 7 items. Item 1 was already talked about at length about the DOT driveway permit. Item 2 and 3 are just more comments than issues. Item 4, the 50' deep access easement on Dolan's property was discussed in conversations with Mr. Dolan and a label has been added to the plan. Item 5, was an issue that he discussed with Mr. Dolan and that's been taken care of, the sewer plan has been approved by the Bay District Sewer Commission and it has been agreed to extend the sewer line to Mr. Dolan's lot line. Item 6, is another issue that was already address with Mr. Dolan, a label has been added to the plan that no storage of snow in the area of concern to Mr. Dolan. Item 7, the location of the stand-by generator has been added to the plan.

Mr. Ellis stated that that was all he had unless the board wanted to go into the details of the traffic analysis waiver. Mr. Howard stated that they would want to go through that at some point. The board agreed to go over that at their next meeting.

**Motion:** Mr. Bartlett moved to continue the hearing for **Crucon Real Estate Holding, LLC (141-11)(Whittier Highway) to July, 25, 2012.** seconded by Mr. King, carried unanimously.

Mr. Woodruff asked the chair to make it clear in the motion that no new abutter notices will be going out that this motion should serve as the notice that you're continuing this case until your next regular meeting. The motion was amend and carried unanimously.

Mr. Nelson reminds Mr. Howard that the board was going to talk more about the regional impact issues. Mr. Howard asked if anyone on the board thought we needed to notify Center Harbor or LRPC with the regard for potential impact regionally. There was a lengthy discussion about that and it was the consensus of the board to not move forward with the regional notifications to Center Harbor and LRPC.

Mr. Howard stated that the hearing was continued and that they now need to schedule a site walk which was scheduled for Tuesday, July 17<sup>th</sup> at 5:00 pm.

## **VI. Informal Discussions**

2. Dave Dolan stated that it was brought up at his office building that the shrubs and trees are not doing so well and that they should take them down. Mr. Dolan is would like to request approval from the board to remove some trees/shrubs in front of his building. He may or may not be replacing them.

It was the consensus of the board to let Mr. Dolan proceed.

## **VII. Unfinished Business**

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

1. Discussion of Draft Demolition Review Ordinance.

Mr. Howard stated that this was discussed at their last meeting and subsequently been addressed by the Board of Selectman. Mr. Wakefield stated that the BoS discussed this as an informal discussion and then at their work session and it was the view of the BoS that the Demolition Review Ordinance, at least the permit is what they discussed and they do not want to go that route. As far as the Ordinance that's a whole different thing, bring it in as a petition and let the people vote on it. Mr. Howard asked Mr. Woodruff if without a permit, where we stand. Mr. Woodruff stated that you need the vehicle of a permit in order to have a demolition review ordinance. You can have a demolition permit without the demolition review ordinance. You can have one without the other but not vice versa. Mr. Woodruff's recommendation is that we don't work on this anymore. Mr. Punturieri asked if it's a statutory issue that you have to have the permit first or is this just a procedural process. Mr. Woodruff stated there is no vehicle to know when someone is about to demolition a structure, so what good would a demolition review ordinance is. Mr. Wakefield stated that he thought there should be a discussion with the board as to their feelings to what the likely hood of its success at the voting booth would be. There was a lengthy discussion with the board. Mr. Punturieri stated that he thought should the Heritage Commission re-propose the draft ordinance again we could focus on that based on what the original triggers were.

**Motion:** Mr. Punturieri moved to table this issue until we get further information back from the Heritage Commission, seconded by Mr. Bartlett, carried unanimously.

## **IX. Committee Reports**

- X. Adjournment:** Mr. Bartlett made the motion to adjourn at 9:37 PM, seconded by Mr. Maroun, carried unanimously.

Respectfully Submitted,  
Alison G. Kepple  
Office Secretary