

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

Regular Meeting

February 26, 2014

Minutes

Present: Members: Tom Howard, Paul Punturieri, Josh Bartlett, Bob Goffredo;
Russ Wakefield (Selectmen's Representative)
Alternates: Keith Nelson, Joanne Farnham, Scott Bartlett, Rich Kumpf, Kevin Quinlan
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

Mr. Howard opened the regular meeting at 7:00 PM and led the Pledge of Allegiance. Mr. Howard seated Keith and Scott to sit on the board with full voting privileges this evening.

II. Approval of Minutes

Motion: Mr. Punturieri moved to approve the Planning Board Minutes of February 12, 2014, as amended, seconded by Mr. Nelson, carried unanimously with Mr. Josh Bartlett abstaining.

III. New Submissions

IV. Boundary Line Adjustments

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. Howard reopened the public hearing and made the following comments. He stated that at the time that the Planning Board voted to continue this hearing they were clear that they would proceed based upon the receipt of a complete proposal which had been fully vetted through peer review by the Town's contracted engineer. It is evident that we have not reached that level of a complete proposal at this time. The evidence being an incomplete checklist based upon KV Partners peer review to date and the abundant e-mail traffic and voluminous content therein as received during the past two days, days that both the Town Engineer and Planner were on vacation. By Ms. Darrow's own request in those e-mails, the applicant's representatives desire a meeting with the Town Engineer to complete the peer review in order to be fully prepared. Specifically, Ms. Darrow asked whether a letter requesting a continuance was in order. So it seems that we have two courses of action that the board can take. Number one, discuss and decide upon the granting of the continuance if this is the desire of the applicant. In which case this will be the only discussion and public input we will entertain initially until a decision has been made thereon. And then secondly, proceed with the hearing if that is the desire of the applicant or if the board chooses to deny the option of the continuance. Mr. Howard asked the applicant if he wished to request a continuance. Mr. White stated "Yes, we do." Mr. Howard stated that they were going to proceed to discuss only the continuance. He then asked that the Planner lead off as he has all the information the members have received. He asked that he address the technical memorandums specifically from KV Partners, and any other background that he would like the board to have to make a decision on continuing the hearing.

Mr. Woodruff stated the most important thing about the peer review process is the timeline. The timeline was made clear to the applicant's engineer that the board had wanted this to be complete by now. In fact so that he would have time to review the results of the peer review process. That's the final revision, plans, reports and documents from the engineer and the final memorandum from the Town engineer on this whole thing so he could give them a recommendation. They needed to have all of this done by the 19th of February. Many of these second revisions, plans, reports and documents were submitted today by e-mail to Mr. Korber, the Town's engineer. It's pretty obvious that that's not enough time. In talking about continuance, you're talking about what's left to do, he really doesn't know because the Town's engineer hasn't even had a chance to look at these. Prior to today, when you review Technical Memorandums 1 and 2, you see that what really has not been submitted is a revised plan set addressing all of those comments in the Technical Memorandums. The Stormwater Management Report, schedules, inspection forms and the attendant drainage analysis, that was not only incomplete, but incorrect in places, prior to this, and then what I think is the most important issue, and as your Planner, I'm going to tell you that I really feel I am in accord with Mr. Taussig on this one. I really am. This may be a good thing for this site, but, there are issues of safety around the roadway network in front this that really need to be addressed. With that said, we know, because I contacted David Silvia, the access technician at NH DOT District 3, today, that they don't have a driveway permit yet. Why is that important? That's important because there are two things that have not been addressed. All of the revision comments have not been addressed by the engineer. Those original comments date back to January sometime. That's with regard to the design for a bypass shoulder. And secondly they even have a condition, an absolute condition that they place on the issuance of driveway permit for this site, that there be a cross connection with the abutting business to alleviate that traffic that would go in and go out, and go in and go out and introduce more friction on that roadway network. They are not dropping that condition and I provided a copy of the e-mail to your Chairman. They're not dropping that condition with regards to this. So there are significant questions that I think need to be answered with regard to this application. So safety is a big concern and because I'm not certain of what the drainage analysis shows and what the stormwater management report shows, there may be some environmental concerns as well. Those are two very important issues for this application that to date have not been answered. So the best thing that I can say to you is that you could, and you see my staff memo, you could deny this for cause with regard to safety and environmental issues and let the applicant know that they can come back when they're finished, and they have answered on the answers or you could continue this to a date specific as you have done in the past. But the weeks tick by and nothing happens, so I'm a little leery of this, unless you get some assurances from the applicant and his consultants that they'll get it done this time and how long they need to take to get it done.

Mr. Howard asked for input from the applicant or his representative as to how they would propose a schedule that the board would proceed by since they are asking for a continuance.

Jonathan White briefly spoke to the board noting that he has been relying on professionals that he has been paying a lot to take care of this. Stating that he doesn't have the ability or the knowledge to cross the t's and dot the i's, which is why he hires professionals to do it. The engineer, Erin Darrow, has completely let him down. He has done everything that he felt he could to keep this moving along. Mr. White stated that he was beyond disappointed that he was hearing this today. He agreed to pay for the peer review, and said that quite frankly he didn't blame them for making him do a peer review because he doesn't trust his engineer. She has absolutely let him down with her lack of professionalism and her lack of following through. He is extremely frustrated and has spent a fortune on engineering. He stated that he has every intention of doing this project, it's going to happen, it's just a matter of how much he keeps investing.

Mr. Howard asked if they had any ideas of how they could best approach this from a time line situation as they (the applicant) don't have the confidence that she's going to get it done.

Mr. White stated that he was beyond disgusted with this and referred to Carl Johnson for input regarding the time frame that makes sense. Mr. Johnson stated one thing he'd like to make clear is that if the board were to entertain a denial to come back he doesn't want that to interfere with the peer review process that they've already got going and intend to continue with because they're pretty much seeing the light at the end of the tunnel. Ms. Darrow has done a significant amount of work in the last few days and was not submitted in time for the Planner to complete a comprehensive review. Mr. Johnson commented that he does understand the boards' frustration, but he wants to make certain that the peer review process stay intact and they continue to have Ray Korber work on this. In reviewing the latest response it appears that there's been a lot of progress in coming to a resolution. He does not anticipate there's going to be any show stoppers that appear in the peer review. Mr. Korber has suggested a meeting with KV Partners, Erin Darrow, Jon and or himself, and Bruce, together to decide what this is going to be, what the time frame is going to be and where they can meet it. Mr. Johnson offered that they would be willing to re-notify abutters. If they can table the application until such time that the applicant has re-noticed the abutters and come back. They have a great fear that they would say that they would be ready in a month and then not be ready. Mr. Howard stated that would be fearful.

Mr. Woodruff commented that the peer review will not and did not address the NH DOT permit, which still has not been issued.

After a lengthy discussion regarding the continuance and re-notification it was the consensus of the board, if they were to table the hearing that it would not exceed six months (August 27th) and that the applicant would be required to re-notice abutters. Mr. Johnson questioned if this would preclude them from noticing and coming in before that. Mr. Howard stated that was correct, it would not.

Mr. Howard asked if any members of the public would like to speak to the issue of continuance. Jane Fairchild stated that she was present this evening as the President of the Lake Kanawatka Watershed Association (LKWA) and a property owner on Lake Kanawatka. She gave a brief recap of the time that this application has been before the board, about six months and if a continuance were granted for another six months, that would mean the board has been tied up for about one year for this application which is still incomplete. She commented that she felt that this was far more time than is needed for any applicant to come before the board with an incomplete application, and she doesn't believe that additional time should be granted. There have been numerous delays and the applicant has stated that they are unhappy with their engineer. She thinks they have made a mockery of the board and that the board should get a back bone and deny it. Many abutters and members of the public have made several trips for hearings which is very time consuming and a major inconvenience. Ms. Fairchild stated that there were a number of other things that she wanted to say tonight and thought she'd have the chance to do more than speak to the continuance. She asked for permission to go into a couple of other areas, noting that there essentially is a new board since she was last here. Mr. Howard stated if they were to vote to deny a continuance then he would welcome her further comments.

Members noted their concerns with the lack of information and the fact that things come in in bits and pieces. The Applicant, Board and Public has put a lot of work and effort into this and if they were to table it to a point, where there is no point beyond that, that it is complete, and if it is not complete then it should be denied. If they were to deny it this evening all of the work and effort would be thrown away.

Motion: Mr. Josh Bartlett moved to table the application for Jonathan T. White Realty (143-5) and to continue the public hearing until a date no later than August 27, 2014, requiring that the following four conditions be completely addressed at that point: 1) Driveway permit. 2) Off-site improvement plans approved by the DOT District III Engineer. 3) The revised plan set addressing all comments. 4) Stormwater management report and schedules/inspection forms, attendant drainage analysis. Furthermore the applicant is required to re-notice all abutter's of the hearing by certified mail/return receipt at their expense not less than ten

(10) days prior to the hearing date. And that the applicant place an additional amount of three thousand dollars (\$3,000) into the escrow account for the peer review. All plans, reports and documents to be submitted to the Office of Development Services by August 17, 2014 or no less than ten (10) days prior to their requested hearing, seconded by Mr. Scott Bartlett.

Mr. Josh Bartlett commented that the applicant is doing the best they can, but they have gotten themselves into a situation, it's not the board's situation or the abutter's situation. They are willing to work with the applicant, but a year is a long time to have something on the table.

Mr. Howard closed the public portion of the hearing at this time and called for a vote on the motion on the floor. Motion carried unanimously.

Cristina Ashjian commented that as Ms. Fairchild had noted, there are new members/alternates on the board and the issues with the prior hearing/application started last August. She asked the three new faces, Mr. Kumpf, Mr. Scott Bartlett and Mrs. Farnham, if they had reviewed the Heritage Commission memo for this application that was submitted along with all of the other material for tonight. Mr. Howard commented that they will be before the 27th of August. She would like to make certain that the newer members have the opportunity to review the complete file. Ms. Fairchild added to that, stating she hopes that all of the letters that have come from LKWA members and other members of the public have also been seen by the whole board as some are sent to Bruce, some to Bonnie etc. Mr. Howard stated they are all part of the file which is kept in the office and all members have access to that information. Ms. Fairchild submitted additional material and photos for the record. Mr. Howard stated that they would be added to the file.

VI. Informal Discussions

VII. Unfinished Business

1. Application For and Notice of Voluntary Merger for Todd A. & Brenda M. Pulis (271-11 & 13)(112 & 115 Deerhaven Road). Mr. Woodruff referred to the map that was provided with the application. The map shows the two lots to be merged. Mr. Woodruff briefly explained the layout of the properties, noting that originally there were four lots. Some of those configurations you don't see now. He went on to explain how the layout is today, which is one lot (271-11) that has 1 1/3 dwellings on it, and another lot (271-13) with 2/3 of a dwelling. The dwelling (112 Deerhaven Road) is split by a common boundary line. The purpose of the merger is to eliminate the boundary line that passes through the house. There will be two dwelling units on one lot, which is better than the non-conformity. The board briefly discussed the requirements for two dwellings on a lot, noting that they are already both there today and both have septic systems that were approved by DES. There is a requirement for two dwellings on a lot that they prove to the board that they meet the unit density calculations based on soils and slopes. In this case Mr. Woodruff stated he doesn't feel the board can require that for this application. This is making a bad situation much better. It is a lot that will be greater than 5 acres when the two are merged.

Motion: Mr. Punturieri moved to approve the Voluntary Merger for **Todd A. & Brenda M. Pulis (271-11 & 13)** seconded by Mr. Nelson, carried unanimously.

2. Consideration and appointment of citizen/business owner applicants for Village Vision Sub-Committee. Mr. Howard noted there were two positions for Property owner/Business owner category. There were two applicants, Richard Murphy (resident and business owner) and Stephen Holden (business owner). Mr. Howard read aloud their comments/letter of interest to serve on the sub-committee.

Motion: Mr. Punturieri moved to appoint Richard Murphy and Stephen Holden as the Business/owner representatives to the Village Vision Sub-Committee, seconded by Mr. Josh Bartlett, carried unanimously.

Mr. Howard then stated that for the Residents/Taxpayers category there are five applicants for two positions. Those were Paul O'Neil, Joanne Coppinger, Richard Brown, Ken Bickford and Bob Patenaude. Ms. Coppinger was present this evening and briefly addressed the board stating her desire to serve on this committee. Mr. Howard then read Rev. O'Neil's memo into the record, noting that his schedule is full and only allows him to meet on Mondays. Next was from Richard Brown who also indicated that he was interested, but he too had time restraints. And it was noted that he is also running for a position on the School Board and is Chair of the CIPC. Mr. Howard then read the volunteer letters for both Ken Bickford and Bob Patenaude. Mr. Josh Bartlett nominated Joanne Coppinger and Bob Patenaude to serve on the Village Vision Sub-Committee. Mr. Howard noted that he would prefer that the board discuss the candidates, asking if they could state their preferences and if they could eliminate any of the names before taking the vote which may be a cleaner way. Members were in agreement that it appears that both Rev. O'Neil and Mr. Brown had time constraints and stated that this process would be very intense for the next 9 months, therefore eliminating two of the applicants. Mr. Howard polled the board from the remaining three applicants. The result of voting by poll was to appoint Joanne Coppinger and Ken Bickford as the two Residents/Taxpayers to serve on the committee.

3. Appointment of Planning Board Representative to Village Vision Committee

The last position to be appointed was for a representative of the Planning Board. Mr. Wakefield commented that Chris Shipp had been appointed to be the Board of Selectmen's representative on the Planning Board. He stated that it appears that Mr. Punturieri will be elected to the Select Board but that he would like him to continue on this Sub-Committee as he has put a lot of time and effort into it. It was noted that if Mr. Punturieri is elected as a Selectman then he will need to resign from the Planning Board and cannot represent them in that capacity. Mr. Punturieri thanked Mr. Wakefield for his comments. The board then discussed those members who will still be on the Planning Board at the end of March. After a brief discussion Mr. Punturieri moved to appoint Josh Bartlett to the Village Vision Sub-Committee as the Planning Board representative, seconded by Mr. Scott Bartlett, carried unanimously with Mr. Josh Bartlett abstaining.

4. Discussion on Parking Table revision work – Once again members briefly discussed this request made by Mr. Goffredo at the last meeting. It was noted that this was a suggestion to make our parking table clearer. After a brief discussion, it was noted that it would require this being added to the Work Plan and that the revision would require a public hearing. Members felt that they had just finished a complete review of both their Site Plan and Subdivision Regulations in the past year and it was a large task. It was also noted that there is nothing wrong with what is currently in the regulations. The Planner and any professional can easily understand and apply the current parking table that is in the regulations. With that being said, it was noted that those members whose terms are not up in March have not been there long and that they have a lot on their plate. It was the consensus of the board to hold off on this suggestion given the work load of the board and the youth and inexperience of the board.

5. Mr. Howard noted as in the past if there were no agenda items for the first meeting in March, which falls in between the two days of Town Meeting, they have cancelled the meeting in the past. And as it turns out there were no new submissions for the meeting of March 12th. Mr. Howard called for a motion relative to that meeting.

Motion: Mr. Punturieri moved to cancel the Planning Board meeting of March 12, 2014, seconded by Mr. Wakefield, carried unanimously.

Mr. Punturieri commented that this would be the last meeting for Mr. Howard and Mr. Nelson. And it was noted for Mr. Punturieri as well. Mr. Punturieri took a moment to thank Mr. Howard for his time and dedication to the board and as Chairman for the past two years. And he thanked Mr. Nelson for his 19 years that he has served on the board. Mr. Nelson commented that he appreciated all of the work that Mr. Howard has done as Chair, along with the past Chairs, as well as all of the work that all of the members perform and thanked them. Mr. Howard echoed those sentiments and noted he has seen how hard the

board has worked and a great volume of work that has taken place. He thanked staff, stating that that amount of work could never have been done by an entirely volunteer board without that kind of support. Mr. Howard thanked all for their hard work and passion.

VIII. Other Business/Correspondence

IX. Committee Reports

- X. Adjournment:** Mr. Punturieri made the motion to adjourn at 8:23 PM, seconded by Mr. Scott Bartlett, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant