

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

Regular Meeting

May 14, 2014

Minutes

Present: Members: Josh Bartlett, Scott Bartlett, Rich Kumpf, Joanne Farnham,
Ed Charest; Paul Punturieri (Selectmen's Alternate Representative)
Alternate: Tom Howard
Excused: Kevin Quinlan
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

Mr. J. Bartlett opened the regular meeting at 7:00 PM and led the Pledge of Allegiance. He then appointed Tom Howard to sit on the board with full voting privileges in place of Kevin Quinlan.

II. Approval of Minutes

Motion: Mr. S. Bartlett moved to approve the Planning Board Minutes of April 23, 2014, as corrected, seconded by Mr. Charest, carried unanimously with Mr. Punturieri abstaining.

Motion: Mr. S. Bartlett moved to approve the Planning Board Workshop Minutes of April 30, 2014, as amended, seconded by Mr. Kumpf, carried unanimously with Mrs. Farnham abstaining.

III. New Submissions

1. CruCon Real Estate Holdings, LLC (141-10)(67 Whittier Highway)
Site Plan Revision and Conditional Use Permit
2. CruCon Real Estate Holdings, LLC (141-11)(81 Whittier Highway)
Site Plan Revision

The Board addressed the two new submission applications' for CruCon Real Estate Holdings, LLC (141-10 & 11) at the same. The request is for a site plan revision to both Lots 10 & 11 and a conditional use permit (CUP) for Lot 10 for the proposed construction of service connector road between Lots 10 and 11, also the connection to the Bay Sewer District system and removal of the leach field.

Mr. Woodruff noted the Request for Waiver and Conditional Use Permit. The waiver requested is to not provide an amended traffic impact analysis memo. The applicant is requesting a Conditional Use Permit (CUP) be granted for Lot 10 that allows the 25 ft. wide vegetated buffer along the frontage to be essentially at 0 ft. because of the requirements of the power company to have no growing vegetation within the 50 ft. easement that runs along the lot frontage.

Motion: Mr. Charest moved to accept both applications' of CruCon Real Estate Holdings, LLC (141-10 & 11), grant the waiver for the purposes of acceptance only, and to

schedule a public hearing for this evening to be Public Hearings #1 & 2, seconded by Mrs. Farnham, carried unanimously.

3. Regina A. Nadeau; Esq., for Norman and Martha Gill (173-53)(Redding Lane)
Conditional Use Permit

Mr. J. Bartlett stated that this was an application for a Conditional Use Permit to allow the construction of portions of a dwelling, leach field and driveway within the 50 ft. buffer to the wetland area.

Motion: Mrs. Farnham moved to accept the application for Regina A. Nadeau; Esq., for Norman and Martha Gill (173-53) and to schedule the public hearing for this evening to be Hearing #3, seconded by Mr. S. Bartlett, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. CruCon Real Estate Holdings, LLC (141-10)(67 Whittier Highway)
Site Plan Revision and Conditional Use Permit (CUP)
2. CruCon Real Estate Holdings, LLC (141-11)(81 Whittier Highway)
Site Plan Revision

Dan Ellis from Ames Associates presented the applications for CruCon. Mr. Ellis stated that there were two applications as there are two lots and the applications involve an access road that links those two lots. He felt that it would be appropriate to discuss both applications at once. The Chairman stated that it would be appropriate to proceed with one presentation.

Mr. Ellis gave a brief background on the properties noting that CruCon is in the process of moving into their new building (Lot 11) and has been given a temporary Certificate of Occupancy (CO) while they are obtaining the remaining necessary approvals on Lot 11 for a CO. During this process there have been some unexpected things that have arisen. One being the purchase of the abutting Lot 12, which the board recently approved a site plan for a daycare facility, and most recently they are in the process of purchasing abutting Lot 10, formerly the MVSBS building.

The purpose of the applications is to link the two properties (Lots 10 & 11) with a proposed access road. The proposed use of the former MVSBS building is for any immediate overflow needs they might have. They will be holding a grand opening on their new building next month and they would like to use the parking lot on Lot 10 during that celebration.

Mr. Ellis went on to give the specifics on the access road as well as the location of the road. They had met with the Technical Review Committee (TRC) back in April who had preferred the connector road be constructed out front. This was not the preference of the owners. Moving the connector road out front would almost double the length of the road, the need to add fill to the wetland area, the grade of the road being greater. After discussions with the TRC it was their recommendation to approve the connector road as proposed to the rear of the lots. This would result in the loss of three parking spaces on Lot 11, noting they will still comply with the parking requirements. There was a discussion regarding the connector road being constructed in the front or the rear, with Mr. Ellis addressing the comments of the TRC and the board. The Conservation Commission noted their concerns regarding the existing stormwater management basin for Lot 10, asking if it was large enough to handle the increase in stormwater runoff from the proposed connector road. Mr. Ellis spoke to this, noting the road will be graded at a small percentage, allowing any water to sheet off the roadway and it will not affect the stormwater basin.

Mr. Ellis requested an amendment to the application to request a waiver for the requirement for preparing an amended impact traffic analysis. Stating there would not be an increase in traffic movements entering and exiting the site. He noted the proposed use will not require an amended NH DOT Driveway permit. They have submitted a CUP application for Lot 10 as the Zoning Ordinance requires a 25 ft. buffer in the zone along the frontage of the lot. It is intended to be a buffer area that is to remain natural or landscaped as a form of screening for commercial uses. Mr. Ellis noted the board had recently granted a CUP for the abutting Lot 12, and requested approval based on those same reasons. The lot is also encumbered by a PSNH easement that is 100 ft. in width. PSNH doesn't want any tall plantings in the easement. They are requesting a waiver of the 25 ft. buffer requirement, allowing the lot to remain as it now.

Mr. Ellis noted other revisions to the site plan for Lot 11 was the installation of low level down lighting to illuminate the exterior of the building, as well as flag pole lighting, which will be solar powered down lighting mounted on the tops of the flag poles. Members were provided with a revised photometric for the site. The hours in which the parking lot lighting will be turned on and off have not been determined at this time. It was stated that the parking lot lights and the lighting on the building would not be on at the same time, when one comes on the others will go off, with the exception of an emergency where the parking lights could be turned on if necessary. There was a discussion regarding the color and intensity of the building lighting, if the lights could be dimmed. Jason Drouin commented that there could be a dimmer installed if that was the desire of the board.

Mr. J. Bartlett opened the hearing for public input, noting there was none he closed the public input portion of the hearing.

Mr. Woodruff reviewed his staff memo for the proposed construction of the service connector road between Lots 10 & 11, the connection to the Bay Sewer District and removal of the leach field. The Planner read staff recommendations into the record.

Hearing no further comments or questions, the Chair called for a motion for both applications as submitted for CruCon Real Estate Holdings, LLC, Tax Map 141, Lots 10 and 11.

Motion: Mr. Punturieri moved to grant the waiver to not prepare an amended traffic impact analysis for **CruCon Real Estate Holding, LLC (141-10 & 11)** Staff recommends approval of the site plan And to approve the revised site plans for Map 141, lots 10 and 11, and to grant the CUP for lot 10, with the following conditions: 1. That the amended SWMP contain a revised section on maintenance and inspection of the infiltration trenches for both sites. 2. Add traffic control to south shared driveway as per the TRC recommendation. 3. For the Map 141, Lot 10 revised site plan prior to the Chair signing the plan: a. Change the title block to include the address and change from Meredith Village Savings Bank to CruCon. b. Add the surveyor's stamp with signature. c. Add the owner's signature to a signing block. d. Add a construction cross-section detail for the connector road to the plan. e. Revise note 14 after the 5/19/14 closing takes place. 4. For the Map 141, Lot 11 revised site plan prior to the Chair signing the plan: a. Add the address to the title block. b. Add ALL the recently approved changes to the revised site plan (from the day care approval on the adjacent lot. i.e. signage, lighting, stop bars and striping, driveway removal, etc.) c. Revise note 13 after the 5/19/14 closing. d. Add the owner's signature and signing block. e. Add note to plan regarding lighting i.e. hours on and off for parking lot lighting and downward building lighting. f. Address security issue regarding re-lighting parking lot in cases of emergencies, seconded by Mr. Howard, carried unanimously.

3. Regina A. Nadeau; Esq., for Norman and Martha Gill (173-53)(Redding Lane)
Conditional Use Permit

Mr. J. Bartlett stated that this was an application for a Conditional Use Permit (CUP) to allow the construction of portions of a dwelling, leach field and driveway within the 50 ft. buffer to the wetland area.

Regina Nadeau, Esq.; Normandin, Cheney & O'Neil, was present representing the applicants. Also present this evening was John Rokeh of Rokeh Consulting and Nicol Roseberry of Ames Associates.

Ms. Nadeau stated they were here for a CUP to place fill and new construction within the wetland conservation overlay district. The property is located off Blackey Cove Road and the parcel consists of just over 15 acres. She gave a history of how the need for this application had arisen. There was an approved septic permit for the property and the owners had applied for a building permit. As the septic permit had lapsed, the Code Enforcement Officer noted since the time the approval had lapsed, there had been a change in the ordinance with the adoption of Article IX: Wetland Resources Conservation Overlay District, which they must comply with. The owners had previously obtained a wetlands permit for the driveway off Blackey Cove Road, which has been constructed to a point indicated on the plan. They would like to build at this time. The original location of the house that was proposed years ago has been re-angled it to be more conforming with what is now the wetlands buffer area. The proposed square footage is only 1,100 sq. ft. and will encroach into the wetlands buffer. Ms. Nadeau explained the proposal which is to locate 326 sq. ft. of leachfield fill, 475 sq. ft. of a single family dwelling and 3,160 sq. ft. of driveway within the wetlands setback. There is a limited building envelope on the 15.3 acre parcel of land, which is where they are proposing the improvements. Included in this proposal is a hammer head turnaround shown on the plan. Ms. Nadeau, Mr. Rokeh and Ms. Roseberry addressed the five criteria contained in the MZO Article IX.G. 8 a. –e., Requirements for Conditional Use Permit. Mr. Rokeh referred to the plan they provided, which noted the construction sequences and precautions take will take place before, during and after construction of the dwelling, leachfield and driveway. Ms. Roseberry spoke to the function and value of the wetlands on the site.

Members had questions relating to the square footage of the proposed dwelling in relation to the impact on the wetlands, if the dwelling was on a slab foundation or had a basement, if they driveway is to be paved, and if they had an approved septic design at this time. It was stated that they will not have a full basement, it will a crawl space. The driveway is not proposed to be paved. And they do not have an approved septic design at this time. It was noted the Code Enforcement Officer will require an approved septic design for the approval of a building permit. Members questioned the size of the proposed hammer head turnaround, questioning if it could be reduced in size, lessening the impact to the buffer zone. A discussion regarding the hammer head questioned if the size was reduced would that allow for emergency vehicle access to turn around. Mr. Rokeh did not have the answer to that question. It was suggested that a condition could be added to the motion requesting the hammer head be reduced in size as much as possible

Mr. J. Bartlett opened the hearing for public input, noting there was none he closed the public input portion of the hearing.

Mr. Woodruff read his recommendation from his staff memo dated May 9th into the record.

Hearing no further comment or questions from the board, the Chair called for a motion.

Motion: Mr. Howard moved to grant the Conditional Use Permit for Norman and Martha Gill (TM 173-53) with the following conditions: 1. The performance standards of MZO Article IX Wetlands Resources Conservation Overlay District should be included with the Notice of Decision, which shall be recorded in the Carroll County Registry of Deeds.

2. A licensed NH Surveyor stamp being added to the plan prior to Planning Board Chair signature. 3. That the upland area, 50 ft. buffer boundary, foundation, leach field and driveway locations where residential development is proposed shall be staked in the field and a certificate issued by a licensed NH surveyor prior to submittal of required building permit applications. 4. That the applicant submits septic approval prior to signing to the Office of Development Services. 5. The size of the hammerhead is reduced to the extent possible after consultation with the Fire Chief, seconded by Mrs. Farnham, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

1. Mr. J. Bartlett noted for the record that he had received a letter of complaint regarding a property on Long Island Road, TM 288-7 in regards to their approved site plan. Mr. Woodruff stated that this is a compliance issue and enforcement issue which are currently being handled by the Code Enforcement Office and the Office of Development Services.

2. The Chair noted Herb Farnham resignation as Commissioner on the Lakes Region Planning Commission due to health issues, therefore there is a vacancy. Mr. J. Bartlett commented that Mr. Punturieri had volunteered to serve as the representative from Moultonborough. The Planning Board was in agreement to nominate Mr. Punturieri to represent Moultonborough and forward the recommendation onto to the Board of Selectmen for appointment.

Motion: Mr. Howard moved to nominate Paul Punturieri to represent Moultonborough on the Lakes Region Planning Commission, making that recommendation to the Board of Selectmen, seconded by Mr. S. Bartlett, carried unanimously.

Mr. J. Bartlett took a moment to thank Mrs. Farnham for Herbs time and dedication to the Town and asked that staff prepare a letter of appreciation for Mr. Farnham.

3. The Chair reported that the Board had received a copy of two citizen's petition signed by residents and others who are not in favor of any "Dollar Store" (Dollar General or Family Dollar) coming to Moultonborough. He noted that while the board may agree or disagree with some of the contention it is important that people understand that the zoning ordinance is not a popularity contest. The only way to change the zoning ordinance is through an amendment to be voted on at Town Meeting annually. The Land Use Boards must follow the ordinances. Mr. J. Bartlett encouraged members of the public to attend the Village Vision Committee meetings, Master Plan sessions and express their concerns and comments. Mr. Punturieri added that that petition had been received by the Board of Selectmen at their prior meeting, and they too could only acknowledge the receipt of the petition as they cannot change uses. There were no petitioners at either meeting to present the petition it was only received as correspondence.

VIII. Other Business/Correspondence

IX. Committee Reports

X. Adjournment: Mr. Howard made the motion to adjourn at 9:09 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant