

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

Public Meeting

March 22, 2023

Minutes

Present: Members: Allen Hoch, Sandra Kelly, Scott Bartlett, Norman Larson, Brendan Connolly,
John Annaian, Kevin Quinlan (Selectmen's Representative)
Alternate: Peter Claypoole
Staff Present: Bonnie L. Whitney, Administrative Assistant

I. Call to Order: Chairman Hoch called the meeting to order at 7:00 PM.

II. Pledge of Allegiance: The Pledge of Allegiance was recited, led by Mr. Hoch. The members and staff then introduced themselves to the public.

III. Citizen's Forum – None

IV. Review/Approval of Minutes:

Motion: Mr. Larson made the motion to approve the Planning Board Minutes of March 8, 2023, as written. Mr. Connolly Seconded. Motion carried unanimously.

V. New Submissions:

1. John P. Jr., & Shannon Schlemmer (18-38) (1252 Whittier Highway)
Site Plan Review

Mr. Hoch recommended that the Board move to determine if the proposal does or does not present a potential regional impact as defined in RSA 36:55.

Mr. Quinlan stated for the record that currently there is a matter with regards to the applicant before the Board of Selectmen, which he is the Chairman of that Board. He stated that he believes that he can and will act on an impartial basis on the application before the Planning Board and did not see any reason to recuse himself. However, he extended the opportunity for the applicant or board to determine if he should recuse himself.

Shannon Schlemmer, Applicant indicated that she had no comments or concerns.

Motion: Mr. Bartlett made the motion that the Board determines that the Application of John P. Jr., & Shannon Schlemmer (18-38) does not present the potential for regional impact as defined in RSA 36:55. Ms. Kelly Seconded. Motion carried unanimously.

Mr. Hoch moved onto the request for waivers as submitted by the Applicant and their effect on the completeness of the application.

Mr. Bartlett noted that a waiver request from Section 11.2.1 (Sign Design) of the site plan regulations was submitted to not provide a sign design at this time. It was noted that a sign design would be needed when a sign permit is requested. The design would be submitted at that time.

Motion: Mr. Bartlett moved that the board grant the waiver requests from Section 11.2.1 of the site plan regulations at this time as requested as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Mr. Larson Seconded. The Motion carried unanimously.

Mr. Hoch noted the request for waiver of the requirement on the Checklist items requiring color renderings of the building and street scape as the applicant provided building elevations that are black & white and stated that the building will be a darker green color. The street scape along Route 25 will be altered due to the drainage requirements and planted as depicted on the plan.

Motion: Mr. Bartlett moved that the board grant the waiver requests from the site plan review Checklist items to provide color renderings of the building or the street scape as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Mr. Connolly Seconded. The Motion carried unanimously.

Mr. Hambrook noted that it had been brought to his attention that he had neglected to request a waiver of the Traffic Impact Study, and verbally requested a waiver request from Section 10.4.5 of the site plan regulations for a Traffic Impact Assessment and Analysis for a towing business.

Motion: Mr. Bartlett moved that the board grant the waiver requests from Section 10.4.5 of the site plan regulations at this time as requested as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Ms. Kelly Seconded. The Motion carried unanimously.

Mr. Hoch spoke about the completeness of the application. Noting with the granting of the waivers the application is substantively complete for the purposes of application acceptance and he recommended acceptance of the application for hearing this evening.

Motion: Mr. Bartlett moved that the board find that the application for John P. Jr., & Shannon Schlemmer (18-38) (1252 Whittier Highway) is substantially complete for the purpose of application acceptance. However, the board may subsequently determine during the hearing that additional information is required, at which point the board may continue the case until such time as necessary information is provided, and to schedule a hearing for this evening to be Hearing #1. Ms. Kelly Seconded. Motion carried unanimously.

2. Nelson Family Revocable Trust, Jeffrey R. & Carolyn B. Nelson, Trustees
(51-34) (44 Old Route 109) - Minor Two Lot Subdivision

Mr. Hoch recommended that the Board move to determine if the proposal does or does not present a potential regional impact as defined in RSA 36:55.

Motion: Mr. Bartlett made the motion that the Board determines that the application of Jeffrey R. & Carolyn B. Nelson (51-34) does not present the potential for regional impact as defined in RSA 36:55. Mr. Larson Seconded. Motion carried unanimously.

Motion: Mr. Larson moved that the board find that the Application of Jeffrey R. & Carolyn B. Nelson (51-34) is substantially complete for the purpose of application acceptance. However, the board may subsequently determine during the hearing that additional information is required, at which point the board

may continue the case until such time as necessary information is provided, and to schedule a hearing for this evening to be Hearing #2. Mr. Bartlett Seconded. Motion carried unanimously.

3. The R2 Companies, LLC Owner of Record: Paul and Mary Lavasseur (103-11) (7-11 Marvin Road) - Site Plan Review

Mr. Hoch recommended that the Board move to determine if the proposal does or does not present a potential regional impact as defined in RSA 36:55.

Motion: Mr. Bartlett made the motion that the Board determines that the Application of The R2 Companies, LLC (103-11) does not present the potential for regional impact as defined in RSA 36:55. Mr. Larson Seconded. Motion carried unanimously.

Mr. Hoch noted the request for waivers as submitted by the Applicant and their effect on the completeness of the application. Mr. Bartlett referred to the Interim Planners staff memo which identified that the applicant requested waivers from five submission items.

Mr. Bartlett noted the request for a waiver from Section 10.3.9 (Lighting plan). The narrative states that a lighting plan is not necessary as no new lighting is proposed and the existing lighting will remain. When appropriate, Staff will draft a possible condition of approval stipulating that compliance shall be maintained with Article 6.6.5, thus compelling the project to comply with commercial lighting requirements. Mr. Hoch noted that granting the waiver was in line with the spirit of the ordinance.

Motion: Mr. Bartlett moved that the board grant the waiver requests from Section 10.3.9 of the site plan regulations at this time as requested as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Mr. Larson Seconded. The Motion carried unanimously.

Mr. Hoch noted the request for a waiver from Section 11.3.2 (Landscape plan).

Motion: Mr. Bartlett moved that the board grant the waiver requests from Section 11.3.2 of the site plan regulations at this time as the existing landscaping is to remain and no changes in greenspace are proposed, other than the removal of some trees for the driveway relocation, and as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Mr. Connolly Seconded. The Motion carried unanimously.

Mr. Hoch noted the request for waiver of the requirement on the Checklist items requiring color renderings of the building and streetscape. Photographs of the existing street frontage were provided. Other than the relocation of the southern driveway and improvements to the middle driveway, there will be no changes to the streetscape.

Motion: Mr. Bartlett moved that the board grant the waiver requests from the site plan review Checklist items to provide color renderings of the street scape as there will be no changes to the existing streetscape, and the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Ms. Kelly Seconded. The Motion carried unanimously.

Mr. Hoch noted the request for a waiver from Section 10.4.5 (Traffic Impact Assessment and Analysis.) He referred to the Interim Planners staff memo that noted the narrative and site plan stated the mixed use structure has a 3-bedroom residence on the upper floor and will have 4 offices on the lower level for 4 employees. The other structure will have 4 offices for 2 to 4 employees. The hours of operation will

be 7am to 5pm. There will be a total of 2,391 sf of office space and one residence. The narrative states that the traffic impact should be minimal.

Motion: Ms. Kelly moved that the board grant the waiver requests from Section 10.4.5 of the site plan regulations at this time as requested as the proposed use as a residence and offices for eight (8) employees will have minimal traffic impact. Mr. Quinlan Seconded. The Motion carried unanimously.

Mr. Hoch noted that there was one additional request for waiver which relates to the Designs for proposed signage. (10.3.8). Mr. Hoch stated that he did not believe that this waiver request would impact the completeness and recommend that the board take that up during the public hearing.

Mr. Hoch spoke about the completeness of the application. Noting with the granting of the waivers the application is substantively complete for the purposes of application acceptance and he recommended acceptance of the application for hearing this evening.

Motion: Ms. Kelly moved that the board finds that the application for The R2 Companies, LLC; Owner of Record – Paul and Mary Levasseur (103-11) (7-11 Marvin Road) is substantially complete for the purpose of application acceptance. However, the board may subsequently determine during the hearing that additional information is required, at which point the board may continue the case until such time as necessary information is provided, and to schedule a hearing for this evening to be Hearing #3. Mr. Bartlett Seconded. Motion carried unanimously.

VI. Boundary Line Adjustments: – None

VII. Hearings:

1. John P. Jr., & Shannon Schlemmer (18-38) (1252 Whittier Highway)
Site Plan Review

Jim Hambrook of Hambrook Land Surveying presented the application for the Applicants. Present in the audience for the hearing were Shannon Schlemmer and Mark Moser, PE, Moser Engineering. Mr. Hambrook briefly described the lot. The lot is 1.91 acres, that is in a rough construction stage. The proposal is for professional services, operating as John's Towing. There are no employees.

The applicants propose a 50' x 50' building on a slab for a shop with a small office space. They have depicted a temporary vehicle storage for "crashed" vehicles. That area will have a curved slab, with a fabric covered, chain link enclosure. Depicted on the plan is the finished gravel lot, three parking spaces for the shop, and lighting consisting of three lights on the building facing Route 25 and towards the west. There will not be any lights facing Ben Berry Road.

Mr. Hambrook noted there is an existing fire cistern on the site which was installed as part of the Lincoln subdivision approval process, the proposed drainage structures are depicted on the plan. After the construction of the drainage structures, they have proposed plantings along Route 25 and are noted on the plan.

There is shared access from Route 25 for the site, and a gated (not locked) access from Ben Berry. Existing lot coverage is 46.7%, after improvements are made and the site is cleaned and plantings are in, the proposed lot coverage will be reduced to 35.8%.

Mr. Hambrook noted that the Applicant was granted a variance on 10/19/2022 providing relief from Zoning Article 12.5.2 to allow for post-development runoff to exceed pre-development runoff for the 24-hour, 50-year storm event. He then answered any questions from the board.

Mr. Hoch noted for the record that this a reapplication by the Schlemmer's. There was an application that was denied for the lack of a fully vetted stormwater management plan, which has been submitted as part of this application, therefore it is a substantially new application.

Mr. Larson requested confirmation that the variance granted to allow additional stormwater to be discharged for the 24-hour, 50-year storm event, and the promises that were made in terms of the calculations for what that stormwater is, is the same stormwater management plan before the board, and that nothing has changed. Mr. Hambrook said yes. Mr. Moser added that he had done the stormwater design, noting it is the same, and would be happy to answer any questions.

Mr. Larson questioned if the area designated as proposed temporary vehicle storage is set as a curbed unit or something with a pitch to the center, and to confirm that there is no drain. The point is to contain any liquids that come out of vehicles and that it be disposed of correctly. Mr. Hambrook stated that there a no drains and there is a note on the plan that that area is not for building purposes, so it cannot be enclosed. Mr. Larson requested that Note #13 be amended to read "or pitched to the center with no drain".

A discussion ensued regarding screening along Ben Berry Road. It was noted that due to the change in elevation, plantings would not screen the dwellings along Ben Berry Road as they are approximately 12 feet lower than the temporary vehicle storage area.

Members had several questions and comments regarding the project. The questions and responses are noted as follows:

- 1) What is the schedule for the SWMS, the building site preparation, and the building itself. That is to be determined.
- 2) What is the height of the building. It was noted the dimensions of the building are 50' x 50' x 16' high, and there will be no shed roof extension as shown on the elevation plan provided.
- 3) Will the existing temporary structures and frames be removed upon completion of the new building? It was noted yes.
- 4) Mr. Bartlett requested that a 3rd Party review of the SWMS plan and data be conducted at the applicant's expense. Members discussed briefly and it was the consensus that it was not necessary as several noted that they were comfortable with the report prepared by Mr. Moser.
- 5) Mr. Bartlett questioned the board conduct a Site Visit. Discussed briefly. See Motion below.
- 6) Concerns noted with site work that has taken place on the site since the Site Visit 2 years ago. Suggested that there be no further sitework or tree cutting to be undertaken until the plan is approved. This could be a condition of approval.
- 7) What is the size of the designated temporary storage area and how many damaged vehicles will it hold? It was noted the area is 30' x 50' and will hold 7 or 8 crashed vehicles.
- 8) How will damaged electric vehicles powered by Lithium-Ion batteries be stored?
- 9) What, if any, ground water protection will be provided from leaking fluids in the temporary storage area? They will use Best Management Practices and the area is on a slab for containment.

- 10) Screening was discussed, noting the need for additional plantings. Add as a condition of approval and depict on the plan 15 additional tree plantings to SW Basin 1 and along rear of site to screen from Ben Berry Road
- 11) Question regarding outside storage of equipment, materials, or vehicle parking on site. Add note to plan that there be no outside storage of equipment, materials, or vehicle parking on site.
- 12) Will the Dumpster be on a concrete pad per 10.3.12? They will Install a concrete pad and Screen.
- 13) Has a NH DES sewage approval been obtained per 10.4.1? They have not submitted a plan to DES at this time. It was noted that it will be required to be depicted on the plan.
- 14) Has the applicant received a NH DOT approved driveway permit? Yes, it will be noted on plan.
- 15) Has the applicant received a Town issued driveway permit for the curb cut on Ben Berry Road? They will be using the existing curb cut for the fire cistern.
- 16) What will the building siding be made of? It will be metal and proposed to be dark green.

Mr. Hoch questioned if the applicant was certified for Electric Vehicles. A discussion ensued noting the comments received by the Fire Chief. Mrs. Schlemmer noted that John was trained in proper procedures relating to electric vehicles (EV) and that he is also a Fire Fighter, therefore there will be no issue. After discussion it was noted that the plan will be revised to depict a separate area for EV, located 50' from any structure or vehicle. Mr. Bartlett noted his concerns with Lithium batteries reigniting and it taking large quantities of water to extinguish. He questioned where the contaminated water would go. Into the stormwater drainage system?

Mr. Claypoole noted his concern with the overall number of vehicles on the site. They have provided a temporary area, where are the non-temporary vehicles going? Mr. Hambrook noted that the Applicant's trucks will be inside the building.

Chairman Hoch opened the hearing for public comment.

Rob Dunlap – 9 Ben Berry Road. Mr. Dunlap noted his concerns with the lack of a buffer along Ben Berry Road, and requested there be additional plantings along Ben Berry Road. Mr. Dunlap questioned site lighting. It was noted the lighting will be owner operated and will meet the requirements of the Zoning Ordinance. Mr. Dunlap noted concerns about the floating slab. It was noted that would be addressed by the Code Enforcement Officer during the building permit process and that it must meet any necessary code requirements.

Anni Jakobsen – Conservation Commission. Ms. Jakobsen noted that the Conservation Commission had submitted comments for the project and requested they be read into the record. Ms. Kelly read the following:

The Conservation Commission conducted a site visit on Monday March 13, 2023. Aerial photographs from 2018 indicate that the property was heavily forested at that time, which would have been expected to result in effective infiltration of storm water and was part of a larger contiguous area of Appalachian Oak-Pine Forest, an important habitat for local wildlife.

Since 2018, the property has been significantly cleared of trees and a large portion of the lot is raw ground, potentially increasing storm water runoff and erosion. With respect to the current proposed site plan, the Conservation Commission would advise the following:

- a) The remaining trees should be left in place as referenced on the applicants' drawing.

- b) The installation of the features for the management of stormwater runoff and revegetation of the property as indicated on the site plan, be completed as soon as possible following construction of the proposed building and not at some unspecified future date.
- c) The Town should conduct follow-up inspections to confirm that the as-built project conforms to the drawings submitted to the Town with attention to the storm water management plan design features.

Cristina Ashjian – Heritage Commission. Ms. Ashjian noted that the Town’s Master Plan speaks to dark skies and when ever possible ask that applicants to install motion activated lighting as opposed to lighting on buildings. It was noted that Plan Note #5 on Sheet 2 addresses this concern.

Motion: Mr. Hoch moved that the stormwater management plan be sent out for 3rd party review at the applicant’s expense. Seconded by Mr. Bartlett. Vote on Motion: Bartlett – Aye, Kelly - Aye, Hoch - Aye. Larson - Nay, Annaian- Nay, Connolly- Nay, Quinlan – Nay. Motion defeated 3 Aye, 4 Nay.

Motion: Mr. Bartlett moved that the board conduct a site visit so the board may view areas with regard to screening and see what changes have been to the site in the past 2 ½ years that it has been operating without any plan in place. Seconded by Mr. Hoch. Vote on Motion: Bartlett – Aye, Kelly - Nay, Hoch – Nay. Larson - Nay, Annaian- Nay, Connolly- Nay, Quinlan – Nay. Motion defeated 1 Aye, 6 Nay.

Motion: Mr. Bartlett moved to approve the site plan review application for John P. Jr., & Shannon Schlemmer, for the construction of a building for a shop and office for a towing operation at Tax Map 18, Lot 38, subject to the following conditions:

Conditions precedent; to be completed prior to signature of final site plan approval by the Planning Board Chair:

1. Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
 - a) Add “Site Plan Article 11.2 Signs” to Note 14 on Sheet 2 of 6.
 - b) Show a minimum of 15 (5’-7’ evergreen plantings) to SW Basin 1 and along rear of site to screen from Ben Berry Road.
 - c) There shall be no further sitework or tree cutting to be undertaken until the plan is approved and signed by the Chairman.
 - d) Construction schedule showing the Stormwater Management System (SWMS) to be scheduled first.
 - e) Show Dumpster on a concrete pad surrounded by a fence and screening.
2. All required federal, state, and local approvals shall be obtained.
3. Provide Surety in an amount agreeable to the Town and the 3rd party engineer for site inspection visits during the construction of the SWMS and Surety for the completion of the SWMS.
4. All conditions subsequent shall be included as plan notes.
5. Conditions precedent to be completed by 3/22/24.

Conditions Subsequent, to be continually complied with:

6. Submit annual stormwater operation and maintenance manual by July first each year.
7. All stormwater management facilities shall be maintained to perform as represented and intended.
8. All representations made by the applicant and applicant’s agent are incorporated as a condition of approval.
9. The site is to be used exclusively as a towing business.

10. The existing temporary fabric structures and frames are to be removed upon completion of the new Building.
11. No additional structures are to be added to this site unless Planning Board Approval is obtained.
12. The designated temporary storage area is limited to the storage of 10 damaged vehicles and shall have no drain.
13. Use industry recommended Best Management Practices (BMPs) when storing damaged electric vehicles with Lithium-Ion batteries.
14. Use industry recommended BMPs to protect ground water from leaking fluids in the temporary storage area.
15. Inspect and clean the temporary storage area annually.
16. Inspect annually and maintain healthy growth of all plantings.
17. No outside storage of equipment, materials, or vehicles in areas not designated on the approved site plan.
18. All lighting shall comply with the requirements of the Moultonborough Zoning Ordinance Section 6.6.5.
19. Conformance with Plan Work shall conform with the plans entitled, "Site Plan –Land Owned by John P. Jr., & Shannon Schlemmer, Tax Map 18 Lot 38, Whittier Highway Moultonborough, Carroll Co., NH February 2023 prepared by Hambrook Land Surveying, revised March 28, 2023, and further revised only to meet the requirements of this decision.

Ms. Kelly Seconded. Motion carried unanimously.

2. Nelson Family Revocable Trust, Jeffrey R. & Carolyn B. Nelson, Trustees
(51-34) (44 Old Route 109) - Minor Two Lot Subdivision

Jim Hambrook of Hambrook Land Surveying presented the application for the Applicant. Mr. Hambrook briefly described the lot. The proposal is for a Minor 2 Lot subdivision of an existing 4.53 acre parcel that is located in the Village Center Overlay District (VCOD). The proposal is to create lots of 2.04 acres and 2.49 acres. The minimum lot sizing for lots within the VCOD is 20,000 square feet. Mr. Hambrook noted each proposed lot could support four units, adding that each proposed lot meets the unit density for one lot using the conventional unit density standards. It was noted there are no jurisdictional wetlands on the site.

Mr. Hambrook noted that Lot 51-34 is subject to a reserved right of way "of an unspecified location or dimension is given. See Plan Note #8 for further information. They have received state subdivision approval (eSA2023030302) and he will add the number to the plan. They have applied for a driveway permit and are waiting for approval based on the subdivision approval. Sight distances are depicted on the plan. Mr. Hambrook answered any questions from the board.

Members questioned if the location of the access easement was specified to be along the eastern boundary and if the easement would remain with the new lot. Mr. Hambrook referred to Note #8 on the plan, adding the easement would remain, however, its exact location and dimensions are not identified.

The Chair opened the subdivision hearing for public input. Hearing none, the Chair closed the Public Hearing.

Motion: Mr. Larson moved to approve the proposed subdivision of Tax Map 51 Lot 34, into two lots, subject to compliance with the following conditions:

Conditions precedent, to be completed prior to signature of final plans by the Planning Board Chairman. No site improvements or approved uses shall commence, and no building permit shall be issued until the plan is signed and recorded:

1. Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
 - a. All conditions subsequent shall be incorporated as plan notes.
 - b. Note DES subdivision approval number on plan.
2. All required federal, state, and local approvals shall be obtained.
3. Conditions precedent to be completed by 03/22/2025.

Conditions subsequent, to be continually complied with:

4. Approved uses: Lot 2 may undertake uses permitted in the Residential/Agricultural Zoning District, and the Village Center Overlay District, subject to applicable application and permitting requirements.
5. Comply with Groundwater Protection Overlay District requirements.
6. E-9-1-1 addresses shall be obtained at the time driveways are placed and prior to occupancy.
7. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

Ms. Kelly Seconded. Motion carried unanimously.

3. The R2 Companies, LLC Owner of Record: Paul and Mary Lavoisier (103-11) (7-11 Marvin Road) - Site Plan Review

Cindy Theriault, PE with Wilcox & Barton, Inc., agent, was present representing the applicant. Present in the audience for the hearing was Jeff Reisner, R2 Property Management. Mr. Reisner has an offer to purchase the Lavoisier property.

Ms. Theriault stated the proposal is for mixed use of the property. The Applicant received a special exception for mixed use on the property from the Zoning Board on January 18, 2023. She briefly described the property noting that there are two structures on the lot that they are keeping as they are. There are three existing curb cuts from Marvin Road and are proposing improvements to the lot for parking and driveway access between the two buildings. She reviewed the proposed site plan as presented.

Ms. Theriault spoke to the landscaping and lighting on the site. They will keep the landscaping as is, as well as the site lighting. There are two building lights on the upper residential/commercial structure. The proposal is to keep the sitework to the lower portion of the property. There is no proposed sitework to the upper portion of the property where the residence is located. The lower level of the existing residence will be office space, as well as office space in the carriage house on the front of the property.

Ms. Theriault stated there is an existing signpost along Whittier Highway. The proposal is to either use that, and/or put signage on the carriage house building. They do not have a sign design at this time. The applicant requested that they be allowed to submit that sign design as part of the building permit process. It was noted that the Code Enforcement Officer has indicated that they will be required to provide septic and well for occupancy of the carriage house. The total disturbance of the project is less than 20,000 square feet (19,170) therefore they did not prepare a full drainage study.

Ms. Theriault noted the waivers from Section 10.3.9 (Lighting plan), Section 11.3.2 (Landscape plan), and Section 10.4.5 (Traffic Impact Assessment and Analysis) that the board granted as part of the acceptance of the application.

Mr. Hoch spoke to the signpost location, noting it appears to be located in the DOT right-of-way for Route 25. He questioned if they had any correspondence from DOT that it may remain in that location. Ms. Theriault stated they did not at this time, and they understand that if it is to stay they will need that. If

it is not allowed to remain they will propose a different location for the sign, or use the building. It was noted any signage would be required to meet the requirements of the sign ordinance.

Mr. Hoch noted the request for a waiver which relates to the Designs for proposed signage. (10.3.8).

Motion: Mr. Bartlett moved that the board grant the waiver request from Section 10.3.8 of the site plan regulations as no new sign is proposed at this time and that the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Mr. Larson Seconded. The Motion carried unanimously.

Mr. Bartlett referred to the Interim Planners Staff Memo in which she noted concerns with the position of the driveways and recommended that the driveway closest to the intersection of Marvin Road and Route 25 be eliminated and the office traffic use the center driveway and the upper driveway be retained for the residence. Extensive discussion of the driveway configuration took place. Mr. Reisner presented his argument as to why the proposal was to keep the existing number of three, noting that the lower driveway is proposed to be slightly shifted to meet the requirements of the driveway regulations that it be no less than 40' from the intersection.

Members had questions about the plan, pointing out that there are symbols on the plan that are not identified in the key. It was noted that there are inconsistencies in the notes and narrative when referring to the existing residence, lower building, lower level. It was clarified that there are two existing buildings on the property, a dwelling unit, and a building close to Route 25. The dwelling unit is to remain on the upper level of the house and the lower level of that house will have four office spaces. The front building closest to Route 25 will be used for four additional office spaces.

Mr. Larson questioned if the driveway was to be gravel or paved, noting one drawing states paved and others state gravel. Ms. Theriault stated the proposal is that they are paved, noting for drainage purposes it does not make a difference. The aprons do need to be paved.

Mr. Annaian stated the application is for residential and office use, noting that Ms. Theriault had indicated that there would be trailers and storage activities that would take place on site. Members questioned where the trailers would be stored on the site, what are the materials are to be stored, and if there would be any outside material storage. Mr. Reisner stated that there would be no outside material storage. There would be materials stored in the garage on the lower level of the residence that may consist of various cleaning products. There are areas along the driveway or in proximity to the dumpster where they can park trailers. There is a box job site trailer and a pressure washer. It was the decision of the board to require that additional parking be depicted on the plan to accommodate for the trailers. Ms. Theriault noted that the additional parking spaces would not affect the stormwater calculations as presented.

Mr. Larson noted his concerns with the lack of a stormwater management plan. The plan has been designed to fall just below the threshold where one is required. He questioned the potential for a great deal more stormwater gathering on the front of the property than there currently is. He questioned how much engineering was done to develop the depression areas shown on the plan? Ms. Theriault stated that those were based on the 50-year storm event through the hydro cad program and prepared the stormwater modeling for that against the 50-year storm to make sure that no more runoff was going to leave the site than currently exists. That is how the depression areas were sized. Mr. Bartlett felt that there should be a 3rd party review of the stormwater report, noting concerns that a complete stormwater management plan was not prepared and the possibility of runoff into Route 25.

Mr. Larson questioned the hours of operation. It was noted they would be 7AM – 5PM. In addition, Mr. Larson noted his concern with lights shining on the abutter's property.

Chairman Hoch opened the hearing for public comment.

Barbara Kohler – 18 Marvin Road. Ms. Kohler noted her concerns with traffic, noise and property values. She stated that the intersection of Marvin Road and Route 25 is extremely dangerous. Mrs. Kohler questioned the mixed use of the property, and asked what constituted a single family dwelling. As in many locations in town, there may be several individuals that reside in one home. It was noted that the designation of a single family dwelling is not that only a single family may reside there. There is no regulation as to the relations to any individuals that are living in a home. The individuals in the home have nothing to do with the use of the building.

Robert Huston – 11 Estella Lane. Mr. Huston noted his concerns with learning that a residential home may be used as basically an apartment building. He felt the board should look further into what the property will be used for, noting his concern with the approval granted by the zoning board. It is no longer a residential area.

Patty Kresco – 40 Marvin Road. Ms. Kresco stated that Marvin Road is a residential neighborhood and noted she was not happy that the lower level of the residence will be used for commercial office space.

Anni Jakobsen – Conservation Commission. Ms. Jakobsen noted that the Conservation Commission had submitted comments for the project and requested they be read into the record. Ms. Kelly read the following:

The Conservation Commission conducted a site visit on March 13, 2023. A review of the plan drawings noted that the expected disturbance area for the project is 19,170 square feet, and while less than the town 20,000 square foot threshold that would require a stormwater management plan, erosion control and management of stormwater during construction will be important.

The lot slopes downward toward the Route 25 edge of the property. The increased size and proposed paving of the drive and parking areas is likely to increase the runoff from these paved areas towards Route 25, compared to the existing conditions. It may be appropriate to confirm that the proposed design for the infiltration feature located between Route 25 and the paved drive and parking area is designed and sized to handle the potentially increased amount of stormwater runoff that will be generated.

Ms. Theriault assured the members that they ran the calculations. Once again, Mr. Bartlett advocated that the board require verification of the calculations by a 3rd party engineer.

Motion: Mr. Bartlett moved that the board requires a 3rd party engineer review of the stormwater calculations. Seconded by Ms. Kelly.

Motion was tabled to allow further discussion on the recommendation of the Interim Planner to not grant the waiver to allow three driveway cuts on Marvin Road.

Kay Huston – 11 Estella Lane. Ms. Huston noted her concerns with the approval for mixed use on the residential portion of the property as Marvin Road is a residential neighborhood.

Further discussion ensued regarding the proposed three driveway cuts.

Motion: Mr. Larson moved that the board grant the waiver request from the Driveway Table in the site plan regulations requiring a minimum driveway spacing of 155 feet from public street intersections as strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations. Ms. Kelly Seconded. Vote on Motion: Bartlett – Nay,

Kelly - Aye, Hoch – Aye. Larson - Aye, Annaian- Nay, Connolly- Aye, Quinlan – Aye. Motion passed 5 Aye, 2 Nay.

Mr. Larson noted that the motion made by Mr. Bartlett requiring that the stormwater management report be sent out for 3rd party review at the applicant’s expense had been tabled.

Motion: Mr. Bartlett moved that the board that the stormwater management report be sent out for 3rd party review at the applicant’s expense. Seconded by Mr. Larson. Motion carried unanimously.

Motion: Mr. Bartlett moved to continue the public hearing for The R2 Properties, LLC (103-11) to April 26d 2023. Ms. Kelly Seconded. Motion carried unanimously.

VIII. Other Business/Correspondence:

1. Chairman Hoch noted that the Board was in receipt of an Application for and Notice of Voluntary Merger for Robert M. Jr., & Angela M. O’Neill (121-73 & 121-77) (83 Cannes St. & Cannes St.)

Motion: Mr. Bartlett moved to approve the Voluntary Merger for Robert M. Jr., & Angela M. O’Neill (121-73 & 121-77) subject to compliance with all requirements of RSA 674:39-a, and that no more than one unit suitable for use or occupancy as a dwelling unit shall exist on the lot unless necessary approvals are obtained, including required relief from the Zoning Board of Adjustment, and further authorizing the Chairman to sign the application. Ms. Kelly Seconded. The Motion carried unanimously.

IX. Committee Reports:

1. Cristina Ashjian, Moultonborough Lakes Region Planning Commissioner, reminded members of the upcoming Commissioners Meeting to be held on March 27, 2023 @ 6 PM at Hobbs Tavern, West Ossipee.

2. Ms. Kelly noted the upcoming Planning & Zoning Spring 2023 Conference on April 29, 2023, via telecast from 8:45 AM to 3:30 PM. Members may [click here](#) for more information.

X. Project Updates: – None

XI. Adjournment: Mr. Bartlett made the motion to adjourn. Mr. Connolly Seconded. The Motion carried unanimously, and the Board adjourned at 10:38.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant