



***Town of Moultonborough  
Planning Board***

6 Holland Street – P. O. Box 139

Moultonborough, NH 03254

(603) 476-2347 - Fax (603) 476-5835

e-mail: bwhitney@moultonboroughnh.gov

**Notice of Decision**  
**Site Plan Review Permit**  
**John P. Jr., & Shannon L. Schlemmer**  
**Tax Map 18 Lot 38**

March 22, 2023

Applicant: John P. Jr., & Shannon L. Schlemmer  
PO Box 566  
Moultonborough, NH 03254

Location: 1252 Whittier Highway (Tax Map 18 Lot 38)

On March 22, 2023, the Planning Board of the Town of Moultonborough opened a public hearing on the application of John P. Jr., & Shannon L. Schlemmer, PO Box 566, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for the construction of a building for a shop and office for a towing operation for the lot located in the Commercial Zone B.

Prior to acceptance of the application as being complete, the Planning Board voted seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) that the proposed site plan did not have the potential for Regional Impact.

Prior to acceptance of the application as being complete, the Planning Board voted seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) and none opposed to grant the waiver of Section 11.2.1 (Signs) of the site plan regulations as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations.

The Planning Board voted seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) and none opposed to grant the waiver of the requirement on the Checklist items requiring color renderings of the building and street scape as the applicant provided building elevations that are black & white, and stated that the building will be a darker green color. The street scape along Route 25 will be altered due to the drainage requirements and planted as depicted on the plan.

The Planning Board voted seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) and none opposed to grant the verbal request for the waiver of Section 10.4.5 (Traffic Impact Assessment and Analysis) of the site plan regulations as the strict conformity with the regulation would pose an unnecessary hardship to the applicant and would not be contrary to the spirit and intent of the regulations.

At the regularly scheduled Planning Board meeting on March 22, 2023, the Board discussed the request for Site Plan Review and noted the following Findings of Fact:

- a) As designed, this is a reasonable request for the applicant's use of his land for the stated purpose.
- b) The Applicant was granted a variance on 10/19/2022 providing relief from Zoning Article 12.5.2 to allow for post-development runoff to exceed pre-development runoff for the 24-hour, 50-year storm event.
- c) The Board determined that a third party engineer review of the stormwater management and mitigation design was not necessary.
- d) The applicant has complied with all our ordinances.

The Board voted by a vote of seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) and none opposed to **approve** the Site Plan for the construction of a building for a shop and office for a towing operation at Tax Map 18, Lot 38, subject to the following conditions:

**Conditions precedent;** to be completed prior to signature of final site plan approval by the Planning Board Chair:

1. Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
  - a) Add "Site Plan Article 11.2 Signs" to Note 14 on Sheet 2 of 6.
  - b) Show a minimum of 15 (5'-7' evergreen plantings) to SW Basin 1 and along rear of site to screen from Ben Berry Road.
  - c) There shall be no further sitework or tree cutting to be undertaken until the plan is approved and signed by the Chairman.
  - d) Construction schedule showing the Stormwater Management System (SWMS) to be scheduled first.
  - e) Show Dumpster on a concrete pad surrounded by a fence and screening.
2. All required federal, state, and local approvals shall be obtained.
3. Provide Surety in an amount agreeable to the Town and the 3<sup>rd</sup> party engineer for site inspection visits during the construction of the SWMS and Surety for the completion of the SWMS.
4. All conditions subsequent shall be included as plan notes.
5. Conditions precedent to be completed by 3/22/24.

**Conditions Subsequent,** to be continually complied with:

6. Submit annual stormwater operation and maintenance manual by July first each year.
7. All stormwater management facilities shall be maintained to perform as represented and intended.
8. All representations made by the applicant and applicant's agent are incorporated as a condition of approval.
9. The site is to be used exclusively as a towing business.
10. The existing temporary fabric structures and frames are to be removed upon completion of the new Building.
11. No additional structures are to be added to this site unless Planning Board Approval is obtained.
12. The designated temporary storage area is limited to the storage of 10 damaged vehicles and shall have no drain.
13. Use industry recommended Best Management Practices (BMPs) when storing damaged electric vehicles with Lithium-Ion batteries.
14. Use industry recommended BMPs to protect ground water from leaking fluids in the temporary storage area.
15. Inspect and clean the temporary storage area annually.
16. Inspect annually and maintain healthy growth of all plantings.

17. No outside storage of equipment, materials, or vehicles in areas not designated on the approved site plan.
18. All lighting shall comply with the requirements of the Moultonborough Zoning Ordinance Section 6.6.5.
19. Conformance with Plan Work shall conform with the plans entitled, "Site Plan –Land Owned by John P. Jr., & Shannon Schlemmer, Tax Map 18 Lot 38, Whittier Highway Moultonborough, Carroll Co., NH February 2023 prepared by Hambrook Land Surveying, revised March 28, 2023, and further revised only to meet the requirements of this decision.

#### **20. Amendments**

Any modification to the approved plans 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.

#### **21. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the satisfaction of all conditions precedent, the Planning Board Chairman shall sign the approved site plan, subject to conditions subsequent of this approval. The conditions of approval of this site plan review shall be placed on the final plans, and this decision shall be recorded at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (I), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

#### **22. 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.

#### **23. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Moultonborough, or 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 at the end of construction.
- 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.

#### **24. 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.

#### **25. Fire Department**

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

**26. 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.

**27. Utilities**

Any utility installation shall be reviewed and approved by the Moultonborough Building Inspector prior to the issuance of a Building Permit.

**28. Lighting**

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

**29. Flagging of Wetlands**

Flagging of the 50-foot buffer shall be required before and during any construction.

**30. Wetlands Impacts**

- a. Soil disturbance will be the minimum necessary for construction and operation through the use of BMPs.
- b. Detrimental impacts will be minimized.
- c. Temporary barriers shall be placed between wetlands and buildings to reduce litter and construction materials from entering wetlands. Barriers to be removed upon completion.
- d. Restoration activities will leave site as nearly as possible in its pre-disturbance condition.
- e. Construction work will not disturb habitat for rare, threatened, or endangered species as determined by the NH Natural Heritage Bureau.
- f. All work shall be in conformance with NH DES Permits.

**31. Best Management Practices**

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

**32. Maintenance**

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to endorsement of the plans. Said Maintenance Agreement shall include schedules for cleaning of all drainage infrastructure 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. Paved areas shall be swept at least twice a year to remove sand and debris. Said sand and debris shall be removed off site and properly disposed of.
- d. Where necessary, and in compliance with wetland buffer requirements, vegetation on the site shall be trimmed and maintained to ensure visibility of all signs and to ensure proper functioning of stormwater structures.
- e. Garbage and litter shall be removed in and around wetlands twice a year.
- f. Invasive species shall be removed in and around wetlands twice a year.
- g. Only native species shall be planted.
- h. A schedule for cleaning of catch basins, culverts, and other stormwater infrastructure for the site.

**33. 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.

**34. 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.

**35. As-Built Plans**

As-Built plans, stamped by a NH Licensed Professional Engineer, shall be submitted to the Land Use Department prior to the issuance of a Certificate of Occupancy.

**36. 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 are part of the Notice of Decision.

**37. 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.

**38. 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 Select Board, unless the violation of such condition is cured within fourteen (14) days or waived by a majority vote of the Select Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board under RSA 676:4-a.

**39. Legal Fees for Review**

The applicant shall pay all legal fees for the review of project documents during the permitting process, as detailed in invoices from the Town's legal counsel prior to the issuance of any Permits for the site.

**40. Inspections**

The developer shall pay all costs associated with periodic on-site inspections by the Town's Consultant Engineer during the construction phase of all drainage and stormwater protection systems prior to the building being occupied. See RSA 676:4-b, II.



Allen Hoch  
Chairperson

cc.

- Jim Hambrook, (by email only at ([jimhambrook@gamil.com](mailto:jimhambrook@gamil.com)))
- Scott Dvorak (by email only at [sdvorak@moultonboroughnh.gov](mailto:sdvorak@moultonboroughnh.gov))
- Tom Hughes, Town Assessor (by email only at [thughes@moultonboroughnh.gov](mailto:thughes@moultonboroughnh.gov))
- Map Lot Document File