

Town of Moultonborough Planning Board

Notice of Decision Site Plan Review Permit C.G. Roxane, LLC/Map 94, Lot 4

July 22, 2009

Applicant: C.G. Roxane, LLC
P.O. Box 657
Moultonborough, NH 03254
Location: Ossipee Park Road, Moultonborough, NH (Tax Map 94, Lot 4)

On December 13, 2006 the Planning Board of the Town of Moultonborough opened a public hearing on the application of C.G. Roxane, LLC (hereinafter referred to as the "Applicant" and/or "Owner") to allow construction of an approximately 30,000 sq.ft. warehouse and trucking facility with associated staging areas in the Residential Agricultural Zoning District.

The public hearing was continued to June 27, 2007, October 10, 2007, January 23, 2008, April 23, 2008, September 10, 2008, February 25, 2009, March 4, 2009, March 25, 2009, April 22, 2009, May 27, 2009, June 10, 2009, July 8, 2009 and July 22, 2009. The public hearing was closed on July 22, 2009. At the regularly scheduled Planning Board meeting on July 22, 2009 the Board voted by a vote of six (6) in favor (Ryerson, King, Charest, Coppinger, Nelson, Fairchild), none (0) opposed and one (1) abstention (Taussig), to grant their request for a Site Plan Review Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, "C.G. Roxane, LLC, 455 Ossipee Park Road, Moultonborough, New Hampshire, Proposed Warehouse Expansion, Site Plan Building, Grading, & Drainage Design" sheets E1, EC1, CO, C1, C2, PR1, SS1, D1-6, prepared by Fluet Engineering Associates, P.C., Village West II P.O. Box 7014, Gilford, NH 03247, dated May 9, 2006, and revised July 11, 2006, November 11, 2006, April 2, 2009, July 15, 2009 and July 22, 2009.

2. Amendments

Any modification to the original approved plans created by Fluet Engineering Associates, P.C., titled "C.G. Roxane, LLC, 455 Ossipee Park Road, Moultonborough, New Hampshire, Proposed Warehouse Expansion, Site Plan Building, Grading, & Drainage Design" and dated "July 22, 2009"; 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. 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.

4. Site Plan and Road and Driveway Regulations

The Site shall be constructed in accordance with the requirements of the Site Plan and Road and Driveway 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. Clerk of the Works

The services of a consultant to serve as a Clerk of the Works shall be provided by the Town, at the applicant's, or his successor's or assign's, expense.

10. Fire Department

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

11. 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.

12. Utilities

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

13. Lighting

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

14. Maintenance

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to the issuance of a Building Permit. Said Maintenance Agreement shall include schedules for cleaning of catch basins and other similar infrastructure maintenance items to ensure their proper functioning and shall include the following:

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. The parking/staging areas shall be swept at least twice a year to remove debris. Said debris shall be removed off site and properly disposed of.
- d. All vegetation on the site shall be trimmed and maintained to ensure visibility of all signs and to ensure proper functioning of stormwater structures.

15. Noise Barrier

The proposed noise barrier shall be completed prior to the issuance of Certificate of Occupancy for the site. The proposed staging area shall not be utilized until either a

Certificate of Occupancy for the warehouse structure has been issued or completion of construction of the Noise Barrier, to include an extension of said barrier around the site to provide the same level of protection as the warehouse structure is intended to accomplish until such structure is completed.

16. Hours of Operation

The hours of operation for the site shall be as follows:

- a. Warehouse and associated parking: 6:00 am to 9:00 pm Monday-Saturday.
- b. Staging Area only, 10:00 am to 7:00 pm, Monday through Saturday.
- c. When only the Staging Area is being used, the gate for the site shall be locked to usual truck travel during the hours of 6:00 am until 10:00 am, and from 7:00 pm until 9:00 pm. Trucks involved in restocking the warehouse can access the site during the full hours, but must lock the gate behind them during these operations during the restricted hours.

17. Traffic Mitigation

The applicant shall install traffic safety and circulation signs, as approved by the Planning Board in the final revised plans. All such signage shall be installed prior to the issuance of a Certificate of Occupancy for the site.

18. Winter Snow Treatment

The applicant shall be restricted to using only mixtures of sand and “Magic-O”, or a similar mixture to that used by the Town, when treating for snow and ice removal on the site.

19. 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.

20. 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.

21. As-built Plans

As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Land Use Department and the Road Agent prior to the issuance of a Certificate of Occupancy for the site.

22. 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.

23. 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.

24. 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.

Judith A. Ryerson
Chairman, Planning Board

Date _____