



***Town of Moultonborough***  
***Planning Board***

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**Notice of Decision**  
**Site Plan Review Permit**  
**The R2 Companies, LLC**  
**Paul & Mary Lavasseur /Tax Map 103, Lot 11**

April 26, 2023

Applicant: The R2 Companies, LLC  
Owner: Paul & Mary Lavasseur  
11 Marvin Road  
Moultonborough, NH 03254  
Location: 7-11 Marvin Road (Tax Map 103, Lot 11)

On March 22, 2023, the Planning Board of the Town of Moultonborough opened a public hearing on the application of The R2 Companies, LLC (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for residential and office use, making minor site improvements to the driveways to allow for the required parking for the lot located in the Commercial Zone A.

On March 22, 2023, 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.

On March 22, 2023, 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 verbal request for the waiver of Section 10.3.9 (Lighting plan) 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 request from Section 11.3.2 (Landscape plan) of the site plan regulations as the existing landscaping is to remain and no changes in greenspace are

proposed, other than the removal of some trees for the driveway relocation, and 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 street scape as there will be no changes to the existing streetscape, and 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 request from Section 10.4.5 (Traffic Impact Assessment and Analysis) of the site plan regulations at this time as requested as the proposed use as a residence and offices for eight (8) employees will have minimal traffic impact, and 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 request from Section 10.3.8 (Design for proposed signage) of the site plan regulations as there is no new sign proposed at this time and that 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 from the Driveway Table in the site plan regulations requiring a minimum driveway spacing of 155 feet from public street intersections as 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 meetings on March 22, 2023, and April 26, 2023, the Board discussed the request for Site Plan Review and noted the following Findings of Fact:

1. As designed, this is a reasonable request for the applicant's use of his land for the stated purpose.
2. The Applicant was granted a special exception on 01/18/2023 under Zoning Section 6.3.1 to allow a mixed use that includes both office space (permitted use in Zone A) and a residential dwelling on the parcel located in Commercial Zone A.
3. The Board determined that a third-party engineer review of the stormwater management would be required.
4. The third-party engineer issued a memorandum on 4/7/23 and the applicant's engineer issued a written response along with updated plans on 4/20/23. The third-party engineer followed with another memorandum on 4/24/23. Following are the items identified in the 4/24/23 memorandum:
  - a. It will be necessary to verify that necessary septic approvals are obtained and that the systems can handle all proposed uses.
  - b. MUTCD compliant stop signs and signs demarcating accessible parking spaces shall be installed.



- c. Although weir locations have been identified in accordance with the review engineer's recommendations, the design elevations of those weirs shall also be shown on the plans.

5. The applicant has complied with all our ordinances.

On April 26, 2023, the Board voted seven (7) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Quinlan, Hoch) and none opposed to **approve** the site plan review application to make interior improvements to the two existing buildings, modify the parking and driveways, install associated stormwater management structures, and undertake office and residential uses at Tax Map 103 Lot 11 with the following conditions:

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 plan for Planning Board signature:
  - a. Depict electric utility easement area and include deed reference.
  - b. Reference DES Septic approvals, to include approval numbers and dates.
  - c. Indicate that the middle driveway shall be used solely for traffic entering the property.
  - d. Identify that the shaded area on the site plan shall be paved.
  - e. Identify locations of required MUTCD compliant stop signs and accessible parking space signs.
  - f. Identify location of "NO EXIT" sign. Sign does not need to be MUTCD compliant.
  - g. Identify design elevations of stormwater infiltration basin weirs.
  - h. Affix wet stamps and signatures of all professionals and scientists.
  - i. Obtain signature of owner within designated signature block on site plan.
  - j. All conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals shall be obtained, including septic construction, building and driveway approvals.
3. All necessary Zoning Board approvals shall be obtained.
4. Documentation, issued by a licensed septic designer, shall be submitted to the Land Use Office verifying the adequacy of waste facilities to accommodate all proposed uses, subject to approval by the Building Inspector.
5. All third-party review costs shall be paid in full.
6. Conditions precedent to be completed by 4/26/2024.

Conditions subsequent, to be continually complied with:

7. Approved uses include office and residential uses as presented to the Zoning Board of Adjustment and the Planning Board. The Land Use Office shall be notified of any additional changes that could constitute a change or expansion of use, as land use approvals, including site plan review, may be required.
8. Approved commercial uses shall not be commenced until pavement, septic systems and MUTCD complaint signage have all been installed and operationally approved.
9. All conditions of previous site plan approvals shall remain as requirements of the development, maintenance, and operation of the site unless expressly superseded by this approval.
10. Outside storage of materials is prohibited.
11. Snow must be placed within designated snow storage areas.

12. Exterior lighting shall comply with Zoning Article 6.6.5.
13. Landscaping shall comply with Site Plan Review Sections 11.3.1 and 11.3.4.
14. All signage shall comply with Zoning Article 5 and Site Plan Review Section 11.2.
15. All construction-phase and permanent drainage structures and stormwater management facilities shall be maintained to perform as represented and intended, and reports of all annual stormwater inspections shall be submitted to the Land Use Office on or before July 1 of each year.
16. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.
17. Per Site Plan Review Section 8.2, if substantial site work has not commenced or a Building Permit has not been issued or if a Building Permit has been issued but not substantially acted upon within a 2-years of the date of approval, the site plan shall lapse unless a request for extension for an additional 1-year period is obtained by the applicant, prior to the date of lapsing.
18. If, at any time, uses are abandoned in accordance with the definition of abandonment in the Zoning Ordinance, necessary approvals shall again be obtained before such uses may resume.

#### **19. 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.

#### **20. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the satisfaction of all condition's 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.

#### **21. 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.

#### **22. 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.

### **23. 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.

### **24. Fire Department**

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

### **25. 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.

### **26. Utilities**

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

### **27. Lighting**

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

### **28. Best Management Practices**

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

### **29. 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.

**30. 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.

**31. 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.

**32. 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.

**33. 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.

**34. 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.

**35. 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.

**36. 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.



Allen Hoch  
Chairperson

cc.

- Cynthia Theriault, (by email only at ([ctheriault@wilcoxandbarton.com](mailto:ctheriault@wilcoxandbarton.com)))
- Jeff Reisner, (by email only at ([jreisner@r2propertymanagement.com](mailto:jreisner@r2propertymanagement.com)))
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- Tom Hughes, Town Assessor (by email only at [thughes@moultonboroughnh.gov](mailto:thughes@moultonboroughnh.gov))
- Map Lot Document File