

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

**Regular Meeting**

**September 14, 2016**

**Minutes**

Present: Members: Scott Bartlett, Rich Kumpf, Joanne Farnham, Allen Hoch, Norman Larson,  
Russ Wakefield (Selectmen's Representative)  
Excused: Member: Kevin Quinlan  
Alternate: Rich Thorman  
Staff Present: Administrative Assistant, Bonnie Whitney

**I. Pledge of Allegiance**

The Chairman opened the regular meeting at 7:00 PM, led the Pledge of Allegiance and then the members introduced themselves to the public.

**II. Approval of Minutes**

**Motion:** Mrs. Farnham moved to approve the Planning Board Minutes of August 24, 2016, as corrected, seconded by Mr. Hoch, carried unanimously.

**III. Citizen's Forum**

Jim Sterling was present representing Brette and Bob Westerlund. Mr. Sterling stated that it was his understanding that one of the abutters to the Windfall Trust application was not notified of the meeting. He noted that he had spoken with Roger Larochelle of the Squam Lake Conservation Society. The chairman stated that that issue could be taken up at the time the application is accepted or denied as complete during New Submissions.

**IV. New Submissions**

1. Karen G. Walsh and Patrick F. Walsh, Trustees of the Karen G. Walsh Realty Trust  
(226-1) (51 Garnet Point Road)  
Second Dwelling on a Lot

The Chair stated that this was an application for More Than One Dwelling on a Lot and 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 Karen G. Walsh and Patrick F. Walsh, Trustees of the Karen G. Walsh Realty Trust (226 - 1) as complete, and to schedule a hearing for this evening, seconded by Mr. Hoch, carried unanimously.

2. Meta B. Patten and Taylor Barton Smith, Trustees of the Windfall Trust  
(57-4) (231 Harvard Camp Road)  
Major Three Lot Subdivision

The Chair stated that this was a request for a proposed Major Three Lot Subdivision of an existing 7.10 +/- acre lot, creating two new lots of 2.84 +/- ac & 2.12 +/- ac, with a residual lot of 2.14 +/-

acres, with no potential for further subdivision. Staff has stated that the application is complete for acceptance by the Board.

Referring to a comment made during Citizen's Forum, Mr. Wakefield asked Mr. Sterling which abutter was not properly notified of the hearing. Mr. Sterling indicated it was the Westerlund property as well as the Squam Lake Conservation Society (SLCS). After a brief discussion, Ms. Whitney provided the Chair with the USPS Return Receipt for the notice of the public hearing, signed by Brette Westerlund on August 30<sup>th</sup>, 2016, which shows that they were notified in accordance with the State Statute. Jim Hambrook, agent for the applicant, stated that the Squam Lake Conservation Society is not an abutter to the property. They may have an easement on an abutting property. Mr. Hambrook stated that he has spoken with Mr. Larochelle (SLCS) several times, and he has provided him with a copy of the plan. Mr. Sterling went on to state that there are a number of neighbors that don't abut the property, and that they would like time to talk with them. It was stated that the application for submission has been properly noticed, is complete, and ready for acceptance by the Board.

**Motion:** Mr. Wakefield moved to accept the application for Meta B. Patten and Taylor Barton Smith, Trustees of the Windfall Trust (57-4) as complete, and to schedule a Public Hearing for this evening, seconded by Mrs. Farnham, carried unanimously.

3. Edward A. and Pamela K. Ambrose (114-33.1) (Red Hill Road)  
Major Three Lot Subdivision

The Chair stated that this was a request for a proposed Major three Lot Subdivision for Edward A. and Pamela K. Ambrose for a parcel located on Red Hill Road, Tax Map 114, Lot 33.1. The applicants are proposing to subdivide an existing 14.96 +/- acre lot, creating two new lots of 2.81 +/- ac & 4.55 +/- ac, with a residual lot of 7.60 acres. Chairman Bartlett referred to the Interim Town Planners memos of September 7<sup>th</sup> and 14<sup>th</sup>, that lists several issues with the application as submitted. He noted that due to the lack of important information (contained in 9/7/16 memo) Mr. Coogan has recommended that the Board vote NOT to accept the application as complete. There have been a few iterations over the past couple of years, but there are still some items that are missing. These include the access way, lack of legal frontage, inconsistency with RSA 63:41, lack of updated and current wetlands information, lack of a Conditional Use Permit (CUP), setbacks from wetlands not shown for proposed Lot 33.1.

The Board reviewed the memos and concerns registered as to the completeness of the application. After a brief discussion it was the decision of the Board to deny acceptance of the application as complete as submitted, and to send the applicant a decision citing the reasons as contained in the Interim Planners September 7<sup>th</sup> memo.

**Motion:** Mr. Wakefield moved that the Board not accept the application for Edward A. and Pamela K. Ambrose (114-33.1) (Red Hill Road) as complete, and further ask the applicant too come back when all of the necessary information has been provided. The Board will waive the application fee (\$600) at the time of resubmittal. Abutters will need to be re-notified at such time, seconded by Mrs. Farnham.

Discussion on Motion: Members were in agreement with the motion on the floor as this proposal has been going on for quite some time. They did not understand why the application had been presented to the Board at this point as it appears that the applicant is aware of the short coming of it. If the application is incomplete, the Board does not have standing to rule on it and should decline jurisdiction.

There was a brief discussion regarding the fees that were submitted with this application. It was noted that the Town has incurred fees for the legal advertisement in the paper, as well as fees incurred with abutter notification. If the applicant were to resubmit an application for subdivision, they would

waive the hearing fee (\$600) at that time. The applicant would be liable for all costs for advertising and abutter notifications again.

The Chairman called for vote to deny acceptance of the application as it is incomplete. Motion carried unanimously.

**V. Boundary Line Adjustments – None**

**VI. Hearings**

1. Karen G. Walsh and Patrick F. Walsh, Trustees of the Karen G. Walsh Realty Trust  
(226-1) (51 Garnet Point Road)  
Second Dwelling on a Lot

The Chair stated that this was an application for More Than One Dwelling on a Lot.

Attorney Christopher Boldt of Donahue, Tucker & Ciandella, who represents the applicants, along with Patrick Walsh, Fenton Varney and Peter Cooperdock were in attendance. Attorney Boldt opened with a comment that it was his understanding that they may have given the Board too much information and in this situation he wanted to be clear that they are not asking for a subdivision. This is a 5.69-acre lot and tomorrow it will be a 5.69-acre lot. It is not being split up as a result of Board approval this evening. Attorney Boldt briefly described the location of the property, the existing improvements and the proposal for the construction of a new dwelling. The total allowable units for the property are 3.95 units. They have made application to DES for septic and a Shoreland permit. Attorney Boldt answered any questions from the board.

Members noted their concerns with possible confusion in the future with the title of the plan that was submitted with the application being labeled “Proposed Subdivision Plan” as well as setback lines and references to Lot 1 and Lot 2. Attorney Boldt stated that they could revise the plan title to reflect that it was either a Second Dwelling on a Lot or More Than One Dwelling on a Lot, remove the “proposed” property lines and setback lines, and remove any language referencing Lot 1 and Lot 2.

Attorney Boldt stated they were awaiting a Shoreland permit and subsurface approval at this time.

The Chair stated there were no members from the public who wished to speak. There being no further questions or comments from the Board or the public, the Chair closed the Public Hearing.

**Motion:** Mr. Wakefield moved to approve the request for More Than One Dwelling on a Lot for Karen G. Walsh and Patrick F. Walsh, Trustees of the Karen G. Walsh Realty Trust, Tax Map 226, Lot 1, 51 Garnet Point Road as presented with the following conditions; 1) Receipt of a revised plan as noted; 2) NH DES Shoreland Permit; 3) NH DES Septic Approval, seconded by Mrs. Farnham, carried unanimously.

2. Meta B. Patten and Taylor Barton Smith, Trustees of the Windfall Trust  
(57-4) (231 Harvard Camp Road)  
Major Three Lot Subdivision

The Chair stated that this was a request for a proposed Major Three Lot subdivision.

Jim Hambrook of Hambrook Land Surveying presented the application for a Major Three Lot subdivision of a 7.10 +/- acre lot, creating two new lots of 2.84 +/- ac & 2.12 +/- ac, with a residual lot of 2.14 +/- acres. Mr. Hambrook briefly described the existing improvements on the existing lot, noting that there are two existing homes, wells and septic systems. The proposal is to create a lot for each home and

one vacant lot, with no potential for further subdivision. Mr. Hambrook stated the site specific and topography was completed by Greg Howard, noting that there are no jurisdictional wetlands on the lot.

Mr. Hambrook noted the Custom Soil Resources Report for Carroll County was provided with the application package, which was then reflected into the Unit Density Report, noting proposed Lot 4.1 will support 1.24 units, proposed lot 4.2 will support 1.02 units and residual Lot 4 will support 1.0 units. Mr. Hambrook stated that he had obtained a copy of the Interim Planners memo of September 7<sup>th</sup>, 2016, noting that Harvard Camp Road is a private road. The Planner has recommended that they increase the width of the private way (ROW) from 40 feet to 50 feet, and to require the landowners to follow BoS Statement of Policy #2 Recommended Minimums for Private Roads.

A discussion ensued regarding the upgrading of the existing private road. Mr. Hambrook noted that there are portions of Harvard Camp Road across other properties that have no defined ROW of a ROW width of 35 feet, 40 feet and 50 feet. Mr. Hambrook stated the gravel surface of the road is approximately 13-14 feet in width across the subject lot. If they were to upgrade the road to Policy #2, the gravel surface would be 26 feet in width (16-foot travel surface, plus 5-foot shoulders) which is wider than the travel surface on Route 25. Mr. Hambrook stated that the lot was created as part of a subdivision in 1960. He went on to give many examples of subdivisions that have been approved by the Planning Board, since the adoption of Policy #2, in which the Board did not place any requirements for road upgrades. The Board was not in receipt of any written comment from the Fire Chief regarding this proposal. The Chairman stated the Planner had indicated that he had spoken with the Fire Chief and that he stated he would not be able to maneuver a fire truck on the narrow road and recommended that the applicant 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.

After a lengthy discussion with the members and Mr. Hambrook it was suggested that the applicant increase the ROW width from 40 feet to 50 feet on the portion of the road that passes through the subject property.

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

**Motion:** Mr. Wakefield moved to approve the subdivision plat for Meta B. Patten and Taylor Barton Smith, Trustees of the Windfall Trust (57-4), which subdivides an existing 7.10 +/- acre lot, creating two new lots of 2.84 +/- ac & 2.12 +/- ac, with a residual lot of 2.14 +/- acres, with the following conditions: 1) Set the boundary pins prior to the Chair signing the plat; 2) Increasing the width of the portion of the private road (Harvard Camp Road) that crosses this three lot subdivision from a forty (40) foot right-of-way to a fifty (50) foot right-of-way; 3) Place NH DES subdivision approval number on the plan as a plan note; 4) Add the landowners' signature block and signatures to plan; 5) The final plat be submitted to the Development Services Office in electronic format to include both a pdf and an approved CAD file format, seconded by Mr. Kumpf, carried unanimously.

## **VII. Other Business/Correspondence**

1. The Chairman requested that Mr. Wakefield follow-up with the Board of Selectmen regarding their Statement of Policy, No. 2, Recommended Minimums for Private Roads, that they would like it to become part of the Subdivision or Site Plan regulations due to the variations in the widths of private roads throughout the Town.

2. Review of possible amendments to the Zoning Ordinance: Village Center Overlay District (VCOD):

Mr. Bartlett stated that with the help of our mapping company, CAI Technologies, a preliminary map was prepared identifying the properties to be included in the VCOD. The Chair asked that members look at the map, reread the VCOD and ask themselves if this makes sense with what they are trying to accomplish with the overlay district. Members briefly discussed the map, with Mr. Larson commenting on the boundaries stating that the village is something that is experienced from the point of view of the street level. His tendency is to think that streets should not form the boundary, it should be the boundary line behind the street, which would mean to include properties on the other side of the street within the VCOD.

Members will discuss and review the preliminary plan at their next meeting. Dates for the Public Hearing, as well as deadline dates for public notice were mentioned. If the Board would like to include this proposal with the ADU amendment on November 9<sup>th</sup>, 2016, they would need to have their changes wrapped up, with final language and a map by their October 12, 2106 meeting.

3. Master Plan Steering Committee (MPSC) Update: Mr. Bartlett stated that the MPSC met earlier this evening. They are progressing with the identification of all goals and the specific action items to support the land use section. They will be receiving a draft of the Transportation Chapter, and the Committee will do the same, establishing a list of goals and action items. When the MPSC feels it is good to go, the Board will be provided with a final version of their suggested draft chapters for the Vision Chapter, Land Use Chapter and Transportation Chapter.

4. The Chairman commented that recently there were two articles in the newspaper that he thought were right on track with issues that the Board and Town are dealing with. One relating to workforce housing and the other an article on possible health concerns from LED streetlights. Members were provided with copies of both articles.

**IX. Adjournment:** Mr. Larson made the motion to adjourn at 8:31 PM, Seconded by Mr. Hoch, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant