

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

**Regular Meeting**

**September 26, 2012**

**Minutes**

Present: Members: Tom Howard, Chair; Peter Jensen, Chris Maroun, Paul Punturieri,  
Josh Bartlett; Russ Wakefield (Selectmen's Representative)  
Alternates: Natt King, Keith Nelson  
Excused: Member: Judy Ryerson – present this evening but due to illness did not participate  
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

**I. Pledge of Allegiance**

Mr. Howard called the regular meeting to order at 7:00 P.M and appointed Keith Nelson to sit on the board with full voting privileges in place of Judy Ryerson.

**II. Approval of Minutes**

**Motion:** Mr. Wakefield moved to approve the Planning Board Minutes of September 12, 2012, as written, seconded by Mr. Maroun, carried unanimously.

**III. New Submissions**

1. Crucon Real Estate Holdings, LLC (141-11)(Whittier Highway)  
Site Plan Amendment

Mr. Maroun stepped down for this hearing and Mr. Howard seated Mr. King with full voting privileges.

Mr. Howard stated this was an application for a Site Plan Amendment. The applicant seeks to amend a previously approved site plan for the granting of a waiver to the Access Management portion of the Site Plan Review Regulations, with no other changes to approved plan.

Mr. Howard noted the waiver request dated September 4, 2012, submitted with the application. Mr. Howard also noted the board was in receipt of two additional documents submitted earlier in the day. One was an Abutter's Motion to Stay or Deny Without Prejudice submitted on behalf of Due South, LLC, and the second a request submitted from Ames Associates on behalf of the applicant requesting that their application be accepted by the board this evening and scheduled for a public hearing for October 10, 2012.

Board members were in agreement of scheduling the public hearing for October 10<sup>th</sup> to allow the applicant reasonable time to address the concerns of the abutter that are contained in their Motion and to allow the board time to review the same material submitted earlier in the day.

**Motion:** Mr. King moved to accept the application of **Crucon Real Estate Holding, LLC (141-11)** Grant the waivers for the purpose of acceptance only and to schedule a

Public Hearing for October 10, 2012, seconded by Mr. Nelson , carried unanimously.

Mr. Maroun returned to the Board at this time with full voting privileges.

2. Anthony & Destiny Clifford (21-14)(284 Ossipee Mountain Road)  
Major Two Lot Subdivision

This was a request for a proposed two lot subdivision of a 10.44 acre parcel into two lots of 6.83 and 3.61 acres. Mr. Howard noted the request for waivers dated August 30, 2012, submitted by Ames Associates.

**Motion:** Mr. Bartlett moved to accept the application for **Anthony & Destiny Clifford (21-14)** Grant the waivers for the purposes of acceptance only and to schedule a Public Hearing for this evening to be Public Hearing #1, seconded by Mr. Wakefield, carried unanimously.

#### IV. Boundary Line Adjustments

#### V. Hearings

1. Anthony & Destiny Clifford (21-14)(284 Ossipee Mountain Road)  
Major Two Lot Subdivision

Dan Ellis, agent, from Ames Associates presented the application for the two lot subdivision. He briefly described the request for a proposed two lot subdivision of a 10.44 acre parcel into two lots of 6.83 and 3.61 acres. Unit Density Calculations were noted at 3.05 units and 1.23 units respectfully. Mr. Ellis stated that they have received Approval for Subdivision from NH DES for the 3.61 ± acre new lot, and that there is no need for approval for the residual 6.83 ± acre lot. Mr. Ellis stated there was a perennial stream on the proposed lot, noting there would not be any development within the 50' setback of the stream. He stated that there are slopes greater than 15 percent on the proposed lot, but that section of the ordinance does not apply at they are not proposing site disturbance greater than 20,000 square feet in the aggregate. He noted they have received an approved driveway permit from the Board of Selectmen (BoS). Mr. Ellis commented that in the Town Planner's staff memo, he suggested a condition of approval require that existing stonewalls on the lot, not serving as boundaries not be disturbed. Mr. Ellis stated the regulation states that applicants are encouraged to preserve stonewalls and not required. Mr. Woodruff was in agreement with this and recommended removing that item from his suggested motion language.

Mr. Howard asked if there were any questions from the board. It was noted there were none.

Mr. Howard asked for questions or comments from the public. Abutter Joel Mudgett stated he had a concern regarding the safe shelf for the driveway, noting that it has been addressed.

Mr. Wakefield noted the Board of Selectmen had previously approved the driveway permit and last week approved an amendment to the permit granted to reflect the exit downslope of the driveway.

**Motion:** Mr. Nelson moved to approve the subdivision for **Anthony & Destiny Clifford (21-14)** two lot Major Subdivision of an existing 10.44 acre parcel of land into two lots; one lot containing 3.61 acres and one lot with 6.83 acres located entirely in the Residential/Agricultural zone, with the following conditions: 1. That the setback lines outboard of the wetland buffer setback are not correct; they need to be removed and tie them in to the wetland buffer to show the proper building envelope. 2.

That the final plat be submitted to the Development Services Office in electronic format to include both a pdf and an approved cadd file format, seconded by Mr. Maroun, carried unanimously.

Mr. Howard stated that the board had not included the granting of the waiver in the motion, which needed to be done.

**Motion:** Mr. Nelson moved to reconsider the prior motion, seconded by Mr. Bartlett, carried unanimously.

**Motion:** Mr. Nelson moved to amend his prior motion to include the waiver from the requirement of Section 7.3(F) of the subdivision regulations (requiring that lots with greater than 600 feet of road frontage an internal street system or service road be constructed) seconded by Mr. Maroun, carried unanimously.

## **VI. Informal Discussions**

## **VII. Unfinished Business**

## **VII. Other Business/Correspondence**

Mr. Howard noted the next item on the agenda was to continue working on the changes to the Zoning Ordinance and asked members what time they would like to adjourn this evening. It was the consensus of the board to adjourn at 8:30 this evening.

### **1. Housekeeping of Zoning Ordinance - Draft Customary Home Occupation Language**

Board members were provided with revised working draft of the Zoning Ordinance dated 9/25/12. Mr. Woodruff had incorporated the changes that have been approved and vetted by the board over the last several meetings which are shown in green, and the changes in red or crossed out have not been reviewed yet.

The board continued to work on the Table of Permitted Uses in the Zoning Ordinance, discussing the uses and determining if to make the changes as suggested by the Town Planner or keeping them as they currently are. The three options are Permitted, Not Permitted or Special Exception Required.

The following uses were discussed with the decision on each listed in the table below. Board members noted that they would like to break out Auto/Boat Sales, Service and Repairs into two separate uses, and to be consistent separate out Auto/Boat Rentals. In the discussion of many of the uses this evening, it was noted the need to define said uses, and then add the definition to the Zoning Ordinance. Mr. Woodruff agreed with this, noting he had suggested earlier defining all of the uses referred to in the ordinance.

Use	Commercial A	Commercial B	Commercial C	Residential Agricultural	Groundwater Protection Overlay District
Personal and Professional Services	P	P	P	SE	*
Motels and Hotels	P	P	P	SE	*
Meeting Halls	P	P	P	SE	*
Bed and Breakfasts	P	P	P	SE	*
Auto Service Stations	P	P	SE	NP	*
Auto Sales, Service and Repair	P	P	SE	NP	*
Boat Sales, Service and Repair	P	P	SE	NP	*
Auto Rental	P	P	P	SE	*
Boat Rental	P	P	P	SE	*
Wholesale Business (no outdoor storage)	P	P	SE	NP	*
Clinics	P	P	P	SE	*
Churches	P	P	P	SE	*
Commercial Schools	P	P	P	SE	*
Child Care Facilities	P	P	P	SE	*
Nursing Homes	P	P	P	SE	*

The board will continue with the list of uses at their next meeting.

2. Mr. Howard noted the need to add the discussion of the Shoreland Water Quality Protection Act to the next agenda. He gave a brief update regarding discussions he has had with others regarding the need to tighten up local ordinances. Mr. Howard asked that members have questions ready for the next meeting.

3. Board members requested an update regarding the Charrette. Mr. Woodruff stated that he was told that the Town would have a final report by the end of the month. He will keep the board updated.

4. Board members questioned the time frame for proposed amendments to the Zoning Ordinance and the need to hold the required public hearings in accordance with state statutes. Mr. Woodruff updated the Board and will provide the members with that information.

5. Board of Selectmen's Draft Minutes of September 20<sup>th</sup> were provided to board members.

**IX. Committee Reports**

**X. Adjournment:** Mr. Maroun made the motion to adjourn at 8:32 PM, seconded by Mr. Wakefield, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant