



Town of Moultonborough Planning Board

Notice of Decision

Site Plan Review Permit

NH Route 25 Realty Trust/Tax Map 141, Lot 9

October 15, 2009

Applicant: NH Route 25 Realty Trust
P.O. Box 52
Moultonborough, NH 03254
Location: NH Route 25 (Tax Map 141 Lot 9)

On October 14, 2009 the Planning Board of the Town of Moultonborough opened a public hearing on the application of NH Route 25 Realty Trust, P.O. Box 52, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for an amendment of a previously approved Site Plan Permit for the site in the Commercial A Zoning District.

The public hearing was closed on October 14, 2009 At the regularly scheduled Planning Board meeting on October 14, 2009 the Board voted by a vote of six (6) in favor (Ryerson, Coppinger, Jensen, Nelson, Fairchild, Charest), none (0) opposed, to Grant their request for a Conditional Use Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan Prepared for Dion’s Plant Place & Landscapes, land of NH Route 25 Realty Trust (Tax Map 141, Lot 9)”, prepared by David M. Dolan Associates, P.C., 87 Whittier Highway, Moultonborough, NH 03254, dated September 22, 2009.

2. Amendments

Any modification to the approved amended plan dated September 22, 2009 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 referenced on the plans, and said plans shall be recorded at Carroll County Registry of Deeds within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

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. Fire Department

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

8. 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.

9. Utilities

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

10. Lighting

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

11. 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.

12. Wetland Setback Usage

No pesticides or fertilizers shall be stored or displayed within the fifty (50) foot Wetlands Setback area.

13. 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.

14. 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.

15. 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.

Judith A. Ryerson
Chairman, Planning Board

Date _____