



Town of Moultonborough Planning Board

Notice of Decision **Site Plan Review Permit** **Lake Life Headquarters LLC/Tax Map 141, Lot 12**

November 2, 2021

Applicant: Lake Life Headquarters LLC
Brianna Stephens
87 Whittier Highway
Moultonborough, NH 03254

Location: 87 Whittier Highway (Tax Map 141, Lot 12)

On October 27, 2021 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Lake Life Realty Headquarters, LLC, 87 Whittier Highway, Moultonborough, NH 03254 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for the construction of a 25' x 45' outdoor covered pavilion & site improvements for parking, bathroom facilities, hardscape and landscape improvements and a Conditional Use Permit (CUP) (Section 13.9.1.2) with total impervious area exceeding 15%, for the site located in the Commercial Zone A within the West Village Overlay District (WVOD) and the Groundwater Protection Overlay District.

Prior to public input on October 27, 2021, the Planning Board voted that this proposed site plan did not have the potential for Regional Impact.

After public input, the hearing was closed on October 27, 2021 and the Planning Board voted six (6) in favor (Sandra, Norman, Kevin, Peter, Scott, Al), and none (0) opposed, to **approve** the site plan application and Conditional Use Permit with total impervious area of 26.16% for Map 141, Lot 12 at 87 Whittier highway, located in the Commercial Zone A within the West Village Overlay District (WVOD) and the Groundwater Protection Overlay District subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plan entitled "Proposed Site Plan Prepared for Lake Life Realty Site Expansion (87 Whittier Highway, Moultonborough, NH)" Tax Map 141 Lot 12 – 87 Whittier Highway, Moultonborough, Carroll Co., NH, September 2021 (Revised 10/29/21) By Northpoint Engineering, LLC, prior to the signing of the plat by the Planning Board Chair.

2. Amendments

Any modification to this approved plan and dated September 2021, 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 at the Carroll County Registry of Deeds, and this decision shall be referenced on the plans, prior to any construction commencing.

Conditions precedent, to be completed prior to signature of final plans by the Planning Board Chairman.

1. Add the following plan notes/revisions prior to submission of final plans by the Planning Board Chairman.
 - a. Add signature block to site plan (Sheet 3) for owner and obtain owner's signature.
 - b. Add Planning Board signature block to site plan (Sheet 3).
 - c. Add note indicating that exterior lighting shall comply with Zoning Article 6.6.5 and shall be located under canopy and low height bollards only.
 - d. Add hours of operation.
 - e. Add note citing amended driveway permit (NH DOT #313207A4).
 - f. Add proposed percent impervious to plan notes (26.16%).
 - g. Depict location of approved food truck.
 - h. All Conditions subsequent shall be included as plan notes.
 - i. Provide recorded easement to the sewer line for future connections.
2. All required federal, state, and local approvals shall be obtained.
3. Conditions precedent to be completed by 10/27/2023

Conditions subsequent, to be continually complied with:

4. Annual stormwater operation and maintenance inspection report shall be submitted to the Land Use Department July 1st annually and shall be an on-going approval of this site plan approval.
5. All construction-phase and permanent drainage structures and stormwater management facilities shall be maintained to perform as represented and intended.
6. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

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 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.

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. Conditional Use Permit

The Planning Board approved the following Conditional Use Permit:

- a. Zoning Article 13.9.1.2, to allow for a commercial use which will render impervious more than 15% (26.16%) within the Groundwater Protection Overlay District.

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.

Dari Sassan
Town Planner

Date

11/2/2021