



Town of Moultonborough Planning Board

Notice of Decision **Conditional Use Permit** **Alta Plaza Trust** **Daniel & Meagan Nye, Trustees** **Tax Map 37 Lot 8**

July 2, 2018

Applicant: **Alta Plaza Trust**

Daniel & Meagan Nye, Trustees

2570 Jackson Street

San Francisco, CA 94115

Location: **271 Harvard Camp Road (Tax Map 37 Lot 8)**

On June 27, 2018, the Planning Board of the Town of Moultonborough opened a public hearing on the application for Alta Plaza Trust, Daniel & Meagan Nye, Trustees, 2470 Jackson Street, San Francisco, CA 94115 (hereinafter referred to as the "Applicant" and/or "Owner") to demolish the non-conforming portion of the main building outside the lake setback, lift the non-conforming lake setback portion, and rebuild in the same footprint, on a 6.3-acre lot in the Residential Agricultural (R/A) Zoning District.

The public hearing was closed on June 27, 2018 and a vote of the Planning Board was made. The Board voted seven (7) in favor (Bartlett, Hoch, Larson, Lindamood, Kelly, Stephens, Quinlan), none (0) opposed, to GRANT their request for a Conditional Use Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the revised plans entitled, "Shoreland Permit Plan Land Owned by Daniel & Meagan Nye, Trustees (2570 Jackson Street, San Francisco, CA 94115) Alta Plaza Trust Tax Map 37 Lot 8 – 271 Harvard Camp Road Moultonborough, Carroll County, NH March 2018" prepared by James M. Hambrook.

2. Amendments

Any modification to the approved plans created by Hambrook Land Surveying, titled "Shoreland Permit Plan Land Owned by Daniel & Meagan Nye, Trustees (2570 Jackson Street, San Francisco, CA 94115) Alta Plaza Trust Tax Map 37 Lot 8 – 271 Harvard Camp Road Moultonborough, Carroll County, NH March 2018", 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 filed in the Town of Moultonborough.

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. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances, 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.

6. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town 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.

7. Flagging of Wetland

Flagging of the 50-foot buffer shall be required before and during any construction.

8. Wetlands Impacts

- a. Soil disturbance will be minimum necessary for construction and operation.
- b. Detrimental impacts will be minimized.
- c. Restoration activities will leave site as nearly as possible in its pre-disturbance condition.
- d. Construction work will not disturb habitat for rare, threatened or endangered species as determined by the NH Natural Heritage Bureau.

9. Application of Best Management Practices

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

10. 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.

11. Additional Conditions of Approval

- a. Owner's signatures and the Surveyor's seal and signature to be added to the plan prior to Planning Board Chairman Signature of the plat;
- b. The final plat be submitted to the Land Use Department in electronic format to include both a pdf and an approved CAD file format;
- c. The Applicant complies with the requirements of NH DES Shoreland Permit # 2018-00937;
- d. All references to the Office of Development Services be changed to the Moultonborough Land Use Department;
- e. The Applicant complies with the requirements of Article IX.A. of the Moultonborough Zoning Ordinance;

12. 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.

Scott R. Bartlett
Chairman, Planning Board

Date 7-2-18