

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

Regular Meeting

September 23, 2015

Minutes

Present: Members: Scott Bartlett, Rich Kumpf, Joanne Farnham, Ed Charest;
Russ Wakefield (Selectmen's Representative)
Alternate: Allen Hoch
Excused: Kevin Quinlan
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.

II. Approval of Minutes

Motion: Mr. Kumpf moved to approve the Planning Board Minutes of September 23, 2015, as written, seconded by Mr. Charest, carried unanimously.

III. Citizen's Forum

IV. Informal Discussion

1. Zaremba Program Development, LLC on behalf of Dollar General (52-18)(929 Whittier Hwy)

Scott Holman, from the Zaremba Group requested to speak with the Board on an informal basis this evening. Also present Tevis Kraft, owner of 929 Whittier Highway. Mr. Holman introduced himself to the Board and stated that he was going to give a quick overview of the project. Zaremba Group is a partner developer for Dollar General. He stated that they have filed two applications with the Office of Development Services, one for subdivision and second a site plan, which both will be New Submission's on the October 28th agenda. He briefly noted the project is for a 9,200 sq. ft. Dollar General retail store. They have received a variance for stormwater infiltration and are currently working with NH DOT for the driveway permit. Mr. Holman presented a conceptual rendering of the site for a general oversight of the property. The Chair noted that the Town of Moultonborough welcomes new business and looks forward to hearing more at the public hearing on October 28th.

V. New Submissions

1. McCarthy Family 2013 Trust (18-35 & 36)(9 & 11 Ben Berry Road)
Boundary Line Adjustment

The Chair stated that this was a request for a boundary line adjustment and that the application was in order for acceptance and scheduling of a public hearing by the board for this evening.

Motion: Mr. Charest moved to accept the application of the M^cCarthy Family 2013 Trust (18-35 & 36)(9 & 11 Ben Berry Road), grant the waivers from Section 4.3 (A)(2-9), and (12), for the purposes of acceptance only and to schedule a hearing for this evening to be Boundary Line Adjustment #1, seconded by Mrs. Farnham, carried unanimously.

2. Andrew DeLouise (47-2) (115 Hartford Valley Road)
Major 3 Lot Subdivision

The Chair stated that this was a request for a proposed Major Three Lot Subdivision of an existing 85 +/- acre parcel.

Motion: Mr. Wakefield moved to accept the application for a Major Subdivision for Andrew DeLouise (47-2)(115 Hartford Valley Road), grant the waivers from Section 4.3 (A) (3), (5), (10), and (12), – relating to wetlands, topography, soils and soils information, and off site geographic facts within 200 feet of the property; Section 4.3 (A)(4) – location and dimensions of property lines; Section 7.2 .15. – Road/Driveway maintenance agreements for the purposes of acceptance only and to schedule a hearing for this evening to be hearing #2, seconded by Mrs. Farnham.

Mr. Wakefield noted that he intentionally did not include the request for wavier from Section 7.2 .E. – Table of Geometric and other standards for new subdivision roads until they have additional information from the Road Agent and Fire Chief.

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

VI. Boundary Line Adjustments

1. M^cCarthy Family 2013 Trust (18-35 & 36)(9 & 11 Ben Berry Road)
Boundary Line Adjustment

Carl Johnson of Advanced Land Surveying Consultants presented the application for the boundary line adjustment. Kevin & Sheryl M^cCarthy were present for the hearing. Mr. Johnson stated the applicant is proposing the transfer of 8.19 acres (“Parcel A”) from Tax Map 18, Lot 35 to Tax Map 18 Lot 36, and .22 acres from Tax Map 18, Lot 36 to Tax Map 18, Lot 35 with a net result of Lot 35 becoming 1.57 +/- acres and Lot 36 becoming 16.66 +/- acres. Both properties are fully developed. Mr. Johnson noted the lot calculations for reconfigured Lot 35 is 1.11 units. As proposed, the portion of Lot 36 being transferred to Lot 35 contains the leach field. They are in the process of preparing a new septic design that will be located entirely on Lot 36. If this does not occur prior to boundary line adjustment an easement for the existing leach field servicing Lot 36 will be required until such time that an operational approval is granted for a new system on that parcel. Mr. Johnson noted the request for waivers, stating the reason as this is a boundary line adjustment and no new lots are being created. Mr. Johnson answered any questions form the board.

There were no questions from the Board. The Chair opened the hearing for public input, it was noted there was none. There being no questions or comments from the Board or the public, the Chair closed the Public Hearing.

Motion: Mr. Wakefield moved to approve the Boundary Line Adjustment Plat for Tax Map 18, Lots 35 & 36 for Kevin & Sheryl M^cCarthy, with the requested waivers to not depict wetlands, topo, soils & slopes info, and off-site geographic facts within 200 ft. of the subject properties, which conveys of 8.19 acres (“Parcel A”) from Tax Map 18, Lot 35 to

Tax Map 18 Lot 36, and .22 acres from Tax Map 18, Lot 36 to Tax Map 18, Lot 35 with a net result of Lot 35 becoming 1.57 +/- acres and Lot 36 becoming 16.66 +/- acres, with the following conditions: 1) Receipt of necessary NH DES approval. 2) Set the new boundary pins prior to the Chair signing the plat. 3) Add Owners' signatures to the plat sheets prior to the Chair signing. 4) The final plat is submitted to the Development Services Office in appropriate electronic format. 5) Submit executed deeds for recording with all recording costs at the time of recording the plat, seconded by Mrs. Farnham, carried unanimously.

VII. Hearings

1. Andrew DeLouise (47-2) (115 Hartford Valley Road) Major 3 Lot Subdivision

Dave Dolan of David M. Dolan Associated, PC presented the application for the applicant, Andrew DeLouise who was present with his wife, child and attorney Regina Nadeau.

Mr. Dolan gave a brief over view of the property which is located off the end of Hartford Valley Road and is approximately 85 acres. There is an existing dwelling, septic system and well on the lot. The existing road providing access to the property, Hartford Valley Road, is a private road, running from its intersection with Kent Road, on the west, and ending at or near the westerly property line of the subject property – a distance of approximately 2,400 feet. The property is subject to an easement for access and utilities for the benefit of Tax Map 47 Lot 1, owned by Keyser.

The proposal is for a three lot subdivision. The access will be on the existing roadway to a hammer head. Then there will be a common driveway that will be shared by Lots 2.1 and 2.2 to access the buildable portion of the property. Topography has been performed on Lot 2.1 and 2.2 – consisting of approximately 3 ½ acres each – in order to demonstrate compliance with the minimum lot size and slope requirements of the Town of Moultonborough Zoning Ordinance. No wetlands were observed within the areas on which topography was performed. Lot size calculations were submitted for portions of the lots, and each of the proposed lots by themselves could support greater than two lots. All lots are to be served by on site water and sewage disposal. Test Pits were performed by Peter Schauer of Schauer Environmental Consultants, LLC.

They have requested a waiver for topography of the entire property, as well as a boundary survey of the entire property.

Mr. Dolan stated that the property owner has recently performed significant improvements to the road, including drainage improvements, grading, widening, and the construction of a turnaround area for maintenance and emergency vehicles. The work was performed based on consultation with Scott Kinmond, Road Agent for the Town of Moultonborough. As this work was recently completed (within the last few days) the subdivision plan has not yet been updated to reflect those changes, but will be revised as soon as possible. They have not done an as-built of the turn around and therefore the lot sizing will change. The plan will be revised to show the easement further to the north to encompass the hammer head. An existing gravel drive is to provide common access to potential building sites located on Lot 2.1 and 2.2, and there will be mutual easements for the use and maintenance of that common access.

Mr. Dolan answered any questions from the board.

The Chair noted the comments provided by both the road agent and the fire chief. Mr. Bartlett confirmed by phone with the road agent earlier in the day, that the road improvements meet the

recommended minimums for private roads, Statement of Policy No. 2. Members were provided with a copy of comments from both the road agent and the fire chief. Members made note of one of the Fire Chiefs comments regarding the need for the construction of a fire pond with a dry hydrant or the installation of a cistern should there be further subdivision. The chief further commented that was pending a suitable site and sufficient funds. It was noted that any future development, subdivision, would require board approval and would be subject to current regulations in effect at that time.

Mr. Kumpf questioned if the applicant had provided the infrastructure to provide for high speed wireline and/or wireless data communication access. It was noted that there already is internet/cable service along the entire length of Hartford Valley Road. Mr. Kumpf questioned access for proposed lots 2.1 and 2.2. Mr. Dolan stated there are existing power poles that run through both lots 2.1 and 2.2.

The Chair asked for questions or comments from the public.

James Nagel stated that Mr. Dolan had referred to a road maintenance agreement, noting that several owners of property along Hartford Valley Road already have easements contained in their deed, with some including language regarding an annual monetary contribution. They want to make certain that they would not be subject to any required road maintenance agreement. Attorney Nadeau replied that she has done title on the property and is aware of the easements up and down the road. In reading the TRC notes there will be easements for the proposed lots 2.1 and 2.2 that will require easement agreements and maintenance agreements amongst them. She said that they don't have the legal right to abrogate any of the rights those owners have. They may consider doing a home owners association for the family. There was a lengthy discussion regarding easements and a road maintenance agreement and who would be responsible for maintaining Hartford Valley Road. A question was raised if a notation could be added to the plan that would address the maintenance. Attorney Nadeau crafted language to be added to the plan that would address this concern. Members were in agreement that they would be satisfied with the language being added to the plan as a plan note.

Pete Viano, 112 Hartford Valley Road, questioned if the proposed subdivision would affect passage to the cemetery located on proposed lot 2.1. It was stated no, that there must be public access to the cemetery.

Murray Nickerson, TM 46-16, noted the rear portion of his property fronted on Hartford Valley Road and questioned if he were to ever seek access to his lot from Hartford Valley Road what would be required. Mr. Nickerson would need to approach Mr. DeLouise for an easement.

The Chair asked for additional questions or comments from the board or the public. It was noted there were none. The Chair closed the Public Hearing.

Motion: Mr. Wakefield moved to approve the major three lot subdivision for Tax Map 47, Lot 2 for Andrew DeLouise, which subdivides an existing 85 +/- acre parcel creating two new lots with a residual lot as identified and revised on the subdivision plan, and further to Grant the waivers from Section 4.3 (A) (3), (5), (10), and (12), – relating to wetlands, topography, soils and soils information, and off site geographic facts within 200 feet of the property; Section 4.3 (A)(4) – location and dimensions of property lines; Section 7.2 (E) relating to Minimum Road width with the following conditions: 1. Property bounds shall be set prior to the Chair signing the plat; 2. Add plan note stating “The owners of lots 2, 2.1 and 2.2 shall be responsible for maintaining the roadway in accordance with Private Road Maintenance Standard #2 from the intersection of Hartford Valley Road and Kent Road, up to its terminus (the hammer head). This condition is not intended to be construed to bestow additional rights on other easement holders on said roadway”

3. 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. Hoch, carried unanimously.

VIII. Master Plan Discussion

Chairman Bartlett noted that this is still in a holding pattern at this time.

IX. Unfinished Business

1. The Chair noted that the Planner, Bruce Woodruff is the Town's representative on the LRPC Transportation Technical Advisory Committee (TAC), due to his medical leave LRPC is looking for an alternate appointment during his absence. At this time Scott Kinmond will fill in for the next two meetings. The Chair commented that there is a need for someone to be appointed to the LRPC TAC.

2. Mr. Wakefield commented that as selectmen one task he volunteered for was to contact the property owner (Hirschfield) at the head of the airport regarding cutting the brush and saplings on his property along the edge of Route 25, across from the El Mariachi restaurant. He has done some research and noted that this would not require any approvals from NHDES. It was noted that this is one area that has a beautiful view without the interference of any power lines. They do not have anyone at this time to do the clearing, but members were in agreement that this was an area they wished to clean up as a scenic venue.

X. Other Business/Correspondence

1. Application For and Notice of Voluntary Merger for Kimberly A. Kett and Todd A. Johnson (121 & 45, 46 & 47) (Bergen Street, Wintersport Street & 53 Suissevale Avenue). Members were provided with a map showing the three lots to be merged.

Motion: Mrs. Farnham moved to acknowledge the Voluntary Merger for Kimberly A. Kett and Todd A. Johnson (121 & 45, 46 & 47) and further authorizing the Chairman to sign the application, seconded by Mr. Charest, carried unanimously.

2. Application For and Notice of Voluntary Merger for Timothy O'Connor (121 - 26 & 27) (19 Oslo Street & Oslo Street). Members were provided with a map showing the two lots to be merged.

Motion: Mrs. Farnham moved to acknowledge the Voluntary Merger for Timothy O'Connor (121-26 & 27) and further authorizing the Chairman to sign the application, seconded by Mr. Charest, carried unanimously.

XI. Committee Reports

1. Mrs. Farnham stated that Jordan Prouty, Chair of the CIPC delivered the final copy of the Capital Improvements Program Report for Fiscal Years 2016-2021 to the Board of Selectmen on September 17th. She noted that Mr. Prouty thanked the members of the CIPC, Department Heads and the Town Planner for their time, effort, support and help in making this possible.

2. The Chair noted that in the absence of any materials for review regarding the Master Plan Update that he did not see any reason for the board to meet on the 30th for a work session. Members were in agreement with that. Therefore the Chair cancelled the September 30th work session.

3. The Chair noted that both regular meeting dates in November had been cancelled due to Veteran's Day and Thanksgiving evening. Under NH RSA, planning boards are required to meet at least once month. If there are no application pending before the board, it must still hold a monthly meeting. In discussion with the Chair of the ZBA, Mr. Stephens has cancelled their regular meeting of November 18th. Therefore the meeting room would be available on that evening. The planning board will hold the required meeting on November 18th.

4. Mr. Wakefield requested that the Chair or ODS contact Hope and request that she schedule the remaining four 2015 planning board meetings be scheduled for Town Hall Streams.

XII. Adjournment: Mrs. Farnham made the motion to adjourn at 8:35 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant