



Town of Moultonborough Planning Board

Notice of Decision

Site Plan Review Permit

1040 Whittier, LLC & BP Corner, LLC / TM 43 - 18 & 19 and TM 52-2

June 29, 2017

Applicant: Stephen C. Bradley,
Member/Manager of 1040 Whittier, LLC & BP Corner, LLC
396 Washington Street, #302
Wellesley Hills, MA 02481

Location: 1040 Whittier Highway and 5 Old Route 109 (Tax Map 43-18 & 19 and 52-2)

On June 28, 2017, the Planning Board of the Town of Moultonborough accepted an application for site plan review for Stephen C. Bradley, Member/Manager of 1040 Whittier, LLC & BP Corner, LLC, 396 Washington Street, #302, Wellesley Hills, MA 02481 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for the removal of the existing structures and rebuilding on the old foundation of the Motel a New England style Barn and "attached store front" structure, with parking, lighting, and drainage improvements for the site located in the Commercial Zone C District and the Village Center Overlay District (VCOD).

At the regularly scheduled Planning Board meeting on June 28, 2017, the Board voted five (5) in favor (Bartlett, Quinlan, Farnham, Hoch, Wakefield), two (2) opposed (Larson, Thorman) to approve the site plan application for Tax Map 43-18 & 19 and 52-2, located in the Commercial Zone C District and the Village Center Overlay District with the following waivers:

1. Waiver from VCOD Dimensional Standard for 15' side and rear setback to allow for reuse of existing Motel foundation;
2. Waiver from VCOD Dimensional Standard for parking in rear of structures to allow for reuse of existing Motel and other parking areas shown on the Site Plan;
3. Waiver from VCOD "encouragement" of the retention or preservation of historic structures to allow for the removal of the former "Rob Roy Inn" and "Berry Pond Motel" structures to the extent reflected in their Application; and
4. Waiver from checklist "requirement" for Landscape Architect to allow for the Landscaping Plans prepared by Chris Maroun of Miracle Farms Landscaping.

1. Conformance with Plan

Work shall conform with the plan entitled, "Site Plan; Prepared for; 1040 Whittier, LLC; Tax Map 52 Lot 2; Tax Map 43 Lots 18 & 19; 1040 Whittier Highway; Moultonborough, Carroll County, New Hampshire", prepared by Ames Associates and dated May 31, 2017.

2. Amendments

Any modification to this approved amended plan, 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. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be referenced on the plans, and said plans shall be recorded at Carroll County Registry of Deeds within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

- a. Owners' signatures added to plat and the owners shall sign the plat prior to signing the Plan.
- b. Directional signage meets requirements and approval per the provisions of Article 5 of the Moultonborough Zoning Ordinance.
- c. The final plans be submitted to the Development Services Office in electronic format to include both a pdf and an approved cadd file format.
- d. Cross easements be granted between the lots with deeds recorded.
- e. The Applicant, successors or heirs are obligated to the installation of sidewalks from Old Route 109 to the easterly end of the property along Route 25 (Whittier Highway) shall sidewalks are needed in the future.
- f. Amend Note #5 on plan to revise Hours of Operation from 5:30 A.M. to 8 P.M.
- g. Landscape plan revised AND approved by the Town Planner as discussed at Public Hearing.
- h. Revise plan to remove 2 parking spaces from the 10 shown along Route 25, and add green space in their place. Amend parking table in Note #4.
- i. Submittal of Lighting Plan to be approved by the Town Planner.
- j. Revise plan to depict stockade fence to be installed along abutting property Tax Map 52, Lot 3 as agreed and stated at Public Hearing.
- k. The 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.

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 required a reduction in the number of parking spaces from forty-five (45) to forty-three (43).

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 assigns.

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 the 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 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 waivers as noted above.

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.

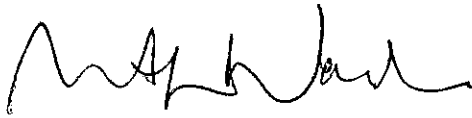
17. Right to Amend Decision

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.



Robert L. Ward
Town Planner

Date 06/29/2017

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