



## **Town of Moultonborough Planning Board**

### **Notice of Decision** **Site Plan Review Permit & Conditional Use Permit** **Suissevale /Tax Map 129, Lot 95**

February 27, 2024

**Applicant:** Property Owners Association at Suissevale  
17 Langdorf Street  
Moultonborough, NH 03254

**Location:** 182 Castle Shore Road (Tax Map 129, Lot 95)  
**Owner of Record:** Property Owners Association at Suissevale

On October 25, 2023, December 13, 2023, January 24, 2024, and February 14, 2024 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Property Owners Association at Suissevale (POASI), 182 Castle Shore Road, Moultonborough, NH 03254 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for a bathroom building to be located at the Association beach for the site located in the Residential/Agricultural Zone, partially within the floodplain.

Prior to public input on October 25, 2023, the Planning Board voted that this proposed site plan did not have the potential for Regional Impact.

The Planning Board voted seven (7) in favor (Annaian, Larson, Bartlett, Claypoole, Connolly, Quinlan, Kelly), and none (0) opposed, to **grant** the waiver request for parking (Site Plan Review Regulations Section 10.3.2), the waiver request to not provide a Landscape Plan (Site Plan Review Section 11.3.1), and to **deny** the waiver request from Site Plan Review Section 11.3.11 to provide stormwater management information.

After public input, the hearing was closed on February 14, 2024 and the Planning Board voted seven (7) in favor (Annaian, Larson, Bartlett, Claypoole, Connolly, Quinlan, Kelly), and none (0) opposed, to **approve** the site plan application for POASI, Map 129, Lot 95 at 182 Castle Shore Road subject to the following conditions:

#### **1. Conformance with Plan**

Work shall conform with the plan entitled "Proposed Conditions Site Plan Prepared for Property Owners Association At Suissevale Inc. Tax Map 129 Lot 95 – 182 Castle Shore Road, Town of Moultonborough, Carroll Co., New Hampshire, Owner of Record: Property Owners Association At Suissevale Inc. 17 Langdorf Street, Moultonborough, NH 03254 Book 723 Page 185, prior to the signing of the plat by the Planning Board Chair.

## **2. Amendments**

Any modification to this approved plan and dated September 21, 2023 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, prior to any construction commencing.

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 plans by the Planning Board Chairman.
  - a. Add signature block for owner and obtain owner's signature.
  - b. Add references to all seasonal procedures and maintenance plans including cleaning leaves and vegetation from the gutter system.
  - c. All Conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals shall be obtained prior to utilization.
3. Conditions precedent to be completed by 02/14/2025.

Conditions subsequent, to be continually complied with:

4. Approved uses include low impact outdoor recreation uses associated with a private beach for a residential homeowners' association. 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.
5. Exterior lighting shall comply with Zoning Article 6.6.5.
6. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
7. 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.
8. 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.

## **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. The Board approved a waiver in the required number of parking spaces based upon the applicant's rationale that adequate parking will remain in place across the bridge from the beach, and approved a waiver to provide a Landscape Plan based upon the applicant's rationale that sufficient landscaping currently exists on the site and because the project represents a minimal change to a long existing beach area.

**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 assignees.

**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. Fire Department**

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

**10. 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.

**11. Utilities**

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

**12. Lighting**

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

**13. 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.

#### **14. Waivers**

The Planning Board hereby grants the following waivers to the Site Plan Regulations:

- a. Parking Regulation Table [Site Plan Regulations Section 10.3.2] to allow the existing parking on the mainland.
- b. Article 11.3.1 – to provide a Landscaping Plan.

#### **15. 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.

#### **16. 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.

#### **17. 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.

#### **18. 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.



Sandra M. Kelly

Chairman

cc.

- o Map Lot Document File
- o Walter P. Horton (by email only at [walter@amesassociates.com](mailto:walter@amesassociates.com))
- o Tom Hughes, Town Assessor (by email only at [thughes@moultonboroughnh.gov](mailto:thughes@moultonboroughnh.gov))
- o Scott Dvorak, CEO (by email only at [sdvorak@moultonboroughnh.gov](mailto:sdvorak@moultonboroughnh.gov))