



Town of Moultonborough

Planning Board

6 Holland Street – P. O. Box 139

Moultonborough, NH 03254

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Boundary Line Adjustment

-Lands of-

Richard D. Mansfield Irrevocable Trust and Nicholas Mikkelsen & Mollie Smith

Tax Map 121 Lot 41 and Tax Map 129 Lots 4 & 5

March 13, 2024

Applicants:

Richard D. Mansfield Irrevocable Trust
Michael R. Mansfield, Trustee
8 Teton Way
Walpole, MA 02081-1021

Nicholas Mikkelsen
Mollie Smith
55 Langdorf Street
Moultonborough, NH 03254

Location: 59 Bergen Street, Bergen Street and 55 Langdorf Street
Tax Map 121 Lot 41, Tax Map 129, Lots 4 & 5

On March 13, 2024, the Planning Board of the Town of Moultonborough held a public hearing on the application of Richard D. Mansfield Irrevocable Trust and Nicholas Mikkelsen & Mollie Smith (hereinafter referred to as the “Applicant(s)” and/or “Owner(s)”) for a Boundary Line Adjustment conveying a 6,824 Sq. Ft. (0.16 Acres) portion of TM 129 Lot 4 (Mansfield/Mikkelsen/Smith) to TM 121 Lot 41 (Mansfield), and the remaining 6,824 Sq. Ft. (0.16 Acres) portion of TM 129 Lot 4 (Mansfield/Mikkelsen/Smith) to TM 129 Lot 5 (Mikkelsen/Smith) which are located in the Residential Agricultural (R/A) Zoning District, within the Groundwater Protection Overlay District, resulting in two remaining lots of 0.4 acres (Lot 129-5) and 0.69 acres (121-41).

Prior to public input on March 13, 2024, The Planning Board voted seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Kelly, Connolly, Quinlan) that this proposed boundary line adjustment did not have the potential for Regional Impact.

The Planning Board then voted seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Kelly, Connolly, Quinlan) to grant the request for Setbacks, topography, soils, offsite geologic facts, and unit density (Subdivision Sections 4.3.1.3-13) as *the lots are already developed and will be increasing in size*. Additionally, any future development will be subject to applicable permitting requirements.

After testimony, the hearing was closed on March 13, 2024, and the Planning Board voted seven (7) in favor to **approve** the Boundary Line Adjustment subject to the following conditions:

1. Conformance with Plan

All pins set in conformance with the plan entitled, "Boundary Line Adjustment Plan, Land Owned Between Land owned by Michael R. Mansfield, Trustee, Richard D. Mansfield Irrevocable Trust and Nicholas Mikkelsen & Mollie Smith (Tax Map 121 Lot 41) – 59 Bergen Street, (Tax Map 129 Lot 5) – 55 Langdorf Street, (Tax Map 129 Lot 4), Moultonborough, Carroll, Co., NH, January 2024, By Hambrook Land Surveying (Revision date March 15, 2024) prior to the signing of the plat by the Planning Board Chair.

2. Endorsement of Plan

Following the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this Boundary Line Adjustment review shall be placed on the final plan, or this decision shall be recorded with the plan, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within one hundred and twenty (120) days of signing of the plan by the Planning Board Chair.

3. Conformance with Subdivision Regulation 5.4 – Final Plat

The applicant shall fully comply with Section 5.4 of the Subdivision Regulations pertaining to Boundary Line Adjustments.

4. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) shall be incorporated into this approval and part of this Notice of Decision.

5. Final Plat

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 plan is signed and recorded:

- 1) Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
 - a. All pins to be set and identified on plan.
 - b. All conditions subsequent shall be incorporated as plan notes.
- 2) All required federal, state, and local approvals shall be obtained, to include DES subdivision approval or confirmation from DES that such approval is not required.
- 3) Conditions precedent to be completed, and plan shall be signed and recorded, by 7/11/2024, per Subdivision Section 5.4.

Conditions subsequent, to be continually complied with:

- 4) Approved uses: Lots may undertake uses permitted in the Residential/Agricultural District, subject to applicable application and permitting requirements.
- 5) The applicant is advised that this merger will be regarded by the Land Use Office as an overt action on the part of the landowner to treat the entire area of the merged lots as a

single lot, thus eliminating the possibility of performing a lot restoration pursuant to RSA 674:39-aa.

- 6) All uses of both lots shall perpetually comply with Wetlands Ordinance requirements, as any exemptions per Zoning Article 9.1.5 shall no longer apply because this boundary line adjustment represents the “creation” of lots after 1/3/2008.
- 7) All representations made by the applicant and applicant’s agent shall be incorporated as a condition of approval.

The final plat to be submitted to the Land Use Department in appropriate electronic format to include both a pdf and an approved CAD file format.

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.

Yours truly,



Sandra M. Kelly
Chairman

cc.

- Map Lot Document File
- James Hambrook (by email only at jimhambrook@gmail.com)
- Tom Hughes, Town Assessor (by email only at thughes@moultonboroughnh.gov)
- Scott Dvorak, CEO (by email only at sdvorak@moultonboroughnh.gov)