



TOWN OF MOULTONBOROUGH

PLANNING BOARD

MEETING MINUTES

of
May 10, 2023

7:00 PM - Ernest Davis Meeting Room
Moultonborough Town Hall
6 Holland Street, Moultonborough, NH 03254

Planning Board Members in attendance: Allen Hoch, Sandra Kelly, Scott Bartlett, Kevin Quinlan, Norman Larson, John Annaian, Brendan Connolly, and Peter Claypoole (Alternate Member)

Planning Board Staff: Dari Sassan (Town Planner)

At approximately 7:00 PM Chairman Hoch convened this meeting and called upon attendees to recite the Pledge of Allegiance. Board Members and Staff then introduced themselves.

Chairman Hoch extended congratulations to Mr. Bartlett, Mr. Claypoole and Mr. Quinlan who were victorious in the elections which took place the previous day.

Review/Approval of Minutes: April 26, 2023

MOVED by Mr. Bartlett to approve the minutes of the April 26, 2023 Planning Board Meeting, as drafted, **SECONDED** by Ms. Kelly.

All in favor. **MOTION APPROVED**

Continuation of Public Hearing for Big Dog Holdings LLC (18-37, 39 & 40) Whittier Highway

Chairman Hoch announced that Mr. Annaian would be recusing himself and stepping away from the table for this case and that Mr. Claypoole would be sitting in his place for this case.

David Frothingham, an engineer from Wilcox and Barton, Inc. and Rick Annaian were present to represent the applicant.

Mr. Sassan said that there has been a great deal of information provided over the last several days, and he identified that just prior to the meeting a new memorandum had been provided by the Town Engineer

along with a revised staff memo from himself. He noted that although the application had been accepted as complete during the April 26, 2023 meeting, it was not clear whether the Board took the official action of approving motions associated with the waiver requests and he advised that the Board undergo the formality of addressing the waivers through motions.

Mr. Connolly identified that a landscaping plan has now been submitted. As such, Staff and Board Members agreed that the waiver request pertaining to a landscape plan was no longer necessary.

MOVED by Mr. Connolly to grant the waiver request for color renderings of the streetscape because the applicant has provided photographs of the streetscape which is to be maintained as a buffer. **SECONDED** by Mr. Larson.

All in favor. **MOTION APPROVED**

MOVED by Mr. Bartlett to grant the waiver request for NH DES Approval for Construction for on-lot sewage systems (Site Plan Review Section 10.4.1) because Sheet C0.2, Note 3 under Required Permits states that the project requires NH DES individual sewage system disposal approval and because obtaining the permits can be addressed as a condition precedent to any possible approval. **SECONDED** by Mr. Connolly.

All in favor. **MOTION APPROVED**

MOVED by Mr. Bartlett to grant the waiver request for NH DOT Driveway Permit (Site Plan Review Section 10.4.2) because Sheet C0.2, Note 1 states that prior to construction, the owner shall obtain NH DOT Driveway Permits and because obtaining the permits can be addressed as a condition precedent to any possible approval. **SECONDED** by Ms. Kelly.

All in favor. **MOTION APPROVED**

Mr. Frothingham reviewed changes that had been made to the plans in response to the Town Engineer's comments. He indicated that the applicant would like to use the garage and office prior to the installation of fuel storage tanks and the placement of a pavement topcoat.

Discussion ensued in pursuit of drafting a condition of approval which would allow for use of the garage and office in advance of fuel storage tanks being installed, while still protecting the Town's interests in ensuring that proper permits are obtained for all installations.

Chairman Hoch opened the hearing to public comment; however, no public comment was brought forth.

MOVED by Mr. Connolly to APPROVE the site plan review application to construct and operate a bulk fuel facility at Tax Map 18 Lots 37, 39 & 40 with 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 installation of emergency generator by note on plan.
 - b. Specify on Sheet C1.1 that MUTCD compliant R1-1 “stop” signs, with corresponding 18-inch painted stop bars are to be installed at each site driveway entrance at Whittier Highway.
 - c. Specify that a secure grate will be placed atop Outlet Control Structures 2 & 100.
 - d. Revise Sheet C1.4 to provide a typical cross-section of stone lined swale construction planned at the northerly site driveway.
 - e. Add septic system design plan to plan set.
 - f. Remove references to “gasoline” under “Fueling Tank Legend” on Sheet C0.2
 - g. Add details and specifications for underground holding tank for temporary storage of floor drain discharge to include specifications for installation of at-grade tank access and visual/audio alarm signal equipment corresponding with requirements of Part Env-Wq 402.39 (c) of the Code of Administrative Rules.
 - h. Note that the buffer easement on Lot 37 will be recorded in the deed of the property and maintained in perpetuity.
 - i. Revise Note #24 on Sheet C1.1 to reflect that the buffer area on lot 37 will be encumbered through an easement, rather than through a boundary line adjustment.
 - j. Update Landscaping Plan to comply with all requirements of Site Plan Review Section 11.3.2.
 - k. Reference 4/5/2023 special exception approval that was obtained from the ZBA to allow the petroleum bulk plant or terminal use, including all conditions of approval.
 - l. Reference approval of the merger of lots 39 and 40, to include CCRD book and page.
 - m. Reference NH DES Septic approvals, to include approval numbers and dates.
 - n. Reference NH DOT driveway permit approvals, to include approval numbers and dates.
 - o. Document that the holding tank has been properly registered with the NH DES, consistent with provisions of Part Env-Wq 402.39 of the Code of Administrative Rules.
 - p. Affix wet stamps and signatures of all professionals and scientists.
 - q. Obtain signature of owner within designated signature block on site plan and cover page.
 - r. All conditions subsequent shall be included as plan notes.
2. Submit to the Land Use Department a spill prevention, control, and countermeasure plan in accordance with the requirements of Zoning Article 13.6, subject to approval by the Fire Department.
 3. All required federal, state, and local approvals shall be obtained, including fuel tank, septic construction, building and driveway approvals.
 4. All third-party review costs shall be paid in full.
 5. The applicant, or his successors or assigns, shall file security with the Planning Board with surety conditions satisfactory in an amount proposed by the applicant’s engineer, subject to the approval of the Town Engineer, to guarantee proper installation and maintenance of erosion and sedimentation controls throughout the duration of construction, as well as site restoration in the event of abandonment, as well as security to provide for all necessary inspections and tests to be conducted by the Town Engineer. Said security shall be in the form of a surety bond issued by a surety company authorized to do business in New Hampshire, cash, or savings bank passbook properly endorsed to the Town, or a Letter of Credit in a form acceptable to the Town. The Planning Board may from time to time, at their discretion, and upon request by the applicant, its successors, or assigns, reduce the amount of such security to an amount sufficient to ensure that any and all remaining utility or roadway construction shall be able to be completed by the Town in the event that the developer does not complete the improvements. The security shall be submitted to the Town of Moultonborough prior to the commencement of any construction activities on the project site.

6. Any remaining recommendations and revisions provided by the Town Engineer shall be addressed to the Engineer’s satisfaction, and all utility and infrastructure systems shall obtain final approval of the Town Engineer.
7. Conditions precedent to be completed by 5/10/2024.

Conditions subsequent, to be continually complied with:

8. Approved uses include bulk fuel facility 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. Any change in fuel type or increase in capacity of storage shall require site plan review.
9. Approved commercial uses shall not be commenced and Certificate of Occupancy shall not be issued until all proposed improvements, other than installation of fuel storage tanks and final pavement topcoat, have all been installed and operationally approved, including receipt of all Fuel Storage Tank Construction permits.
10. Uphold and maintain spill prevention, control, and countermeasure plan.
11. Snow shall 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 a 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.

SECONDED by Mr. Bartlett.

All in favor. **MOTION APPROVED**

Mr. Annaian returned to the table to resume his role on the Board. Mr. Claypoole remained as an alternate member.

Public Hearing for Voluntary Merger – Steven J. & Nancy M. Foley (130-31 & 32, 89 Spitzen and Spitzen Street)

MOVED by Ms. Kelly to DETERMINE that the proposal does not present a potential regional impact as defined in RSA 36:55, **SECONDED** by Mr. Connolly.

All in favor. **MOTION APPROVED**

MOVED by Mr. Larson to **APPROVE** the proposed voluntary lot merger of Tax Map 130 Lots 31 and 32, as requested by Steven J. Foley & Nancy M. Foley, subject to compliance with the following conditions:

1. Applicant shall comply with all requirements of RSA 674:39-a.
2. 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.

SECONDED by Ms. Kelly.

All in favor. **MOTION APPROVED**

Project Updates

Mr. Sassan identified that the May 24th agenda includes a conditional use permit associated with driveway access to a lot recently created through subdivision as well as a major 2-lot subdivision on Governor Wentworth Highway. Chairman Hoch added that the agenda should also include election of officers and committee assignments.

Chairman Hoch circulated some proposed changes to the Board's Rules of Procedure and suggested that the Board take them up at a future meeting.

Adjournment

Chairman Hoch thanked the Board, and Board Members thanked Chairman Hoch.

MOVED by Chairman Hoch to adjourn this meeting, **SECONDED** by Ms. Kelly.

All in favor. **MOTION APPROVED**

The meeting adjourned at approximately 8:25 PM.