



***Town of Moultonborough
Planning Board***

6 Holland Street – P. O. Box 139
Moultonborough, NH 03254
(603) 476-2347 - Fax (603) 476-5835
e-mail: bwoodruff@moultonboroughnh.gov

Notice of Decision
Amended Site Plan Review Permit
SLPHQ, LLC /Tax Map 135, Lot 16

January 13, 2021

Applicant: **SLPHQ, LLC**
62 Moultonboro Neck Road
Moultonborough, NH 03254

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

On August 12, 2020, the Planning Board of the Town of Moultonborough opened a public hearing on the application of SLPHQ, LLC, 62 Moultonboro Neck Road, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to amend their approved site plan to create two new areas for “compost and equipment storage area” to be accessed by proposed interior roads and to construct three additional buildings for the site located in the Residential Agricultural (R/A) Zoning District.

The public hearing was continued to August 26, September 23, October 28, December 9, 2020, and January 13, 2021 with an on-site visit held on August 17, 2020.

At the regularly scheduled Planning Board meeting held remotely on January 13, 2021 the public hearing was closed and the Board voted by a vote of six (6) in favor (Bartlett, Hoch, Lindamood, Larson, Kelly, Quinlan), none (0) opposed, to conditionally **approve** the site plan amendment and Conditional Use Permit (CUP) where the site plan depicts existing conditions and a proposed amendment to create three new buildings, and two areas for compost and equipment storage within the fifty (50) foot setback buffer area from the wetlands to be accessed by interior roadways for Tax Map 135 Lot 16 at 62/70 Moultonboro Neck Road, located in the Residential Agricultural (R/A) Zoning District.

At the public hearing on August 26, 2020, the Planning Board by a roll call vote, voted six (6) in favor (Lindamood, Kelly, Larson, Quinlan, Hoch, Bartlett) that this proposed site plan amendment did not have the potential for Regional Impact.

Additionally, the Board granted a waiver from Section 3.3.3 of the Site Plan Regulations to reduce the 50-ft wetland buffer to 10-ft after a determination that composting is an agricultural use or activity, and that in accordance with NH RSA 21:34-a, (2), 674:32-c, and 672:1, III-b the Board is authorized to reduce the wetland buffer to nearly zero with no restrictions if the activity could not reasonably be done without said reduction.

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

1. Conformance with Plan

Work shall conform with a plan set signed by the Chair entitled, “Proposed Site Plan, SLPHQ, LLC, Tax Map 135 Lot 16, Moultonborough, Carroll Co., NH, date on or after January 18, 2021, Scale 1” =30”, prepared by Carl R. Johnson and dated on or after January 18, 2021, with a final revision dated on or after January 18, 2021 and inclusive all items identified in this Notice of Decision. ***No work will occur 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, which shall be recorded at the Carroll County Registry of Deeds. 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 signing of the plans by the Planning Board Chair and prior to any construction commencing.

PRECEDENT (prior to the Chair signing)

- a. Extend the buffer area treatment all the way around both areas to be used for composting, non-motorized vehicle, and equipment storage on the plan.
- b. Add the list of materials to be stored in the composting areas to the plan.
- c. Add the quarterly inspection and maintenance report requirement as a note on the plan.
- d. Add a note on the plan regarding compost pile maximum height and that the piles shall be located no closer than 5-ft. from the boulders.
- e. Provide written assurance, from a Certified Wetland Scientist, that the construction of both ends of the access road between the composting areas will prevent stormwater from passing around the wood chip berms.
- f. The words, “to remain” shall be added to the tree line symbol in the legend.
- g. Revise the proposed shop roof drainage so that it is directed into the treatment pond.
- h. Provide written assurance, from a Certified Wetland Scientist, that the wash water runoff will not be detrimental to the efficacy of the treatment pond and that it will not degrade its usefulness.
- i. Add a note on the plan stating that previous site plan approvals remain in effect unless changed by this site plan amendment.
- j. Have the Wetland Scientist, Randall Shuey, NH CWS #85, add his stamp and signature to both sheets of the plan set (below the match line on sheet 2 of 2.).
- k. Relocate Gravel Access Road out of 10-ft buffer as noted at public hearing.
- l. Add additional trees and shrubs to plan, trees to be planted at a maximum of 15 feet on center and shrubs to be planted at a maximum of 10 feet on center, except where existing vegetation exists and meets those requirements.
- m. Correct all typographical errors on the plan set.
- n. Depict area on plan by either cross hatching or color symbolled of area where NO WORK can be done prior to the issuance of a NH DES Wetland Permit for access to the rear composting area.

SUBSEQUENT

- a. The tire pile shall be removed by January 31, 2021.

- b. The integrity of the boulders, berms and planted shrubs and trees shall be inspected and repaired (if required) on a quarterly basis in perpetuity and a quarterly inspection and maintenance report be submitted to the Land Use Dept. on that schedule.
- c. Prior to the commencement of the new development items on this amended site plan, the owner is required to provide an as-built plan to the Land Use Department and obtain a certificate of occupancy from the Code & Compliance Officer based on a site inspection, and subsequent sign-off by the Code Officer, Fire Chief and Town Planner.
- d. No work may occur in the southerly composting area until NHDES has issued a Dredge and Fill Permit and it has been provided to the Land Use Office.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Fire Department

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

8. 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.

9. Utilities

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

10. Lighting

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance Section 6.6.5 and Site Plan Regulations.

11. Signage

Any proposed signage shall be following 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.

12. 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.

13. 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.

14. 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.

15. 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.

18. Certificate of Occupancy

Prior to the commencement of any commercial or nonresidential activity, you are required to provide an as-built site plan to the Land Use Department AND obtain a Certificate of Occupancy (CO) from the Code & Compliance Officer. *(The CO requires a site inspection and subsequent sign-off by the CCO, the Town Planner and the Fire Chief on the CO application.)*

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

cc. Carl. R. Johnson (by email only at surveyor794@yahoo.com)

Bruce Woodruff

Stefan Zalewski (by email only at szalewski@moultonboroughnh.gov)

Map Lot Document File