

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

Regular Meeting

October 9, 2013

Minutes

Present: Members: Peter Jensen, Josh Bartlett, Paul Punturieri, Bob Goffredo,
Judy Ryerson (arrived at 7:05); Russ Wakefield (Selectmen's Representative)
Alternates: Keith Nelson, Natt King
Excused: Member: Tom Howard
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

As Vice Chair, Mr. Jensen opened the regular meeting to at 7:00 PM and led the Pledge of Allegiance. Mr. Jensen went out of order for the agenda, starting with the two scheduled hearings.

V. Hearings

1. Continuation of Public Hearing Jonathan T. White Realty (143-5)(278 Whittier Highway)
Site Plan Review for a Family Dollar Retail Store

Mr. Jensen noted the Office of Development Services was in receipt of an email sent on October 8, 2013, from Carl Johnson requesting the continuance of the public hearing to the meeting of October 23, 2013, to allow time for the Planner to review plans submitted last yesterday.

Motion: Mr. Bartlett moved to table the application for Jonathan T. White Realty (143-5) and to continue the public hearing until October 23, 2013, seconded by Mr. Wakefield, carried unanimously.

Mr. Jensen then seated Mr. Nelson and Mr. King in place of Mr. Howard and Ms. Ryerson.

2. Continuation of Public Hearing - CG Roxane, LLC (408-1)(1455 Ossipee Park Road)
Site Plan Amendment

Mr. Jensen noted the Office of Development Services was in receipt of an email sent on October 4, 2013, from Nick Sceggell, P.E., representing CGR, requesting the continuance of the public hearing to the meeting of October 23, 2013, to allow additional time to resolve drainage design requests as requested by the board at their last meeting.

Motion: Mr. King moved to table the application for CG Roxane, LLC (408-1) and to continue the public hearing until October 23, 2013, seconded by Mr. Punturieri, carried unanimously.

Mr. Jensen then asked approval of the board to move the approval of minutes to the end of the meeting, allowing the applicant to proceed first.

Mr. Goffredo stepped down from the board for the new submission and application for Kepco.

III. New Submissions

1. Kepeco, LLC (92-32, 32.1 & 32.2)(Sunrise Drive)
Re-Subdivision of Three Lots into Two Lots

This was a request for a proposed Re-Subdivision of three existing lots in to two building lots. Mr. Jensen noted the request for waivers dated 19 September 2013 from Advanced Land Surveying Consultants, PLLC.

Motion: Mr. King moved to accept the application of **Kepeco, LLC (92-32, 32.1, 32.2)**, acknowledge the receipt of the waivers for the purposes of acceptance only, and to schedule a hearing for this evening, seconded by Mr. Wakefield, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

3. Kepeco, LLC (92-32, 32.1 & 32.2)(Sunrise Drive)
Re-Subdivision of Three Lots into Two Lots

Carl Johnson, from Advanced Land Surveying Consultants, PLLC presented the application for the re-subdivision of three lots into two lots. Mr. Johnson commented that the existing three lots are lots of record and could each be developed. They could apply for a building permit on all three lots, provided they could get individual septic system design approved for each lot. The lots are serviced by the Balmoral water system so they do not need wells on each lot.

Ms. Ryerson arrived at this time. Mr. King was then seated in place of Mr. Goffredo.

Mr. Johnson explained to the board why this application was submitted as a re-subdivision and not as a boundary line adjustment. When they wish to build on either of the lots they would need to get an individual septic design approved for the lots in order to get a building permit. Mr. Johnson stated that these are three existing non-conforming lots of record and the proposal would create two less non-conforming lots. Mr. Johnson referred to the Planners staff memo, noting they have asked for a waiver of the environmental issues as they do not have to prove lot sizing as the lots are becoming bigger. They will be required to obtain a town driveway permit. He commented that there was a note regarding septic approvals. Mr. Woodruff stated that that comment was in the wrong place on his memo, that it should be under miscellaneous issues, and was a suggestion he made to the planning board. The applicant needs to have subdivision approval, not septic approval. This was a request of the Planner. Mr. Johnson argued that point, noting it was not required and gave reasoning as to why they would not want to go through the process and expense of obtaining septic approval at this time. They would provide test pit data along with a statement from an individual septic system designer that each site would support an individual septic system based on the test pit information in lieu of actually placing a design on the lot which would sort of lock in where the owner could do that. Mr. Johnson stated that he had had a discussion with Eric Thomas, of NH DES Subsurface, today regarding this whole issue. Mr. Thomas was of the opinion that they do not need State subdivision approval for this. The state has a provision that if you are moving a property line and the number of owners don't go up it is not subject to their review. Mr. Johnson noted that they would dig a test pit on each lot to determine that the buildable area within each lot would support a septic system

and Mr. Thomas will issue a letter stating that it is not subject to subdivision approval. Mr. Johnson answered any questions from the board.

Mr. Woodruff explained that originally these were three lots in Balmoral which were involuntarily merged into one lot by the Town in 1987. Pursuant to NH RSA 674:39-aa, the applicant requested the Restoration of the Involuntarily Merged Lots, which was approved by the Board of Selectmen on September 20, 2012, restoring the 8,140, 8,140 and 8,054 sq. ft. area lots. The proposal is to re-subdivide the existing three lots into two lots of 12,120 sq. ft. and 12,124 sq. ft. He commented that he was in favor of the proposal as the re-subdivision results in fewer lots of record and they are less non-conforming than the existing three lots of record. Several members were in agreement with this comment.

Mr. Jensen asked for questions or comments from the public. It was noted there were none.

Motion: Mr. Nelson moved to approve the application for Kepco, LLC (Map 92-Lots 32, 32.1 & 32.2) (Sunrise Drive) Three lots to Two Lots Minor Re-Subdivision of existing 8,140, 8,140 and 8,054 sq. ft. area lots into two lots, one lot containing 12,210 sq. ft. area and one lot with 12,124 sq. ft. area, located entirely in the Residential/Agricultural zone with the two requested waivers and the following conditions: 1. Add an owner's signature block to the plat, and the owner shall sign the plat prior to recording. 2. Test pits completed showing that each lot can support a septic system. 3. Depict the existing water main on the plat. 4. Property bounds shall be set prior to the Chair signing the plat. 5. 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. Bartlett, carried unanimously.

Mr. Goffredo returned to the board at this time.

VI. Informal Discussions

Mr. Jensen noted there was a request for an informal discussion. The Planner gave the background on the request, noting as a condition of approval of the multi-tenant building, they are required to return to the board informally to seek approval for a change in tenants.

Debra Morgan, owner of the property located at 1070 Whittier Highway (44-33) stated she was there to request a change in tenants to her building. She has been approached by Decklan Brown, a cabinet maker, who would like to rent a unit. Ms. Morgan spoke with the Planner, noting the proposed use complies with the zone and she would like approval. For clarification purposes, Mr. Bartlett asked if there was a requirement that the board approve the tenant, or just a requirement that they be notified. Mr. Woodruff stated it was a condition of site plan approval to see if the board has any concerns. If they do have concerns, they could bring the site plan back to the board. Board questions covered how many employees there are going to be, the hours of operation, retail business with customers coming and going? Mr. Brown indicated that there would be 2 employees, including himself, the hours of operation would be about 7-5, and that this was not a retail business, it was custom cabinetry and there may be a few customers here and there. Mr. Brown stated that there are dust collections on the woodworking machines. It was the consensus of the board to allow the use as requested this evening for 1070 Whittier Highway.

Ms. Morgan commented that the process in which she must go through for a change in tenants was silly and time consuming. She asked if the board could simplify the process through an application for when there is a change in tenants. Mr. Woodruff stated that this was a requirement as a condition of approval on the site plan. He stated that the use of any building in town is required to obtain a Certificate of

Occupancy and that there is an application process for that. One should be filed each and every time there is a change in tenants as well. One option for Ms. Morgan was to make application to the board for an amendment to the approved site plan, requesting that requirement be amended or removed.

Members discussed this briefly and asked the Planner if he could recommend a course of action for Certificate of Occupancies being required for change in use (tenants) in Multi-Use Tenant Buildings. Mr. Woodruff stated he would work on a draft for the board's work session

II. Approval of Minutes

Motion: Mr. Punturieri moved to approve the Planning Board Minutes of September 25, 2013, as amended, seconded by Mr. Bartlett, carried unanimously.

VII. Unfinished Business

1. Mr. Woodruff stated that he was out of the office for personal related issues and still has not had time to complete the research for the drafting of a process or procedures regarding Conditional Use Permits (CUP). He will prepare "Draft Procedures" as discussed for their next meeting or work session.

2. Mr. Woodruff commented that he would be going to Concord Thursday with Pat Tarcy of the Lake Winnepesaukee Watershed Association, who is our grant application partner for the Section 319 Water Quality Grant. They will be presenting their application to the State, which is one of the twelve finalists. As the amounts requested this year is much less than the previous two years, the State believes that they can fund all twelve of the final applications. The grant application is to prepare a Watershed Management Plan that has specific implementation steps, with a goal in the reduction of the nitrates, phosphorus that is specific and can be measurable. He stated that this will be great for the water quality of the lake, and it is about time for this side of Moultonborough, Moultonborough Bay, to get this kind of good work to be done. It was noted that this is already being done on the Center Harbor side of the lake. Mr. Jensen commented that the match has already been approved. The Board of Selectmen approved a \$15,000 match, and the Conservation Commission has approved \$5,000 from their fund.

VIII. Other Business/Correspondence

IX. Committee Reports

X. Adjournment: Mr. Wakefield made the motion to adjourn at 7:47 PM, seconded by Mr. Punturieri, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant