



## **Town of Moultonborough Planning Board**

### **Notice of Decision**

### **Site Plan Review**

### **62 MN Holdings, LLC /Tax Map 135, Lot #16**

September 29, 2017

**Applicant:** **62 MN Holdings, LLC and Stephens Landscaping Professionals, LLC**  
**185 Waukewan Street, Meredith, NH 03253 and**  
**63 Whittier Highway, Moultonborough, NH 03254**

**Location:** **62/70 Moultonboro Neck Road (Tax Map 135, Lot 16)**

On September 27, 2017, the Planning Board of the Town of Moultonborough accepted an application and held a Public Hearing for site plan review of 62 MN Holdings, LLC and Stephens Landscaping Professionals, LLC, 185 Waukewan Street, Meredith, NH 03253 and 63 Whittier Highway, Moultonborough, NH 03254 (hereinafter referred to as the "Applicant" and/or "Owner") to redevelop approximately 3.5 acres +/- on the site for a commercial landscaping business with no retail sales. The site provides for the delivery of material and nursery stock. Main building is for the maintenance of company vehicles and equipment. Existing dwelling to be used to house workers on a seasonal basis. A new 21' by 40' greenhouse, ten (10) storage containers, 250 ft. +/- of material storage bins, with 28 parking spaces for the site located in the Residential Agricultural (R/A) Zoning District.

The public hearing was closed on September 27, 2017, and the Board voted by a vote of six (6) in favor (Bartlett, Quinlan, Hoch, Larson, Thorman, Lindamood), one (1) opposed (Wakefield), to Grant the request for Site Plan Approval for Map 135, Lot 16 at 62/70 Moultonboro Neck Road, located in the Residential Agricultural (R/A) Zoning District with the following:

**Waivers:**

- a) Base survey of entire property with contours within 100' of site (SPR Section 10.A)
- b) Distances between proposed driveways and between such driveways and existing opposing public street intersection, to the extent applicable (SPR Section 10.C)
- c) Traffic Impact Analysis (SPR Section 10.D.5)
- d) Architectural drawings of all structures (SPR Section 11.D.4 & 5)
- e) A Landscaping Plan for the full site

**Conditions of Approval:**

- 1) That the Owner's signature be added to the site plan and corrected for actual legal name.
- 2) That the Licensed Land Surveyor's stamp and signature be added to the site plan.
- 3) That the applicant submit the site plan to the Moultonborough Land Use Department in appropriate electronic format.
- 4) That the applicant obtain/provide a copy to the Land Use Department of the following permits:

- a. NHDES AOT permit,
- b. NHDOT Driveway permit for driveways as proposed on the Site Plan, and add a note to Sheet #2 stating “service entrance only”,
- c. USEPA NPDES / Storm Water Pollution Prevention Plan permit,
- d. NHDES dam permit.

- 5) Add Fire Lane striping to site plan and install striping to paved area.
- 6) Require submission of an annual storm water management operation and maintenance inspection report to be submitted to the Land Use Department by July 1<sup>st</sup> each year.
- 7) Add plan note stating that no storage of any material shall be placed to top of the proposed storage containers, and add same note to Sheet 2 of 12.
- 8) Add plan note that storage containers shall be painted a uniform color.
- 9) That Note #14 on the Site Plan be corrected to show the correct date for obtaining the Variance from the Zoning Board of Adjustment.
- 10) That Note #17 and all other references to Office of Development Services be changed to Land Use Department.
- 11) Correct note referring to lighting requirements of the Zoning Ordinance, as per Article VI.F(5).
- 12) That the Applicant fully comply with all recommendations of the Town’s consulting engineer (KV Partners) as listed in engineering memo dated 09/19/2017, with changes to Item #12 regarding two driveway curb cuts, each two-way, with signage posted to the southeast curb cut indicating “Service Entrance Only, Item #16.a (adding “Notice of” to read Record Notice of Storm Water Management System Inspection and Inspection Manual...)
- 13) Remove notation relating to existing signage as shown on Sheet 1 of 12

The development work on this site shall also be in accordance with the following:

**1. Conformance with Plan**

Work shall conform with a plan set signed by the Chair entitled, “Site Plan, prepared for: 62 MN Holdings, LLC, 62 Moultonboro Neck Road (Map 135 Lot 16), Moultonborough, New Hampshire”, prepared by Northpoint Engineering, LLC and dated 05/04/17, with revision dates of 08/30/17 and inclusive all items identified in this Notice of Decision. ***No work will progress until such time that all outstanding conditions have been met, and the site plan has been signed by the Chairman of the Planning Board.***

**2. Amendments**

Any modification to the final signed site plan or 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 Town Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Town 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 site plan, and the Notice of Decision 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.

**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.

**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 right-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 Article VI.F(5) 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. 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.

**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 part of this 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 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.

Also noted was the May 26, 2017 Memo of Understanding in which the Board had recommended the issuance of a Temporary Certificate of Occupancy (TCO), which was issued, and expires on November 1, 2017. It was the decision of the Board to recommend the extension of the Temporary Certificate of Occupancy to January 1, 2018.

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.



Scott R. Bartlett  
Chairman

Date

9-29-17