



Town of Moultonborough Planning Board

Notice of Decision

Site Plan Review Permit

Trey and Anthony Wilson/Tax Map 23, Lot 15

April 13, 2011

Applicant: Trey and Anthony Wilson
1225 Whittier Highway
Moultonborough, NH 03254

Location: 1225 Whittier Highway/(Tax Map 23, Lot 15)

On March 23, 2011 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Trey and Anthony Wilson (hereinafter referred to as the “Applicant” and/or “Owner”) to allow construction of a new dwelling unit and authorization for use of the existing garage and office as an excavation business with no customers to be on site, in the Commercial B Zoning District.

The public hearing was continued to April 13, 2011. The public hearing was closed on April 13, 2011. At the regularly scheduled Planning Board meeting on April 13, 2011 the Board voted by a vote of five (5) in favor (Coppinger, Charest, Fairchild, Maroun, Jensen), none (0) opposed, to **GRANT** the applicants’ request for a Site Plan Review Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan of Land Owned by Trey Wilson & Anthony Wilson, Tax Map 23 Lot 15, Moultonborough, NH” prepared by Hambrook Land Surveying, 2 Skinner Street, Center Sandwich, NH 03227, dated February 2011, and revised March 28, 2011.

2. Amendments

Any modification to the original approved plans created by Hambrook Land Surveying titled “Site Plan of Land Owned by Trey Wilson & Anthony Wilson, Tax Map 23 Lot 15, Moultonborough, NH” and dated March 28, 2011, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved site plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be recorded with said plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing. Copies of all signed and recorded plans and documents shall be provided to the Town at the applicant's expense within 30 days of recording

4. Site Plan Regulations

The Site shall be constructed in accordance with the requirements of the Site Plan Regulations and any other applicable rules and regulations as affected by this decision.

5. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

6. Progress Reports

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

7. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances and the Site Plan Regulations, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

8. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

9. Clerk of the Works

The services of a consultant to serve as a Clerk of the Works shall be provided by the Town, at the applicant's, or his successor's or assign's, expense, if deemed necessary by the Town Planner.

10. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

11. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

12. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

13. Lighting

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Site Plan Regulations.

14. Maintenance

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to the issuance of a Building Permit. Said Maintenance Agreement shall include schedules for cleaning of catch basins and other similar infrastructure maintenance items to ensure their proper functioning and shall include the following:

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. All vegetation on the site shall be trimmed and maintained to ensure visibility of all signs and to ensure proper functioning of stormwater structures.

15. Signage

Any proposed signage shall be in compliance with the Town of Moultonborough Zoning Ordinance, Article 5, and shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy for the site.

16. E-911 Numbering

The site shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of a Certificate of Occupancy for the site.

17. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

18. Special Exception Required

The applicant shall obtain a Special Exception from the Zoning Board of Adjustment for the use for the site prior to issuance of a Building Permit for the site. In the event that a Special Exception is not granted, the applicant shall not be permitted to utilize the site as an excavation business and this Site Plan Permit shall be rescinded, or the applicant shall have to return to the Planning Board with a revised Site Plan Application proposing an allowed use in the Commercial B Zone.

19. Variance or Equitable Waiver Required

The applicant shall obtain a Variance or Equitable Waiver of Dimensional Requirements from the Zoning Board of Adjustment prior to the issuance of a Building Permit for the site for the existing garage structure located within the rear setback. In the event that a Variance of Equitable Wavier is not granted, the applicant shall be required to take all necessary measures to comply with the setback requirements and may be required to return to the Planning Board for further Site Plan Review, as deemed necessary by the Code Enforcement Officer.

20. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

21. Waivers

The Planning Board hereby grants the following waivers from the Site Plan Regulations and the Zoning Ordinance for the project:

- a. Existing and finished contour lines. *(SPR Sec. 10(A)(2) and 10 (C)(4))*
- b. Benchmark reference for elevation. *(SPR Sec. 10 (A)(3))*
- c. Plan Scale of 1'=20'. *(SPR Sec. 10(B)(2))*
- d. Landscaping plan and plant names. *(SPR Sec. 11(C)(1) and (1)(a))*
- e. Properly Drained parking and loading areas. *(SPR Sec. 11(A)(3))*
- f. The twenty-five (25) foot vegetated buffer. *(Zoning Ordinance Art. VI(F)(2)(a))*

22. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

Joanne Coppinger
Chairman, Planning Board

Date _____