

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

Regular Meeting

August 12, 2015

Minutes

Present: Members: Scott Bartlett, Rich Kumpf, Joanne Farnham, Kevin Quinlan, Ed Charest;
Russ Wakefield (Selectmen's Representative)
Alternate: Allen Hoch
Staff Present: Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

The Chairman opened the regular meeting at 7:00 PM and led the Pledge of Allegiance. He then appointed Allen Hoch to sit on the board with full voting privileges.

The Chair made an appeal to the Public that the Planning Board is seeking alternate members to the serve on the board. There is a vacancy on the board for an Alternate and he would like two additional alternates. Anyone interested in serving as an alternate is encouraged to submit an letter of interest.

II. Approval of Minutes

Motion: Mrs. Farnham moved to approve the Planning Board Work Session Minutes of July 29, 2015, as amended, seconded by Mr. Quinlan, carried unanimously.

III. Citizen's Forum - No comments.

IV. New Submissions

1. Patterson Grantor Trust, Janice P. Locke Trustee (280-10)(22 Wellswood Road)
Minor Two Lot Subdivision

The Chair stated that this was a request for a proposed Minor Two Lot Subdivision creating one new lot with one residual lot. He noted the request for waiver dated July 22, 2015 from Yerkes Surveying Consultants. The Chair stated that the application was in order for acceptance and scheduling of a public hearing by the board for this evening.

Motion: Mr. Wakefield moved to accept the application of the Patterson Grantor Trust, Janice P. Locke Trustee (280-10) 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 Mr. Charest, carried unanimously.

V. Boundary Line Adjustments

VI. Hearings

1. Patterson Grantor Trust, Janice P. Locke Trustee (280-10)(22 Wellswood Road)
Minor Two Lot Subdivision

Frank Yerkes of Yerkes Surveying Consultants presented the application for a Minor 2 Lot subdivision of a 4.07 acre parcel located on Wellswood Road. The proposal is to create one new lot of 2.04 acres with a residual lot of 2.03 acres. Mr. Yerkes briefly described the existing improvements on the lot, noting that there is an existing cottage on proposed Lot #2 with a septic. Lot #2 draws water from the lake. He noted the unit density calculations were 1.22 units for the new lot and 1.25 units for the residual lot. Mr. Yerkes noted the Waiver Request from Section 7.2 of the Subdivision Regulations, Road Standards, stating that the road is maintained by the "R.O. Brown Road Fund", which everyone who uses the road contributes to annually. Mr. Yerkes stated that there is a covenant and restriction in each of the deeds regarding maintenance of the road and a restriction limiting these roadways and future extensions to 16' in width excluding drainage. Mr. Yerkes read that that section of the deed into the record. He stated that it is the responsibility of the lot owners to maintain the roadways and that they do not have a formal right-of-way beyond the language contained in all of the deeds. He noted that there are some sections of the road that are less than the Town standards, some spots being only 13-14 feet in width, but in general the road is well maintained. Mr. Yerkes read the Conservation Commission Comments into the record, responding to each of their concerns. He then read both the Fire Chief comment and the Road Agents comment into the record. The concerns of both the Fire Chief and Road Agent were similar in nature, relating to the condition of R.O. Brown Road and Wellswood Road. Noting that it is narrow, 10-13' wide, and winding. It is not conducive for the navigation of safety vehicles. The Fire Chief recommended that the applicants improve the portions of these roads that pass through the proposed subdivision and that the improvements meet the applicable sections of the "Recommended Minimums for Private Roads" as outlined in Statement of Policy No. 2. The Road Agent has requested that the applicant create a 5' clear zone on both sides of the gravel road and that he would be willing to meet with the applicant to help in providing guidance relative to his request. Mr. Yerkes commented that the applicants did not have the authority to widen or make improvements on sections of the road that were not on their property, they only have the right for ingress and egress. Mr. Yerkes answered any questions from the board.

There was a lengthy discussion with the members and Mr. Yerkes regarding the road. Members felt that where the covenants say they have a 16' ROW, they don't see a problem with increasing the width to 16' and that it would be in the best interest to get it increased to that width that is allowed by the covenants at least on the portion of the land that is on their property.

Mr. Quinlan commented that there is an ordinance in town, Statement of Policy No. 2, that he would be willing to help them with. It tells you exactly what is required for private roads. He suggested as a community that they review the policy and adhere to it. The Chair stated that he had a copy of the policy this evening for the applicant and their agent. Mr. Yerkes was provided with a copy of Policy No. 2. Abutter Katie Richardson commented that she would be willing to get a copy of this Policy to the R.O. Brown Road committee. She stated that they were a subdivision and control Wellswood Road separately from R.O. Brown Road. She knows the people that are on the committee and would give them a copy. She agrees that the road should be maintained. It was noted that the winter maintenance of the roads are to accommodate emergency and highway vehicles and equipment and if the roads were not maintained to these standards then the property owners would be responsible for the plowing and sanding off all of their roads which would be a large expense for all of them.

There were no further questions or comments from the Board or the public. The Chair closed the Public Hearing.

Motion: Mr. Quinlan moved to approve the subdivision plat for Map 280, Lot 10 for the Patterson Grantor Trust, Janice P. Locke Trustee, which subdivides an existing 4.07 acre parcel creating one new lot of 2.04 acres with a residual lot of 2.03 acres, with the following conditions: 1) Amend plan to reflect correct Tax Map and Lot numbers in accordance with the Assessing Department; 2) Upgrading that portion of R.O. Brown Road and Wellswood Road that crossed this two lot subdivision in accordance with private road

maintenance Policy No. 2, and the recommendation of the Fire Chief and Road Agent; 3) Set the boundary pins prior to the Chair signing the plat. 4) The final plat is submitted to the Development Services Office in appropriate electronic format; 5) State Subdivision approval, seconded by Mr. Charest.

For the record, it was clarified that all of the conditions of approval must be met prior to the signing of the plat by the Chairman. That means that the road improvements must be completed before the subdivision plan is signed. Mr. Yerkes stated that he felt the conditions were reasonable and made a statement regarding the improvements which was that you can either make the improvements prior to recording or you could provide a bond or a letter of credit.

The Chair called for a vote on the motion on the floor. The motion was carried unanimously.

VII. Master Plan Discussion

The Chair stated that due to Planner Woodruff's absence they are currently in a holding pattern. Mr. Woodruff was in the process of preparing draft material for Board review.

The Chair stated that there were no new applications submitted by the deadline for their August 26th meeting and questioned if there was anything the Board would like to work on at that meeting. It was the feeling of the majority of the Board that there would not be any purpose of discussing the Master Plan in Mr. Woodruff's absence, as he was gathering information to write the draft chapters.

It was the decision of the Board to cancel their meeting of August 26, 2015.

VIII. Unfinished Business

IX. Other Business/Correspondence

1. Application For and Notice of Voluntary Merger for Agnar Investment Trust; Keld Agnar Trustee (117-9 & 10) (Gilman Point Road). Members were provided with a map showing the two lots to be merged.

Motion: Mr. Wakefield moved to acknowledge the Voluntary Merger for Agnar Investment Trust; Keld Agnar Trustee (117-9 & 10) and further authorizing the Chairman to sign the application, seconded by Mrs. Farnham, carried unanimously.

2. Request for Land Acquisition – 2015 Road Project (162-91)(8 Tara Road)

The Chairman stated that Scott Kinmond, Highway/Road Agent had submitted a memo to the Board regarding the Request for Acquisition of Land for the purposes of road reconstruction. The request is subject to NH RSA 41-14-a, which must be reviewed by the Planning Board and Conservation Commission. In Mr. Kinmond's August 11th, 2015 memo, he noted the proposal is for the Town to purchase 902 sq. ft. of the westerly tip of Tax Map 162, Lot 91, to allow for the reconstruction of the Shaker Jerry Road and Wentworth Shores Road intersection into a "T" design.

Mr. Kinmond requested input from the Board on this proposal, asking if they would review the acquisition request. The Board discussed the Road Agents request and the following motion was made:

Motion: Mr. Wakefield moved that the Planning Board acknowledge to the Board of Selectmen, agreeing too, and encouraging the acquisition of the 902 sq. ft. of the westerly tip of Tax Map 162, Lot 91, to allow for the reconstruction of the Shaker Jerry Road and Wentworth Shores Road intersection into a "T" design, seconded by Mrs. Farnham, carried unanimously.

X. Committee Reports

1. Chairman Bartlett commented that the Conservation Commission is still interested in purchasing the Lee's Pond Preserve parcel, noting that the Lee's Pond Association has put up the \$15,000 for a deposit. Legal input is currently being sought for this project.

2. Mrs. Farnham commented that the CIPC will meet tomorrow (8/13) to review additional information from Scott Kinmond regarding the Public Safety parking lot project.

3. Mr. Charest noted the Heritage Commissions Community Landmarks Series 2015 flyer included in the members packets. There will be a Panel Discussion regarding Historic Village Buildings on Monday, August 24th, 7 PM at the Moultonborough Public Library and the public is encouraged to attend.

XI. Adjournment: Mrs. Farnham made the motion to adjourn at 7:53 PM, seconded by Mr. Hoch, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant