



Town of Moultonborough

Planning Board

6 Holland Street – P. O. Box 139

Moultonborough, NH 03254

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Notice of Decision Two-Lot Major Subdivision Peter Viano Tax Map 48 Lot 9

May 24, 2023

Applicant: Peter Viano
357 Governor Wentworth Highway
Moultonborough, NH 03254

Location: 357 Governor Wentworth Highway (Tax Map 48 Lot 9)

Owner of Record: Peter Viano

On May 24, 2023, the Planning Board of the Town of Moultonborough held a public hearing on the application of Peter Viano (Tax Map 48 Lot 9) (hereinafter referred to as the "Applicant(s)" and/or "Owner(s)") for a Major Two-Lot Subdivision creating one new lot of 5.12 with a residual lot of 83 +/- acres, which are located in the Residential Agricultural (R/A) Zoning District, within the Groundwater Protection Overlay District.

On May 24, 2023, prior to acceptance of the application as being complete, the Planning Board voted six (6) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Hoch) that the proposed use did not have the potential for Regional Impact.

The Planning Board voted six (6) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Hoch) and none opposed to grant the waiver request for a boundary survey of the residual lot as requested 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 six (6) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Hoch) and none opposed to grant the waiver request from the requirement to provide Unit Density Sheet (Subdivision Regulations Section 4.3.1.11) for the residual lot at this time as requested 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 six (6) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Hoch) and none opposed to grant the waiver request for Wetlands Delineation for new Lot 9.1 (Subdivision Regulations Section 4.3.1.13) at this time as requested 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.

After testimony, the hearing was closed on May 24, 2023, and the Planning Board voted six (6) in favor (Larson, Annaian, Bartlett, Kelly, Connolly, Hoch), none (0) opposed, to grant the request for a Major Two-Lot Subdivision subject to the following conditions:

1. Conformance with Plan

All pins set in conformance with the plan entitled, "Subdivision Plan, Land Owned by Peter Viano (357 Governor Wentworth Highway, Moultonborough, NH 03254) Tax Map 48 Lot 9 – 357 Governor Wentworth Highway, Moultonborough, Carroll Co., NH, April 2023, By Hambrook Land Surveying (Revision date 6-2-23) prior to the signing of the plat by the Planning Board Chair.

2. Endorsement of Plan

Following the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this subdivision shall be placed on the final plan, or this decision shall be recorded with the plan, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III).

3. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) shall be incorporated into this approval and part of this Notice of Decision.

4. Final Plat

Conditions precedent to be completed prior to signature of final plans by the Planning Board Chairman. No site improvements or approved uses shall commence, and no building permit shall be issued until plan is signed and recorded:

1. Add the following plan notes/revisions prior to submission of final plan for Planning Board signature:
 - a. All pins to be set and identified on plan.
 - b. Denote safe driveway sight distances which comply with Section 6 of the Driveway Regulations
 - c. Affix wet stamps and signatures of all professionals and scientists and obtain wet signature of the owner in the designated signature block.
 - d. Reference updated NH DOT driveway permit, or current driveway permit if verification has been provided that NH DOT will not require an updated permit.
 - e. Depict driveway turnarounds and passing areas which comply with Section 6.10 of the Driveway Regulations.
 - f. Add Plan note stating "Future development shall comply with the Town Driveway Regulations requirements for turnouts".
 - g. All conditions subsequent shall be included as plan notes.
2. All required federal, state and local approvals shall be obtained.
3. Conditions precedent to be completed by 5/24/2024.

Conditions subsequent, to be continually complied with:

4. Approved uses: Lots may undertake uses permitted in the Residential/Agricultural Zoning District, subject to applicable application and permitting requirements.
5. All lots shall be required to perpetually comply with Wetlands Ordinance requirements, as any exemptions per Zoning Article 9.1.5 shall no longer apply.
6. All lots shall perpetually comply with Groundwater Protection Ordinance requirements.
7. The portion of accessway which extends from Governor Wentworth Highway to the access point to the field on lot 69-19 (measuring approximately 630 feet in length) shall be upgraded to Town

Road standards as set forth in Table 1 of the Subdivision Regulations prior to use or occupancy of any new development.

8. E-9-1-1 addresses shall be obtained at the time driveways are placed and prior to occupancy.
9. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

The final plat to be submitted to the Land Use Department in appropriate electronic format to include both a pdf and an approved CAD file format.

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.



Sandra Kelly
Vice Chairman

cc.

- o Tom Hughes, Town Assessor (by email only at thughes@moultonboroughnh.gov)
- o James Hambrook (by email only at jimhambrook@gmail.com)
- o Map Lot Document File

