

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

Regular Meeting

June 25, 2014

Minutes

Present: Members: Josh Bartlett, Scott Bartlett, Rich Kumpf, Joanne Farnham,
Ed Charest; Russ Wakefield (Selectmen's Representative)
Alternate: Tom Howard
Excused: Member: 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 June 11, 2014, as amended, seconded by Mr. Wakefield, carried unanimously, with Ms. Farnham abstaining.

III. New Submissions

1. Amanda J. Verbanic & William J. Taylor, II (169-68) (17 Whittier Highway)
Site Plan Review & Conditional Use Permit Request

This was a request for a Site Plan Review and a Conditional Use Permit (CUP) for the proposed removal of the existing building known as the "Center Harbor Diner" (3,153 Square Feet) and constructing a new restaurant building (3,368 Square Feet) in approximately the same location; the installation of an additional culvert under the existing parking lot; and reconfigure the driveway entrance. The Chair noted the request for waiver dated 25 June 2014 from David M. Dolan Associates, PC. The Planner recommended that the Board accept the Site Plan application and Conditional Use Permit application as complete (with waivers) and hold the Public Hearing.

Motion: Mr. Charest moved to accept the application(s) for Site Plan Review and a Conditional Use Permit for Amanda J. Verbanic & William J. Taylor, II (169-68), acknowledge the receipt of the waiver for the purposes of acceptance only, and to schedule a hearing for this evening to be Hearing #1, seconded by Ms. Farnham, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. Amanda J. Verbanic & William J. Taylor, II (169-68) (17 Whittier Highway)
Site Plan Review & Conditional Use Permit Request

David M. Dolan, of David M. Dolan Associates, P.C. agent for the applicants, Amanda Verbanic and William Taylor, presented the application for Site Plan review and Conditional Use Permit (CUP). Mr. Dolan stated the property is known as the Center Harbor Diner. The proposal is for the replacement of an existing non-conforming structure. He briefly described the lot, location, size, current development, and use of the site. Mr. Dolan gave a background of the property stating the diner has been there since the 1960's. Mr. Dolan referred to the Existing Conditions Plan which shows what is there now and the proposed plan. He noted the wetlands that have been identified on the property and the setback line that is shown on the plan in blue. The red line on the plan is the 50' road front setback and the rear and sideline setbacks are shown at 25'. The property is serviced by municipal sewer and is shown on the plan. There is a well located in the crawl space of the building. The property is located in Commercial Zone A and is also subject to the Ground Water Protection Overlay District requirements and the wetlands overlay district. Mr. Dolan noted the small conforming area on the site. The existing lot coverage is 48.44% and the proposed is 43.64%. The existing Diner is 3,153 sq. ft. and the proposed new Diner is 3,368 sq. ft. They have received an NH DES Wetlands Bureau permit dated December 30, 2013 for the installation of the proposed culvert and a NH DOT Driveway Permit dated June 16, 2012 for two controlled access to the lot. They have received the variance required by the ZBA on June 4, 2014. Mr. Dolan noted that they had met with the Technical Review Committee (TRC) on June 10th and those comments and requirements of the TRC are shown in yellow on the revised plan for this hearing. Mr. Dolan noted the changes were the relocation of the LP tank, now to be located underground, the removal of the paved basketball court, dumpster to be relocated onto a concrete pad enclosed by a chain link fence with privacy slats, amending Notes 1 and 13 and adding notes 17, 18, 19 & 20. Mr. Dolan reviewed the request for waivers relating to Section 11.A. – Off-street Parking and Loading - General Requirements. Paragraph 1: requirement to depict striping, signage, curb stops or other means of identifying parking spaces; to not calculate the number of parking spaces required; to not depict the location of existing/proposed access ways and fire lanes; and to not provide a traffic impact analysis memo; Section 11.A. – Off-street Parking and Loading - General Requirements. Paragraph 4. A waiver is requested of the requirement to depict on the site plan “. the calculations used to determine the number of parking spaces ...”; Section 10.C. - Site Plan Detail A waiver is requested for the requirement to define/ depict the location of existing and proposed access ways, and the location of proposed fire lanes; Section 10.D.5 - Traffic Impact Assessment and Analysis A waiver is requested from the requirement to provide a Traffic Impact Assessment and Analysis as there is no proposed increase in the use and/or intensity of the property. Mr. Dolan stated that the timing for the construction of the project is proposed to begin in September and last approximately four (4) months, making the completion around December. He stated that is not a good time to pave the required aprons and requested that they have until May 31st, 2015 to complete the paving of the aprons. Mr. Dolan noted the CUP for the additional culvert under the driveway, noting again that they have received the necessary DES permit for the improvements. Mr. Dolan answered any questions from the board.

Mr. Kumpf clarified that the size of the building was essentially staying the same. Mr. Dolan stated that it was increasing a couple of hundred square feet. Mr. Kumpf asked what the number of seating was. Mr. Dolan stated that they have a state approval for 99 seats.

Mr. Howard stated that he had a concern with a number of the waivers requested. He asked what the number of seats are. Mr. Dolan stated that they are state permitted for 99. Mr. Howard commented that they haven't calculated the number of parking spaces, understanding that they can't require them to provide them, but was looking for the calculations so that the board has a baseline for future reference. It was noted that Note number 18 on the plan references the number of parking spaces as approximately 22. The Board discussed the number of seats, required parking and the depiction of said spaces at length.

Mr. Howard noted a concern with the request to not depict striping, noting that they had required Pine Ridge to strip their gravel parking lot.

The Chair opened the hearing for Public input. Joe Cormier made a comment regarding the grandfathered business and the improvements to be made. The business has been there for years and any adjustments to that is a change to the grandfathering clause. He noted the number of seats and parking spaces, stating that has been going on for years.

Mr. J. Bartlett closed the public input portion of the hearing.

Motion: Mr. Kumpf moved to approve the Site Plan application and conditional use permit for Amanda J. Verbanic & William Taylor, II (169-68) with the following conditions: 1. Add bollards around the LP tank fill stand pipe; 2. Amend Note #1 (Plan Intent) to include 99 seats per State Permit and to include Permit Number in note; 3. That the five specific and eight general conditions of the Wetlands and Non-site specific permit #2013-03225 be adhered to as part of this site plan approval; 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 such as .dwg or .dxf., and further to grant the waivers for the requirement to depict striping, signage, curb stops or other means of identifying parking spaces; to not calculate the number of parking spaces required; to not depict the location of existing/proposed access ways and fire lanes; and to not provide a traffic impact analysis memo, seconded by Mr. Charest, passed in favor 6 to 1 with Mr. Howard opposing.

VI. Informal Discussions

VII. Unfinished Business

1. Finalize Invitation List of, and language to, Stakeholders for Land Use Chapter Focus Groups – The Chair noted that the subcommittee had met last week and had prepared a draft “Invitation Letter” to be mailed to potential stakeholders. They also compiled the Invitation List as well. Included with the letter will be a schedule and outline for these Focus Groups. The Board reviewed the draft invitation and the schedule. Members made minor changes and suggestions to this letter. It was the consensus of the Board to approve both the letter and schedule of dates. Mr. Woodruff will make the changes and work with Mr. Wakefield with preparing labels for the letter and schedule for a distribution date of July 2nd, 2014.

Mr. S. Bartlett read the majority of the Land Use and Transportation Chapter Outlines into the record. There were a few additional topics that members requested to be added to the outline.

Mr. Wakefield noted that the Board of Selectmen had appointed Bev Nelson to the Village Vision sub-committee.

VIII. Other Business/Correspondence

Mr. J. Bartlett noted that the Board was in receipt of a letter from Betsy & Jim Graham noting their concerns with yet another Special Exception being granted by the ZBA. The Planner stated that while the letter was addressed to the Planning Board, it was in fact a letter of complaint regarding a different property, and noted that this was an enforcement issue and has been forwarded onto the CEO.

Mr. J. Bartlett noted the resignation of Cristina Ashjian as the Heritage Commission Representative to the Village Vision sub-committee. The Board felt that it was very important to have a representative from the Heritage Commission on the committee. Mr. Charest stated there were only four members on the HC and that time didn't allow for members to serve on VVC. The PB requested that the HC have input on the visioning of the village. Mr. J. Bartlett thanked Ms. Ashjian for her time and input on the committee.

IX. Committee Reports

1. Village Vision – The Chair updated the Board stating that the committee is making progress. The survey will be going out soon. He encourage all to take the survey and once again stressed the importance of all board members being aware of what is going on with this committee, and encouraging people to attend the meetings. The next meeting is scheduled for Tuesday, July 1st at 7 PM.

2. Broadband – Mr. Kumpf gave a short presentation for the benefit of the meeting being videotaped this evening. He explained the different types of notifications that have been placed at many, many locations throughout town. He reminded all of the campaign that will run through Labor Day in which individuals can go to a web site (iwantbroadbandnh.org) [click here](#) to take a Broadband Survey and speed test.

3. Mr. Woodruff distributed 2 handouts for the Boards review that were from the NHOEP May training conference on Land Use Law and Housing Demographics courtesy of Mr. Wakefield

X. Adjournment: Mr. Howard made the motion to adjourn at 8:33 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant