



## **Town of Moultonborough Planning Board**

### **Notice of Decision** **Site Plan Review Permit** **Michael J. Muise/Tax Map 66, Lot 19**

November 2, 2021

**Applicant:** Michael J. Muise  
5 Quimby Road  
Meredith, NH 03253

**Location:** 915 Whittier Highway (Tax Map 66, Lot 19)  
**Owner of Record:** Lacey Irrigation, LLC

On October 13, and October 27, 2021 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Michael J. Muise, 5 Quimby Road, Meredith, NH 03253 (hereinafter referred to as the "Applicant" and/or "Owner") to allow for the construction of a 60' x 84' building & site improvements for a shop and office for a Plumbing & Heating business (non-retail) and a CUP (Section 9.2.6-17) for a Professional Office more than 5,000 SF (5,040 SF) and a CUP (Section 13.9.1.2) with total impervious area of 25.6%, for the site located in the Residential/Agricultural Zone, Commercial Zone A and the Village Center Overlay District (VCOD).

Prior to public input on October 13, 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, Brie, Kevin, Peter, Scott, Al), and one (1) opposed (Norman), to **approve** the site plan application with a waiver for a reduction in parking spaces and a waiver to allow three sides of the building to remain metal siding, two Conditional Use Permits required by the Village Center Overlay district regulations for a building size of 5,040 square feet and with total impervious area of 25.6% for Map 66, Lot 19 at 915 Whittier highway, located in the Residential/Agricultural Zone, Commercial Zone A and the Village Center Overlay District (VCOD) subject to the following conditions:

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

Work shall conform with the plan entitled "Proposed Site Plan Prepared for Michael J. Muise (5 Quimby Road, Meredith, NH 03253) Tax Map 66 Lot 19 – Whittier Highway, Moultonborough, Carroll Co., NH, September 2021 (Revised 10/29/21) By Hambrook Land Surveying, 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 for owner and obtain owner's signature.
  - b. All Conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals shall be obtained.
3. Conditions precedent to be completed by 10/13/2023

Conditions subsequent, to be continually complied with:

4. All parking, deliveries and loading associated with the business shall be accommodated by designated, on-site parking spaces. If approved parking and loading provisions ever become insufficient, additional parking shall be added, subject to applicable approvals.
5. All construction-phase and permanent drainage structures and stormwater management facilities shall be maintained to perform as represented and intended.
6. Annual stormwater operation and maintenance inspection report shall be submitted to the Land Use Department July 1<sup>st</sup> annually and shall be an on-going approval of this site plan approval.
7. 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. The Board approved a waiver in the required number of parking spaces from seventeen (17) to eight (8).

## **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. Waivers**

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

- a. Parking Regulation Table [Site Plan Regulations Section 11.1.4] to allow eight (8) spaces.
- b. Article 11.4.4.2 – External building materials: to allow the other three sides of the building to remain metal siding.

**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

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Date

11/2/2021