

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

Public Meeting

April 26, 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: Dari Sassan, Town Planner; 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. Bartlett made the motion to approve the Planning Board Minutes of April 12, 2023, as amended. Mr. Connolly Seconded. Motion carried with Mrs. Kelly abstaining.

V. New Submissions: – None

VI. Boundary Line Adjustments: – None

VII. Hearings:

1. The R2 Companies, LLC Owner of Record: Paul and Mary Lavasseur (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.

Ms. Theriault noted that this was a continued hearing. At the last public hearing the board voted to require a third-party review of the stormwater management plan submitted with the application. The third-party review was completed by Keach-Nordstrom Associates. Steven Keach, P.E. provided a letter dated April 7, 2023, with comments and recommendations based on his review. Wilcox & Barton prepared a response to those comments (dated April 20, 2023), as well as providing a revised set of drawings, and other supporting documentation for the project.

Ms. Theriault identified the changes to the plan as noted in their response letter dated April 20, 2023, which included the depiction of two parking spaces adjacent to dumpster location, and minor edits to verbiage on Sheets C1.1. C1.2 and C1.3. Ms. Theriault stated that there are septic design plans underway for the small building on the lower level closest to Route 25 which currently does not have septic, and revised plans for the existing septic system that serves the single-family residence to demonstrate that the

existing system has the capacity to accommodate the future volume of wastewater generated by the planned mixed use of the proposal.

Steven Keach, Keach-Nordstrom Associates, issued another memorandum on 4/24/2023 which acknowledged the submittal of revised plans and comments from Wilcox & Barton. Mr. Keach indicated that many of their earlier remarks were addressed. He made additional comments and recommendations as identified in the 4/24/2023 memorandum which include the following:

- a. It will be necessary to verify that necessary septic approvals are obtained and that the systems can handle all proposed uses.
- b. MUTCD compliant stop signs and signs demarcating accessible parking spaces shall be installed.
- c. Although weir locations have been identified in accordance with the review engineer's recommendations, the design elevations of those weirs shall also be shown on the plans.

Discussion ensued regarding the flow of traffic on the site. It was noted that there are three driveway cuts on the site. There are no changes to the upper driveway for the existing residence. The middle driveway will be one way, ingress only. The lower driveway will be two way, ingress and egress. Ms. Theriault noted the comments regarding the installation of ADA compliant signage for the handicapped parking spaces as well as the installation of a MUTCD compliant stop sign. The board discussed there be a "No Exit" sign installed at the middle driveway cut. As the sign will be set back from the intersection with Marvin Road, there was a question if the "No Exit" needed to be MUTCD compliant. It was the consensus of the board that the handicapped sign must be installed to meet ADA standards and stop sign must be installed at the lower level exit and that it be MUTCD compliant. The "No Exit" sign does not need to be MUTCD compliant as it will be installed within the site and not at the intersection of Marvin Road.

Planner Sassan referred to his staff memo prepared April 24, 2023, noting the DPW has requested driveway permits for each of the three locations on Marvin Road. Ms. Theriault indicated that they had received a permit for the middle drive. It was noted as they are paving the apron, and it intersects with the right of way for Marvin Road, they are requesting the permit.

Members questioned if the entire shaded area on the plan was to be paved or remain gravel? The upper area for the residence will remain gravel. The two driveways and parking areas from the existing residence down to the lower building will be paved. Members requested that to be noted on the plan in either a plan note, or in the legend.

Mr. Sassan stated that he had made a comment about the fact that he had determined as Zoning Administrator that there was no relief required for the front building on Route 25. He pointed out to the ZBA that the Planning Board has the opportunity to make their own determinations. It is possible that the Planning Board could say the use of the front building was abandoned, therefore it does not have any commercial grandfathered rights, and as such, does not meet the 50-foot setback for commercial buildings, so would require a variance. Based on the definition of abandoned, he did not think that it was. Regardless of that, the building has been there for long enough, where it may not be necessary or unreasonable to send the applicant for a variance on the building location. Mr. Hoch questioned whether the building inspector had been to the site to look at the building. Mr. Sassan spoke with the building inspector who has not been through the building. It appears to be in reasonable shape.

Mr. Sassan commented that while he had not been present for either the ZBA meeting or the first planning board meeting, he had reviewed the minutes. He referred to his Staff Comment #3 stating that the applications to the Zoning Board of Adjustment and the Planning Board describe mixed office and residential uses, however, discussion at the 3/22/2023 Planning Board meeting suggests that the applicant may intend to undertake a "personal and professional service" use in addition to office and residential uses.

Staff suggests that the Board seek further clarification regarding the intended uses of the property. Mr. Sassan commented if there were to be a “personal and professional service” use, such as the property maintenance crews were regularly dispatched from that property, he would view it as a “personal and professional service” use than office use.

Discussion ensued regarding this subject with Mr. Reisner stating that he has been pretty direct on what they are going to use the site for and did not understand where the confusion was coming from. To clarify, they are using the space for offices in the lower building. He does not see anywhere that he cannot store a company vehicle there. A company vehicle and a trailer that comes in with a pressure washer stored there is very different than the various landscaping companies in town. He will have office staff that will be in the buildings, work from their computers, answer emails, the phones and then will go out into the field to clean a home or a handyman job. They are not a big operation. They currently have five people in the company and hope at some point to get to eight. He has been upfront about what they are going to do. They will be using the site for office use.

Mr. Sassan noted that he appreciated Mr. Reisner’s comments and suggested potentially adding a conditional approval that all necessary ZBA approvals shall be obtained. If the board were so inclined to approve this application tonight, this should not be a reason to uphold a conditional approval. If it were determined that Mr. Reisner had to go back for a special exception to do what he ultimately wants to do with the property, this is not something that would hold him up from moving forward. Based on what Mr. Reisner just described, is not like a landscaping company. If it’s just a single trailer being stored on site, it doesn’t cross the threshold into personal and professional service.

Mr. Larson noted one recommendation by Mr. Keach that someone confirm that the actual onsite evaluation of soil conditions match with what the expected soil conditions are and asked if that had been done. Ms. Theriault replied that as part of the septic system design they had to complete some soil testing, so they had that as backup and she recommended that they will double check when they were doing the work, making any necessary changes at the that time.

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

There being no further comments or questions from the board, the following motion was made.

Motion: Mr. Quinlan moved to **approve** the site plan review application to make interior improvements to the two existing buildings, modify the parking and driveways, install associated stormwater management structures, and undertake office and residential uses at Tax Map 103 Lot 11 subject to the following conditions:

Conditions precedent, to be completed prior to signature of final plans by the Planning Board Chairman:

1. Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
 - a. Depict electric utility easement area and include deed reference.
 - b. Reference DES Septic approvals, to include approval numbers and dates.
 - c. Indicate that the middle driveway shall be used solely for traffic entering the property.
 - d. Identify that the shaded area on the site plan shall be paved.
 - e. Identify locations of required MUTCD compliant stop sign and accessible parking space signs.
 - f. Identify location of “NO EXIT” sign. Sign does not need to be MUTCD compliant.
 - g. Identify design elevations of stormwater infiltration basin weirs.
 - h. Affix wet stamps and signatures of all professionals and scientists.
 - i. Obtain signature of owner within designated signature block on site plan.
 - j. All conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals shall be obtained, including septic construction, building and driveway approvals.
3. All necessary Zoning Board approvals shall be obtained.

4. Documentation, issued by a licensed septic designer, shall be submitted to the Land Use Office verifying the adequacy of waste facilities to accommodate all proposed uses, subject to approval by the Building Inspector.
5. All third-party review costs shall be paid in full.
6. Conditions precedent to be completed by 4/26/2024.

Conditions subsequent, to be continually complied with:

7. Approved uses include office and residential uses as presented to the Zoning Board of Adjustment and the Planning Board. The Land Use Office shall be notified of any additional changes that could constitute a change or expansion of use, as land use approvals, including site plan review, may be required.
8. Approved commercial uses shall not be commenced until pavement, septic systems and MUTCD complaint signage have all been installed and operationally approved.
9. All conditions of previous site plan approvals shall remain as requirements of the development, maintenance, and operation of the site unless expressly superseded by this approval.
10. Outside storage of materials is prohibited.
11. Snow must be placed within designated snow storage areas.
12. Exterior lighting shall comply with Zoning Article 6.6.5.
13. Landscaping shall comply with Site Plan Review Sections 11.3.1 and 11.3.4.
14. All signage shall comply with Zoning Article 5 and Site Plan Review Section 11.2.
15. All construction-phase and permanent drainage structures and stormwater management facilities shall be maintained to perform as represented and intended, and reports of all annual stormwater inspections shall be submitted to the Land Use Office on or before July 1 of each year.
16. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
17. Per Site Plan Review Section 8.2, if substantial site work has not commenced or a Building Permit has not been issued or if a Building Permit has been issued but not substantially acted upon within 2-years of the date of approval, the site plan shall lapse unless a request for extension for an additional 1-year period is obtained by the applicant, prior to the date of lapsing.
18. If, at any time, uses are abandoned in accordance with the definition of abandonment in the Zoning Ordinance, necessary approvals shall again be obtained before such uses may resume.

Discussion on motion – Mr. Bartlett recommended the approval include that there be an Owner's signature block, and Planning Board signature block on each page of the plan set as there is detailed information pertaining to the development of the site. Members discussed this, noting that the cover page of the plan set has a Sheet Index which would indicate that it is a plan set. It was a consensus of the board to require an Owner's signature block, and Planning Board signature block on the cover page, Sheet C1.2 and Sheet C1.3.

Mr. Connolly Seconded. Motion carried unanimously.

VIII. Other Business/Correspondence: – None

IX. Committee Reports:

1. Cristina Ashjian, Moultonborough Lakes Region Planning Commissioner, thanked those who attended the housing meeting that was held on March 27, 2023, at Hobbs Tavern in West Ossipee. Attendees were provided with the Draft 2023 Lakes Region Housing Needs Assessment report. (Board Members were provided a link to the LRPC draft report on March 10). The next step is for the commissioners to either approve, endorse, or accept the plan. LRPC has asked the commissioners to make sure their respective planning boards are on top of this, and how they would like them to move forward.

Ms. Ashjian reminded members of the upcoming Planning & Zoning Spring 2023 Conference on April 29, 2023, Members may [click here](#) for more information. The 10:30 am session is on housing and talks about The Housing Opportunity Planning (HOP) grants and were hoping that Moultonborough would apply for.

She noted that there are available grants as part of Governor Sununu's \$100 million InvestNH initiative, \$5 million has been allocated to provide grants to municipalities to analyze and update their land use regulations to help increase housing development opportunities. The Housing Opportunity Planning (HOP) grants are open until the end of September or when funds are exhausted. She noted that the deadline has passed for Needs Analysis and Planning Grants. Planner Sassan will continue his earlier research on the HOP.

After a short conversation, it was the consensus of the board to accept the 2023 Lakes Region Housing Needs Assessment report.

Motion: Mr. Quinlan moved that the board accept, as written, the 2023 Lakes Region Housing Needs Assessment report. Ms. Kelly Seconded. Motion carried unanimously.

X. Project Updates: – None

XI. Adjournment: Mr. Connolly made the motion to adjourn. Mrs. Kelly Seconded. The Motion carried unanimously, and the Board adjourned at 8:28.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant