



## ***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**

### **Site Plan Review**

### **SM Land Holdings, LLC / TM 23-34**

January 13, 2021

**Applicant:** **SM Land Holdings, LLC**  
**51 Oak Knoll Road**  
**Meredith, NH 03253**

**Location:** **Whittier Highway (Tax Map 23-34)**  
**Owner of Record:** **SM Land Holdings, LLC**

On January 13, 2021, the Planning Board of the Town of Moultonborough accepted an application for site plan amendment for SM Land Holdings, LLC, 51 Oak Knoll Road, Meredith, NH 03253 (hereinafter referred to as the “Applicant” and/or “Owner”) to amend a previously approved site plan increasing the size of the proposed building by 240 square feet (previously approved building 960 SF, proposed building 1,200 SF) where the proposed use is of the property is Personal & Professional Services, specifically for a Lawn Care Contractor, for use as an office, storage, and parking of business vehicles, with parking and drainage improvements for the site located in the Commercial Zone “B” District.

At the meeting on January 13, 2021, the Board voted seven (7) in favor (Bartlett, Hoch, Larson, Lindamood, Kelly, Quinlan, Stephens), none (0) opposed to approve the site plan amendment application for Tax Map 23 Lot 34, located in the Commercial Zone “B” District.

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

Work shall conform with the plan entitled, “Site Plan Amendment Prepared for SM Land Holdings, LLC Tax Map 23 Lot 34 N.H. Route 25 / Whittier Highway Moultonborough Carroll County, NH 4 November 2020” prepared by David M. Dolan Associates, P.C. with a revision date of 01/14/21.

#### **2. Amendments**

Any modification to this approved amended plan, 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.

- a) The Owners' signatures shall be added to the final plat prior to the Chair signing;
- b) Notes 12 & 19 shall be revised to replace "are to" and "is to" with the word "shall" prior to the Chair signing;
- c) Notes 13 & 17 shall have article and section citations for the Zoning Ordinance changed to its new numbering format;
- d) Note 15 shall be revised to replace "Office of Development Services" with "Land Use Department" prior to the Chair signing;
- e) The stormwater management system maintenance and inspections shall be performed beginning on July 1<sup>st</sup> following completion of the development and annually thereafter Completed maintenance and inspection forms shall be timely submitted to the Land Use Department;
- f) The stormwater management system maintenance and inspections shall be performed beginning on July 1<sup>st</sup> following completion of the development and annually thereafter Completed maintenance and inspection forms shall be timely submitted to the Land Use Department;
- g) Add note to plan to state that "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.)*"

### **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 the State of New Hampshire 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. Code Enforcement Office**

All work shall comply with the requirements of the Moultonborough Code Enforcement Office as affected by this decision.

## **11. Lighting**

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

## **12. Signage**

Any proposed signage shall comply 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.

## **13. Waivers**

None requested for this site plan amendment.

## **14. 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.

## **15. 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.

## **16. 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.

## **17. 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

cc.

- David M. Dolan (by email only at ddolan@dolansurvey.com)
- Bruce W. Woodruff, Interim Town Planner
- Steve Zalewski, Code, Compliance Officer
- Map Lot Document File