



Town of Moultonborough Planning Board

Notice of Decision Subdivision Permit The Taylor Community/Map 96, Lot 4

December 8, 2010

Applicant: **The Taylor Community**
 435 Union Avenue
 Laconia, NH 03246

Location: **Route 171, Moultonborough, NH (Tax Map 96, Lot 4)**

On December 8, 2010, the Planning Board of the Town of Moultonborough opened a public hearing on the application of The Taylor Community (hereinafter referred to as the “Applicant” and/or “Owner”) to allow condominium conversion of the existing 14-unit approx. 84 acre residential site in the Agricultural Residential Zoning District.

The public hearing was closed on December 8, 2010. At the regularly scheduled Planning Board meeting on December 8, 2010 the Board voted by a vote of five (5) in favor (King, Charest, Fairchild, Maroun, Nelson), none (0) opposed, to **GRANT** their request for a Subdivision Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site/Subdivision Plan, ‘The Villages At West Wynde’, A Condominium, Vappi Vale Road, Moultonborough, Carrol County, New Hampshire” sheets 1 and 2 prepared by Steven J. Smith and Associates, 6 Lilly Pond Road, Gilford, NH, dated July 16, 2010 revised December 8, 2010, and to be revised to reflect the conditions of this decision.

2. Amendments

Any modification to the original approved plans created by Steven J. Smith and Associates titled “Site/Subdivision Plan, ‘The Villages At West Wynde’, A Condominium, Vappi Vale Road, Moultonborough, Carrol County, New Hampshire” and dated December 8, 2010, 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 plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this subdivision review shall be placed on the final plans, or this decision shall be recorded with the plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing. Copies of all signed and recorded plans and documents shall be provided to the Town at the applicant's expense within 30 days of recording.

4. 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 assigns.

5. DES Subsurface Permit Required

The applicant shall obtain a DES Subsurface Permit prior to occupancy of any of the units in the condominium, in accordance with Section 8.3(B) of the Moultonborough Subdivision Regulations.

6. Legal Fees

The applicant shall pay for all legal review fees for review of the condominium documents prior to endorsement of the plans, in accordance with Article VII(A)(1)(d) of the Moultonborough Zoning Ordinance.

7. Plan to be Revised

The plans are to be revised to show the boundaries of the limited common area and the unit boundaries within the structures, prior to endorsement of the plans.

8. State Subdivision Approval Required

The applicant shall obtain State Subdivision Approval prior to the recording of the Condominium Documents for the site.

9. State Approval For Well Required

The applicant shall obtain all required State approvals for the community well on the site, prior to the recording of the Condominium Documents for the site.

10. ZBA Special Exception Required

The applicant shall obtain a Special Exception from the Zoning Board of Adjustment prior to endorsement of the plans.

11. Condominium Association

All Roadway Rights-of-Way, with associated infrastructure, water supplies and sewage treatment infrastructure and systems shall be conveyed to the Condominium Association within

one (1) year of the date of this Decision. It shall be responsibility of the Condominium Association to maintain these areas and their associated infrastructure, upon receiving them from the applicant.

12. 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.

13. 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 Subdivision Regulations, Section 4.14, and RSA 676:4.

14. 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.

R. Natt King
Vice-Chairman, Planning Board

Date _____