

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

**Regular Meeting**

**August 28, 2013**

**Minutes**

Present: Members: Tom Howard, Chair; Paul Punturieri, Judy Ryerson, Bob Goffredo;  
Russ Wakefield (Selectmen's Representative)  
Alternate: Keith Nelson

Excused: Members: Peter Jensen, Josh Bartlett  
Alternate: Natt King

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 Peter Jensen. In reference to the agenda, Mr. Howard suggested that the board switch III and II to allow the applicants to proceed first, addressing the approval of the minutes after they address the new submission application.

**III. New Submissions**

1. Jonathan T. White Realty (143-5)(278 Whittier Highway)  
Site Plan Review

This was a request for a site plan review. The board was provided with the application and checklist. As there were some issues on the checklist Mr. Howard asked the Planner to update them with regards to the checklist and if this is a complete application.

Mr. Woodruff stated when he sent his staff memo to them on Thursday (8/22/13) he attached the TRC comment notes and the site plan review checklist so they could review what had come in, and what's been done to date. The most important items that were not handled as of that date were the zoning requirement of submitting a Storm Water Management plan, Article XII, the requirement in the Groundwater Protection Overlay District, Article XIII, V., J., K and L, which have to do with subsurface disposal systems not being located in the Groundwater Protection Overlay District, and the zoning requirement of having a 25' vegetative buffer on the frontage of commercial lots in Commercial Zone A, Article VI, F. (2) a. This was not either addressed on the plan and or a Conditional Use Permit application has not been received requesting a reduction in the 25' vegetative buffer. Those three things, in addition to some of the TRC comments and certain items on the checklist were not addressed as of that date (8/22/13). Some major components have been submitted as of 3 PM today, and he and the board have not had time to review them. The three major components that were missing, they have a start on for tonight. Those are the three zoning requirements. Mr. Woodruff briefly went down through his checklist, noting he had not had time to review the revised plan that was sent at 3 PM today. Areas of concern were the location of the sewage lines, a lighting level analysis, Storm Water Management Plan, Operations and Maintenance Plan, Erosion and Sediment Control Plan, pending state approved septic system, driveway permit pending, and other minor items such as depicting existing contours up to 100' beyond the project site, and a plan for a wall sign. They did submit at 3 other narrative things, which spoke to the hours of operation. The bulk of the three zoning requirements have either been addressed or are in the process of being addressed.

Mr. Howard commented that as the members know, they have been struggling with trying to have applications submitted in a complete form with enough time that they can review them. In this case it hasn't happened. In this case, Bruce has indicated that the majority of the important zoning requirements have been received and if they haven't, they shouldn't move forward. Some have been completed and others are such as the operation and maintenance of the storm water have been completed after they began the hearings for other projects and were a condition of approval.

Members discussed the submission and if they felt it was ready for acceptance and ready to enter into a public hearing. A few of the options of the board would include to deny the acceptance of the application, or to accept the application and schedule a public hearing for September 11<sup>th</sup>. Several members expressed their concerns with accepting applications that were not complete, or material that hadn't been submitted in a timely manner. They discussed if they denied acceptance what would be the procedure for the applicant, regarding resubmittal, notification, meeting dates, waiver of submittal fees, etc. Another suggestion was if they could hold a Design Review Phase this evening, giving the applicant the opportunity to bring a presentation to the board. Some members noted their concerns with their not having time to review material that was submitted this afternoon and felt that the application was not ready for acceptance.

Carl Johnson, agent for the applicant stated that he was present this evening with his client Jonathan White and Erin Darrow, PE, noting they would like to go forward holding a hearing this evening and give a presentation, noting that abutters had been notified of the new submission this evening for the project. Mr. White would like to get his project underway this fall. Members expressed their concerns with moving forward to a public hearing, but did not have a problem with an informal presentation. After further discussion Mr. Nelson made the following motion:

**Motion:** Mr. Nelson moved to accept the application for Jonathan White Realty (143-5) acknowledge the receipt of the waivers for the purposes of acceptance only, seconded by Ms. Ryerson.

Ms. Ryerson questioned if the Planner's recommendation to not accept the application as complete had changed since his memo of August 22<sup>nd</sup>, and he stated yes. Mr. Punturieri stated that he didn't think the application was complete and would vote no that the application was not substantially complete, but that he had no objections to a Design Review Phase.

Mr. Howard called for a vote on the motion on the floor to accept the application as complete. Motion passed 4 to 2 with Mr. Punturieri and Mr. Howard opposing.

**Motion:** Mr. Punturieri moved to schedule the Public Hearing for September 11<sup>th</sup> and to allow a design review discussion this evening, August 28<sup>th</sup>, seconded by Mr. Wakefield.

Mr. Howard asked members their thoughts on a site visit. Majority was in agreement with an on-site visit.

Discussion on the motion: Ms. Ryerson questioned if they should schedule a hearing for tonight and have a preliminary discussion and continue the hearing to the next meeting if they feel they have determined that they don't have enough information. Mr. Nelson stated once the application was accepted there is no design review phase, and since they have accepted it, they have already passed that part. Mr. Howard commented that they would open the public hearing this evening for the purpose of the agent giving a broad overview of what they will be presenting on the 11<sup>th</sup>, with the understanding since the members and staff have not had an opportunity to review the materials presented, that then will limit their discussion and continue the public hearing to the 11<sup>th</sup>. Mr. Punturieri withdrew his motion and Mr. Wakefield withdrew his second.

**Motion:** Mr. Nelson moved to schedule a public hearing for this evening, August 28<sup>th</sup>, for Jonathan T. White Realty (143-5) seconded by Mr. Wakefield, carried unanimously.

#### **IV. Boundary Line Adjustments**

#### **V. Hearings**

##### **1. Jonathan T. White Realty (143-5)(278 Whittier Highway) Site Plan Review**

Carl Johnson, agent for the applicant, was present this evening, along with Jon White and Erin Darrow. Mr. Johnson stated the board had plans that were originally submitted, and that he had additional plans that were forwarded to the Planner. He asked if they would like to view the revised plans as he was describing the project. Board members felt this would be helpful. Mr. Johnson described the location of the site, noting it previously was a commercial property and has been vacant for some time. The property is currently owned by Fred Fuller and Mr. White has a Purchase and Sales Agreement to buy the property and develop it with an 8,000 SF retail store. The site is almost 12 acres in size, and they are developing about 35,000 SF, just under an acre. Mr. Johnson noted that a portion of the Ground Water Protection Area extends to a small corner of the project area and within that is an existing leach field that was constructed for an approved 70 seat restaurant and 2 Unit dwelling. When they first started the project they thought it was a good area for test pits was where the old system was. Due to the overlay district they have move the proposed system outside of the Ground Water Protection Area. There were two entrances to the property. The entrance furthest to the west will be abandoned. The pavement will be removed and turned into lawn. The main entrance will be widened. Erin from Right Angle Engineering will discuss her discussions with NH DOT, as they control the access onto Route 25. They have shown a possible cross connection for abutting retail properties that will be subject to cross easements. There is a brook that runs to the south and there is a 50 foot minimum buffer that they are adhering to with all of the development. The proposal is for an 8,000 SF building with associated parking. Family Dollar Corporation is who is interested in developing the retail store. Family Dollar has significant data base regarding traffic, which they have used to determine the required parking and the type of improvements that will be necessary on Route 25. Power will be overhead. They are proposing a 1,000 gallon propane tank. Mr. Johnson provided the board with photographs of a Family Dollar in Bristol that Mr. White has recently developed. The proposed store will be the same size, same architecture, and same type of signage. The photo shows some of the landscaping that was completed at that site. Mr. Johnson noted since they originally were not anything within the 25' vegetative buffer, no cutting of trees, no development, with the exception of the widening of the driveway, they did not show any changes to the buffer. Based on the comments by the Planner regarding the Conditional Use Permit (CUP), they have shown proposed landscaping in the 25' buffer, adding a landscape island around the pylon, sign, three trees, and other landscape improvements within the 25' buffer. The building will be located approximately 155' from the road. Family Dollar does not have typical concrete curb stops. They use bollards which are shown in the photos. There is handi-cap access. Parking spaces are 10'x20' with 32' between parking stalls. They have shown the improvements along Route 25 as required by NH DOT. The lighting is shown on the building. There are no proposed parking lot lights. They can provide any information regarding lumens if necessary.

Mr. Howard commented that he would like to address the request for waivers. The first is to supply a colored architectural rendering of the building. Mr. Johnson has provided photos, but the waiver request stated that there will be a slight change to the roofline with the rest of the building staying as shown on the enclosed photograph. The photo was discussed at the TRC. Mr. White commented that he has not hired the architect to go through this entire process until they go through the board. The gable end will face the road, with a red awning with the sign up above and a cupola on top. This is a wood frame building with stone on the front and vinyl siding.

Mr. Punturieri questioned the elevation from Route 25. Mr. Johnson stated they have a proposed elevation of building at 505 feet. The other side of Route 25 is at 490. The driveway is about 10%. Mr. Punturieri commented that he would like to see a drawing as well.

Mr. Wakefield noted the waiver for the 25' buffer is not required as they will be doing the plantings and a CUP will not be necessary.

Ms. Ryerson questioned what the roof line would look like from Tedeschi's. A proposed roof pitch of 9 to 12 with asphalt shingles will be visible from Tedeschi's. The front from Route 25 will be the gable end. After a brief discussion regarding the appearance of the building, Mr. White stated that he would submit an Architectural Rendering.

Mr. Nelson referred to the request for waiver questioning if a landscaping plan by a licensed Landscape Architect was needed. After discussing this it was noted that this was not needed, but requested by the Planner in an effort to further assist the board. Mr. Johnson will provide a detailed sheet for landscaping with specific plantings. Mr. Wakefield asked what a rain garden was. Ms. Darrow will address that in her presentation.

The final waiver was for a Color Rendering of the Streetscape was briefly discussed. It was not certain where this requirement is noted. Mr. Howard stated they could address this if needed at the next hearing.

Mr. Johnson introduced Erin Darrow, P.E. who will speak to the improvements proposed for Route 25, the drainage, sediment and erosion control and what is a rain garden.

Erin Darrow of Right Angle Engineering brought updated plans for the board to view. She stated that she would give an overview of the Traffic and Impact Access Study that was completed and reviewed by NH DOT prior to submitting a site plan. This was completed to see what improvements would be necessary to Route 25. The plan was submitted, reviewed and approved by the New Hampshire Department of Transportation, the Traffic Bureau. They reviewed her calculations and assessment and made the recommendation that a By-pass shoulder would be necessary to mitigate the traffic generated by the proposed Family Dollar. She explained when and how the data was collected to develop her analysis. They noted the most critical time was Saturday, midday, proposed trips being 60 trips, 30 vehicles entering and 30 vehicles exiting, weekday PM, 44 trips, 22 entering and 22 exiting per hour. She used highway capacity analysis software to determine what's called a Level of Service. A Level of Service is designated with a letter, A being the best level of service and F being the worst. These criteria are based on the delay time experienced by a vehicle making a specific traffic movement. She has calculated a vehicle making a right hand turn exit would be about 15 seconds, and making a left hand turn would need to wait about 58.7 seconds. A vehicle headed west on Route 25, turning into the site will wait about 9.6 seconds. That critical movement is what's driving the improvements needed on Route 25. The DOT reviewed the analysis and have concurred that a left turn lane is not necessary at this time, but a By-pass shoulder is. The By-pass will allow vehicles behind a car making the left turn into the Family Dollar driveway to move around, allowing traffic to keep flowing. There will be one lane in and one lane out.

Ms. Darrow next spoke to the Storm Water Management stating the concept behind the proposed drainage is three fold, to minimize runoff coming off of the site, to mimic the existing site conditions as closely as possible and to reduce and minimize and sort of concentrated flows. Concentrated flows often cause erosion. Increased volumes of storm water can cause off site negative impacts. The proposed conditions will increase the overall impervious surface. There will be three main points of storm water discharge. The idea is to decrease the flows towards NH Route 25. This is something that NH DOT would like to see, they cannot increase the flow. This will be done with a vegetative buffer along Route 25. She has proposed a series of rain gardens and infiltration phases. A rain garden is a slightly depressed area that has conditioned soil which is porous in nature that allows water to infiltrate into the ground. It is

covered with vegetation that is intended to hold and retain water. There is a planting list that is on the construction detail that provides a mix for rain gardens. The idea is to encourage water to infiltrate into the ground as close to the point of contact where it hits the ground. The water from the parking lot will flow into a filtration swale which is vegetated and has an under drain. It is designed to allow water to seep into the ground and will hit the rain garden. There will be a decrease in the volumes going towards Route 25 and they will not be increasing the offsite volumes. With the revised septic system design and the vegetative buffer, Ms. Darrow will make the final tweaks and get Bruce the final design calculations for his review. The post development will be an improvement over the predevelopment existing conditions.

Mr. Johnson spoke in regards to the topography within 100 feet. Those are provided for types of things that occur off the site but are close enough proximity to have an effect on what you're doing on your site. They have about 10 acres of land. They took the topography out enough to accommodate what was necessary. They have a complete mapping of the highway which is less than 100 feet. On the west they have the abutting building and they did not go past the building.

Mr. Howard commented that it appears that keeping construction activity out of the wetland buffer will be very difficult as it is close. Mr. Johnson stated they could put up an orange construction fence along the 50' buffer that would prohibit any activity occurring within there.

Mr. Howard opened the hearing to the public noting that they were staying very general to the presentation this evening.

Bud Heinrich questioned if the site plan had a fire protection cistern? Mr. Howard stated it does not, and that the Fire Chief determined that a sprinkler system was not required either. Mr. Woodruff commented that 12,000 SF was the threshold for mercantile buildings.

Jay O'Donnell noted his concern with the traffic. He stated the highest density of traffic on Route 25 is typically midday on Saturday and is often backed up from the lights at Aubuchon's to the property.

Caleb Johnson, representing the abutter, the Church in the Valley, noted two concerns. One with traffic on Sunday mornings and second the stream that runs behind the site runs under their parking lot and they have already had to enlarge the culvert once for the runoff. He wants to make sure that there is not going to be more water added to the brook.

Mr. Johnson stated they would have additional information available in regards to the traffic comments. He noted that DOT tends to look at safety verses convenience.

Ms. Ryerson questioned if there was any comment from the Conservation Commission. It was noted there was none, but that we would ask them again.

It was noted that there had been mention of an on-site visit earlier this evening.

**Motion:** Mr. Punturieri moved to table the application for Jonathan T. White (143-5) and to continue the public hearing until September 11, 2013, and to schedule an on-site visit for Wednesday, September 11, 2013 at 6 PM, seconded by Mr. Nelson, carried unanimously

The board took a 5 minute break at this time.

## II. Approval of Minutes

Mr. Howard noted that Peter Jensen, as Vice Chair of the Planning Board was the acting secretary for the meeting of August 14<sup>th</sup>, and the minutes before the board were his. He called for any corrections by the board. Mr. Punturieri stated that he had some significant changes. He commented that

he had corrections and significant changes. Mr. Punturieri stated as there were significant changes he had provided hard copies for the members. These contained corrections and amended minutes. Mr. Nelson asked if the members could take the time to read these and delay the acceptance of them until the next meeting. Mr. Punturieri noted his concern was that there was a hearing before their next meeting and that he felt that it would be appropriate to have at least draft amended minutes as part of the record. Members discussed this procedurally, asking where the contents came from. He noted some from his notes and part from the tape. Members took 5 minutes to read handout prepared by Mr. Punturieri. Comments were made that the amendments captured the essence of the meeting very well. Some members had concerns approving these minutes this evening as Mr. Jensen, Mr. Bartlett and Mr. King were not present this evening and that their names and comments appeared throughout the amended draft minutes. After further discussion it was the decision of the board to accept the amended minutes provided by Mr. Punturieri as draft and to delay the approval of them until the next meeting allowing those not present this evening to have the chance to review the said minutes.

**Motion:** Mr. Nelson moved to amend the draft Planning Board Minutes of August 14, 2013, as discussed this evening, seconded by Mr. Punturieri, carried unanimously.

## **VI. Informal Discussions**

## **VII. Unfinished Business**

### **1. Status update on Master Plan Survey & Speak Out Moultonborough Listening Sessions and next steps**

Mr. Woodruff briefly updated the board regarding the Master Plan Survey, noting the online survey closed on Friday, August 23<sup>rd</sup>. He provided the board with a reduced size copy of an interim snapshot of the results of the survey. 608 surveys have been input with about 72 more to be input. The survey was never meant to be a legal statistical sampling, it's only meant to be a guide for the board to determine issues and questions that need to be further studied.

An update on the Listening Sessions, there were three held, July 16<sup>th</sup> at the Balmoral Club House where 30 folks attended, On August 19<sup>th</sup> at Geneva Point Center where 23 people attended and the third on August 21<sup>st</sup> at the Lion's Club where 21 people attended. There were a lot of really good comments. He will add all of the comments, letter and email, as well as the "margin" comments from the written copies of the surveys submitted. These will be compiled in an appendix section under Listening Sessions. The next steps are up to the board to consider over the upcoming weeks. As they are not employing a consultant to lead them in this work, this must be a citizen driven effort. There are three chapters being done, vision, land use and transportation. He recommended that 3 subcommittees be formed and have a least one planning board member be on each of the subcommittees of the planning board. This will be taken up further at the work session on October 30<sup>th</sup>, 2013.

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

### **1. Proposed granting of easement of land review TM 162 Lot 87-1 to Review and Recommendation to BoS for easement of land on TM 162 Lot 87-1, located near Deep Woods Lodge Road**

Memo dated August 19<sup>th</sup>, 2013 from Carter Terenzini, Town Administrator, noting "This is to submit the proposed granting of an easement of land for your review [RSA 41:14-a "... the selectmen shall have the authority to acquire or sell land...; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies..."]

The land area the subject of the easement is 250+/- s.f. on Map 162 Lot 87-1. The need for this easement is triggered by an inadvertent placement of a septic field fill extension on this Town property. The



easement will expire upon construction of a new field in accord with requirements then in effect. The encroaching party is making a \$600 donation to the Conservation Commission fund in restitution for their conversion of public property to a private purpose. They are also covering the costs of legal fees. The full history of this matter and an aerial photograph and boundary lines are as shown on the attached memo of August 5, 2013.

The Board of Selectmen at their meeting of August 15<sup>th</sup> made the following motion "... to authorize the Town Administrator to work with Town Counsel on a maintenance easement with the owners of 33 Deep Woods Lodge, Steve and Carolyn Schulten, requiring that the easement be abandoned upon failure to the leach filed, a donation of \$600 be made to the Conservation Commission, payment for legal fees, and to decline the offer to plant trees in the subject area..."

Mr. Terenzini's question to the Planning Board is whether or not in their opinion, the granting of the easement would defeat the public purpose and ownership of the underlying land.

Board member discussed this and made a motion as follows:

**Motion:** Mr. Punturieri moved that the Planning Board recommends to the Board of Selectmen that they grant the easement as proposed for 33 Deep Woods Lodge, seconded by Mr. Nelson, carried unanimously.

**IX. Committee Reports**

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

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant