



## **Town of Moultonborough Planning Board**

### **Notice of Decision** **Site Plan Review Permit** **TYBX3, LLC/Tax Map 142, Lot2**

May 14, 2019

**Applicant:** TYBX3, LLC  
41 Glendale Place  
Gilford, NH 03249

**Location:** Whittier Highway and Redding Lane (Tax Map 142, Lot 2)

On December 12, 2018 the Planning Board of the Town of Moultonborough opened a public hearing on the application of TYBX2, LLC, 41 Glendale Place, Gilford, NH 03249 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for a private, gated storage facility (a use previously approved by the Town of Moultonborough Zoning Board of Adjustment), and associated drainage improvements, for the site located in the Agricultural Residential Zoning District and Commercial Zone A.

The public hearing was continued to January 23, 2019, February 13, 2019, February 27, 2019, March 13, 2019, March 27, 2019, April 10, 2019, and closed on April 24, 2019. At the regularly scheduled Planning Board meeting on May 8, 2019 the Board voted by a vote of six (6) in favor (Bartlett, Hoch, Lindamood, Kelly, Balise, Quinlan), one (1) opposed (Larson), to **approve** the site plan application with one waiver from Section 10.B.1 of the Site Plan Regulations, to allow a Sheet Size of 34 x 22 for Map 142, Lot 2 at Whittier Highway and Redding Lane, located in the Commercial Zone A.

#### **1. Conformance with Plan**

Work shall conform with the plan set entitled, "Toy Box III – A Condominium – Known as Carriage House on Whittier Highway, Tax Map 142 Lot , Whittier Highway / N.H. Route 25 & Redding Lane, Moultonborough, Carroll County, NH", prepared for TYBX2, LLC, 14 November, 2018 by David M. Dolan Associates, P.C., 23 Main Street, Center Harbor, NH, 03226 and dated 04/17/19.

#### **2. Amendments**

Any modification to this approved amended plan, dated 04/17/19, 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, which shall be recorded in the Moultonborough Town Hall, in the Land Use Department.

**4. Conditions of 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 the Planning Board Chair's signing the plans, and prior to any construction commencing. The Planning Board votes to impose the following conditions:

1. The owner signs the plat after PB approval.
2. The Applicant to obtain NH DES "Approval for Construction" for septic system and to provide copy to the Land Use Department.
3. The foundation is be pinned by a licensed NH Surveyor at the time of building permit and prior to pouring of foundation.
4. Receipt of all necessary State and Federal Permits.
5. Final approval, by Town Counsel, of Declaration of Condominium for Toy Box III, A Condominium and By-Laws.
6. The final plans be submitted to the Land Use Department in an appropriate electronic format to include a pdf format.
7. No more than one water service connection to the building, with no provisions for metering for each unit.
8. Provide an access code to all pushbutton/keypads to individual units and the driveway gate that allows Fire Department and Police Department emergency access.
9. There shall be no outside storage of vehicles or equipment.
10. There shall be no commercial, retail or wholesale use of any condominium unit permitted.
11. Snow removal and snow storage shall not compromise the efficiency of the drainage and stormwater management system.
12. No dumpster(s) shall be permitted on site.
13. A 3-hour fire separation wall shall be required and constructed between all units.
14. The Applicant shall provide a performance guarantee or bond in an amount and with surety conditions satisfactory in an amount to be determined by the Town's Consultant Engineer for the construction of the drainage and stormwater protection systems. See RSA 674:44, IV.
15. The developer shall pay all costs associate with periodic on-site inspections by the Town's Consultant Engineer during the construction phase of all drainage and stormwater protection systems prior to any unit being occupied. See RSA 676:4-b, II.
16. The site developer contractor for the drainage and stormwater protection systems shall meet on-site with the Town's Consultant Engineer prior to commencing any work.

**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. The Board approved a waiver of the plan sheet size from 36" x 24" to 34" x 22" as the specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will property carry out the spirit and intent of the regulations.

**6. 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.

**7. 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.

**8. 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.

**9. Construction Requirements**

1. All construction will occur on site; no construction will occur or be staged within Town rights of way.
2. 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.
3. 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)).
4. 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.

**10. Fire Department**

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

**11. 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.

**12. Utilities**

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

**13. Lighting**

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

**14. 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.

**15. Waivers**

The Planning Board hereby grants the following waivers to the Site Plan Regulations:

1. Site Plan Sheet Size [Site Plan Regulations Section 10(B)(1)]

**16. 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.

**17. 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. Including but not limited to Stormwater Management and Maintenance Plan and Traffic study, Condominium Documents and By-Laws. Drainage summary dated April 15, 2019. Inspection and Maintenance Manual final revision 12 March 2019 by Rokeh Consulting, LLC. Transportation Impact Assessment Vanasse & Associates, Inc. dated 12 April 2019.

**18. 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.

**19. 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.

  
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Scott R. Bartlett  
Chairman

Date 5-15-19