



***Town of Moultonborough***  
***Planning Board***

6 Holland Street – P. O. Box 139  
Moultonborough, NH 03254  
(603) 476-2347 - Fax (603) 476-5835  
e-mail: dsassan@moultonboroughnh.gov

**Notice of Decision**  
**Site Plan Review Permit**  
**Greenleaf Tree Experts**  
**Tax Map 76 Lot 3**

May 10, 2024

Applicant: Greenleaf Tree Experts  
Brian Huey  
PO Box 683  
Moultonborough, NH 03254  
Location: 822 Whittier Highway (Tax Map 76 Lot 3)

On October 25, 2023, the Planning Board of the Town of Moultonborough opened a public hearing on the application of Greenleaf Tree Experts, PO Box 683, Moultonborough, NH 03254 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for a tree service business to include a 50' x 90' garage/workshop, equipment and employee parking area and gravel drive accessing the public road through an abutting property for the lot located in the Commercial Zone A.

The application was placed on the October 25, 2023 agenda as a new submission and was immediately tabled to December 13, 2023, where the applicant waived the 65-day clock requirement and requested a continuance to January 24, 2024.

On January 24, 2024, the applicant requested a continuance to February 14, 2024, only for an additional request for continuance by the applicant to March 13, 2024.

On March 13, 2024, prior to acceptance of the application as being complete, the Planning Board voted seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Connolly, Quinlan, Kelly) that the proposal did present a potential regional impact.

On March 13, 2024, prior to acceptance of the application as being complete, the Planning Board voted seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Connolly, Quinlan, Kelly) and none opposed to grant the waiver of Section 10.4.5 (Traffic Impact Assessment and Analysis) of the site plan regulations 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 as the generated trips will not exceed the 400 average daily trips or 48 peak hour trips.

On March 13, 2024, the Planning Board voted seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Connolly, Quinlan, Kelly) to accept the Application of Greenleaf Tree Experts, Brian Huey (76-3), as substantially complete for the purpose of application acceptance.

The Board discussed the request for Site Plan Review and noted the following Findings of Fact:

- a) As designed, this is a reasonable request for the applicant's use of his land for the stated purpose.
- b) The Board determined that a third-party engineer review of the stormwater management and mitigation design would be necessary.
- c) The applicant has complied with all our ordinances.

The Board voted by a vote of seven (7) in favor (Hoch, Annaian, Larson, Bartlett, Connolly, Quinlan, Kelly) and none opposed to continue the hearing to April 10, 2024 to allow for the 3<sup>rd</sup> party review of the stormwater management plan.

On April 10, 2024, the Applicants agent requested a continuance to April 24, 2024, to allow time to time for him to respond to the Town's 3<sup>rd</sup> party review.

On April 24, 2024, the Applicant requested a continuance to May 8, 2024, to allow time to time for his agent to respond to the Town's 3<sup>rd</sup> party review.

On May 8, 2024 the Board voted by a vote of seven (7) in favor (Annaian, Larson, Bartlett, Connolly, Claypoole, Quinlan, Kelly) to approve the site plan for Greenleaf Tree Experts, Tax Map 76, Lot 3 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 signature block for owner and obtain owner's signature.
  - b) Identify snow storage areas on plan.
  - c) Note hours of operation and number of employees.
  - d) All conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals, including DOT driveway approval, shall be obtained.
3. 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 approved by the Town Engineer and submitted to the Town of Moultonborough prior to the commencement of any construction activities on the project site.
4. 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.
5. Any remaining recommendations and revisions provided by the Fire Chief shall be addressed to the Chief's satisfaction, and all utility and infrastructure systems shall obtain final approval of the Fire Chief.



6. All off-premises signage shall be removed.
7. Conditions precedent to be completed by 5/8/25.

**Conditions Subsequent**, to be continually complied with:

8. Approved uses include mixed residential and personal and professional service 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.
9. Approved commercial uses shall not be commenced and Certificate of Occupancy shall not be issued until all proposed improvements have all been installed and operationally approved.
10. Parking shall not be located within 10 feet of any property line.
11. No vehicle maintenance and repair shall occur on site.
12. No floor drain shall be placed in garage/workshop.
13. Snow shall be placed within designated snow storage areas.
14. Exterior lighting shall comply with Zoning Article 6.6.5.
15. Landscaping shall comply with Site Plan Review Sections 11.3.1 and 11.3.4.
16. All signage shall comply with Zoning Article 5 and Site Plan Review Section 11.2.
17. 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.
18. All soil, gravel and materials shall be managed and contained on site, without migration onto abutting properties or the public road system.
19. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
20. 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.
21. 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.

### **1. Amendments**

Any modification to the approved plans 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.

### **2. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the satisfaction of all conditions precedent, the Planning Board Chairman shall sign the approved site plan, subject to conditions subsequent of this approval. The conditions of approval of this site plan review shall be placed on the final plans, and this decision shall be recorded at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (I), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

### **3. 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.

#### **4. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Moultonborough, or State of New Hampshire rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner at the end of construction.
- 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.

#### **5. 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.

#### **6. Fire Department**

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

#### **7. 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.

#### **8. Utilities**

Any utility installation shall be reviewed and approved by the Moultonborough Building Inspector prior to the issuance of a Building Permit.

#### **9. Lighting**

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

#### **10. Best Management Practices**

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

#### **11. Maintenance**

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to endorsement of the plans. Said Maintenance Agreement shall include schedules for cleaning of all drainage infrastructure and other similar infrastructure maintenance items to ensure their proper functioning and shall include the following:

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. Paved areas shall be swept at least twice a year to remove sand and debris. Said sand and debris shall be removed off site and properly disposed of.
- d. Where necessary, and in compliance with wetland buffer requirements, vegetation on the site shall be trimmed and maintained to ensure visibility of all signs and to ensure proper functioning of stormwater structures.
- e. Garbage and litter shall be removed in and around wetlands twice a year.
- f. Invasive species shall be removed in and around wetlands twice a year.
- g. Only native species shall be planted.
- h. A schedule for cleaning of catch basins, culverts, and other stormwater infrastructure for the site.



## **12. 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.

## **13. 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.

## **14. As-Built Plans**

As-Built plans, stamped by a NH Licensed Professional Engineer, shall be submitted to the Land Use Department prior to the issuance of a Certificate of Occupancy.

## **15. 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 are part of the Notice of Decision.

## **16. 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.

## **17. 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 Select Board, unless the violation of such condition is cured within fourteen (14) days or waived by a majority vote of the Select Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board under RSA 676:4-a.

## **18. Legal Fees for Review**

The applicant shall pay all legal fees for the review of project documents during the permitting process, as detailed in invoices from the Town's legal counsel prior to the issuance of any Permits for the site.

## **19. Inspections**

The developer shall pay all costs associated with periodic on-site inspections by the Town's Consultant Engineer during the construction phase of all drainage and stormwater protection systems prior to the building being occupied. See RSA 676:4-b, II.



Sandra M. Kelly  
Chairman

cc.

- o Craig Bailey, (by email only at ([ctbailey@bailey-associates.com](mailto:ctbailey@bailey-associates.com)))
- o Jeff Blackwell (by email only at [jblackwell@moultonboroughnh.gov](mailto:jblackwell@moultonboroughnh.gov))
- o Tom Hughes, Town Assessor (by email only at [thughes@moultonboroughnh.gov](mailto:thughes@moultonboroughnh.gov))
- o Map Lot Document File