

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

Regular Meeting

February 12, 2014

Minutes

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

I. Pledge of Allegiance

Mr. Howard recognized the loss of their colleague and friend Peter Jensen. He stated that our community is a better place for his time here, and he asked that everyone join him with the gusto and conviction that Peter always gave to our Pledge of Allegiance.

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

II. Approval of Minutes

Motion: Mr. Nelson moved to approve the Planning Board Minutes of January 22, 2014, as written, seconded by Mrs. Farnham, carried unanimously.

Motion: Mr. S. Bartlett moved to approve the Planning Board Workshop Minutes of January 29, 2014, as written, seconded by Mrs. Farnham, carried unanimously.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

1. Continuation of Public Hearing - Kevin A. & Elizabeth Koons (195-7)(75 Eagle Shore Road)
Major 4 Lot Subdivision

Dave Dolan of David M. Dolan Associates, PC was present to represent the applicant. Mr. Dolan stated that this was a continued hearing for a four lot subdivision and briefly recapped what the project was and what had taken place at the first hearing. He noted that he had submitted revised plans. The revisions included the removal of the structures (three cabins) on Lot 7, added the location of a hand dug drainage ditch, which was not a jurisdictional wetland and is noted on the plan and relocated the 4K area to be at least 35' away from the ditch. There were additions to the Notes on the plan, rewording on Note #13 and the addition of Notes 15 – 18. Mr. Dolan noted that they have received NH DES subdivision approval and he will amend the plan to include the approval number. They have received a Town Driveway Permit approved by the Board of Selectmen.

Mr. Dolan stated one major topic of discussion at the prior hearing was the waiver regarding the access to Lots 7 and 7.001. There is an approved driveway permit for that access point that dissects the wetland. It is an existing woods road and has been used recently to access the cottages and remove them from Lot 7. This is intended to be the driveway for Lot 7 and 7.001. As discussed at the prior hearing, the abutting lot also reserves the right to use the easement for incidental access. If they use that access for residential or a primary structure, then they would have to contribute to any maintenance of the common driveway. They have requested a waiver to not build the access to minimum town road standards as it would not be considered a driveway as it could potentially service more than three lots. The prior hearing was continued to allow time for Mr. Dolan to contact the attorneys for both the Koons and Power requesting some sort of clarification as to who will be required to maintain that and what will trigger any upgrade and the attorneys will have to come up with language to present to the board. If Mr. Power should state that he would never use the easement to access a residence he could put that in writing or a deed easement then they could grant the waiver. Attorney for Mr. Power, Doug Hill, submitted a letter dated February 7th, 2014, stating "...Malcom now has no intention of using the roadway for dwelling access." Members discussed this issue at length with some feeling that the letter did not address their concerns over the upgrading of the road and others feeling that it did. After further discussion it was suggested that a condition could be placed on the granting of the waiver which would be noted on the plan or recorded at the Registry of Deeds.

Mr. Howard asked if there were any questions from the public at this time. There were none.

Mr. Woodruff commented that under his staff recommendations that items 2 & 4 have been met.

Motion: Mr. Nelson moved to approve with conditions the Subdivision Plat and associated plans for Kevin & Elizabeth Koons (195-7), granting the waivers to depict 5 foot contours of the entire property and the minimum "road width" of 18 feet, to allow a travelled way of 14 feet, for the "Proposed Common Drive" for Lots 7 and 7.001 as requested in the Waiver Letter dated, 16 December 2013, the submittal of a standard traffic impact analysis memo report, and a dedicated access easement to the lake and firefighting devices to the Fire Department. The waiver for minimum "road width" is subject to the condition that should Tax Map 195, Lot 8 desire to use the access serving Lots 7 and 7.001, located between Lot 7 and Tax Map 195, Lot 8, for primary residential access then the owners of Lots 7 and 7.001 must bring the roadway up to the then current Town Standards. Furthermore, the approval is conditioned upon the following: 1) Add the State of NH Subdivision approval number to a note on the plat. 2) Move the Wetland Scientist Seal and signature to the plat sheet. 3) Employ the use of sod in lieu of seeding for swales and treatment outfalls where rip rap stone is not called for. 4) 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. Punturieri

Discussion on motion: Mr. Wakefield questioned if the added language to the motion included language that current Map 195, Lot 8 is also obliged to take part in the upgrading of the road? Mr. Nelson stated that he did not include that in the language as the onus is on Lot 7 and 7.001. The board cannot require that Lot 8 is required to pay for improvements. The condition as stated would be enforceable by the Town at such time an application for a building permit was submitted.

Mr. Howard called for a vote on the motion on the floor, which carried unanimously.

Mr. Dolan asked if they would like this added as a plan note. Mr. Woodruff stated that there will be a Notice of Decision that will contain the conditions. A question was asked if the decision would be recorded at the registry. It was the consensus of the Board to require the Notice of Decision to be recorded by the applicant or their agent, and that it also is indexed under Powers lot too.

Motion: Mr. Nelson moved that the Notice of Decision be recorded by the applicant as noted above, seconded by Mrs. Farnham, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

1. Letter of Interest to serve on the Village Vision Committee - Mr. Howard noted that they have received three letters of interest to serve on the Village Vision Committee. He stated his preference would be to wait for the next meeting to allow additional time to receive additional letters of interest as they do not have enough to fill the committee. Mr. Woodruff noted that two of the interested parties are business owners in Town. He also noted that the Heritage Commission named Cristina Ashjian as their delegate to the Village Vision Committee. Mrs. Farnham had submitted a letter of interest, which in effect would be the Planning Board representative. Mr. Punturieri noted for the record that anyone interested in serving on the committee is welcome but he cautioned that that this committee will be very intensive and they should realize that this will be a big commitment for the next nine months or so.

2. Finalized 2014 Work Plan – Members were provided with a copy of the 2014 Work Plan that was adopted by the board at their meeting on January 22nd, 2014.

3. Mr. Howard stated that Mr. Goffredo had a question for the board, asking if they would like to entertain further discussion relative to the parking table in the ordinance, and if they should revisit it, if this is something that the board would like to add to the Work Plan. This would require a revision and public hearings. Mr. Goffredo commented that in reviewing the Site Plan Regulations he had a hard time finding our parking requirements and then felt that it was not clear enough. He came up with a parking table from Houston, TX which he felt was much clearer and simpler to understand. This is strictly a suggested change for ease of use. Members discussed this briefly, with the Planner commenting that our format is familiar to surveyors, engineers and developers and it was added to our Site Plan Regulations last year. The table from Houston has other uses included in a different format. Our table has been tailored to our use table in our ordinance. There are good points in both. It was the decision of the board to take a look at this at the next meeting. The table Mr. Goffredo was referring to will be sent to members with their packets for the next meeting and the Board will make a final decision if they wish to proceed forward with this in the coming year.

VIII. Other Business/Correspondence

1. Appointment of Planning Board Member to the Conservation Commission – Mr. Howard commented the need for the Planning Board to designate members to serve on the Conservation Commission and the Capital Improvement Program Committee. These were two positions in which Mr. Jensen was serving on. Mr. Howard asked that members think about how they might like to serve the Planning Board in other functions related, but representing the Planning Board on these commissions and sub committees. It was noted that Mr. Josh Bartlett is on the CIPC as a Member at Large. Mr. Woodruff gave a brief background on the statute, RSA 36-A, which governs the Conservation Commission, has a statement in it that says that the Planning Board may designate a representative to the Conservation Commission. It is optional. However, the Conservation Commission Chair and Vice Chair have requested that the Planning Board delegate a member/representative to the Conservation Commission, but it is up to the board. Mrs. Farnham questioned if the statute prohibited her from serving on the Conservation Commission as her husband is already a member. Mr. Woodruff commented no. The RSA 36-A specifically states “Members of a conservation commission also may serve on other municipal boards and commissions.” Mr. Goffredo questioned if this appointment could wait until after the upcoming elections. Mr. Howard commented that he didn’t want to be nonresponsive to the request of the Conservation Commission. Mr. Woodruff noted that the CIPC will meet on February 20th at 9 AM to gather more information on some of the articles that have been placed on the warrant.

2. Mr. Woodruff stated that there is one more volunteer opportunity for the Town that has come up. The Town recently was awarded a Broadband Planning Grant by UNH, which is mostly manpower, UNH resources and mapping. There is no money involved in this at all. One of their requirements is that the Town creates a 6 or 7 member Broadband Committee to receive the results, review them and pass them along. This will be about a six month requirement.

IX. Committee Reports

X. Adjournment: Mr. Wakefield made the motion to adjourn at 7:55 PM, seconded by Mr. Scott Bartlett, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant