Moultonborough Planning Board  
P.O. Box 139  
Moultonborough, NH 03254

Regular Meeting  
January 22, 2020

Minutes

Present:  Members: Scott Bartlett, Allen Hoch, Norman Larson, Sandra Kelly, Brie Stephens, Kevin Quinlan (Selectmen’s Representative)
Excused:  Member: Amy Lindamood  
Alternate: Brett Balise
Staff Present:  Town Planner, Bruce Woodruff; Administrative Assistant, Bonnie L. Whitney

I.  Call to Order – Chairman Bartlett opened the regular meeting at 7:00 PM.

II.  Pledge of Allegiance – The Chair led the Pledge of Allegiance. Following the Pledge, the members introduced themselves to the public.

III.  Review/Approval of Minutes

Motion:  Mr. Hoch moved to approve the Planning Board Minutes of December 11, 2019 as amended, seconded by Mrs. Stephens. 5 – Ayes (Bartlett, Hoch, Kelly, Stephens, Quinlan), 0 -Nays, 1 – Abstention (Larson). The motion carried.

IV.  Citizen’s Forum – None

V.  New Submissions - None

VI.  Boundary Line Adjustments - None

VII.  Hearings

1.  Town of Moultonborough (76-4) (Whittier Highway)  
   Site Plan Review

   Chairman Bartlett stated this was a proposal for a project at the Moultonborough Falls Conservation Area. Members had seen a preliminary plan for the project and are now back before the board with a revised plan as requested, along with a layout of the trail network. Mr. Bartlett reminded the board that the Moultonboro Falls Conservation Area parking lot and accessway plan is a non-binding review and that their main objective is to give the Conservation Commission a list of your recommendations. Those recommendations are non-binding but can be very helpful. The board has no authority to approve or disapprove the plan. Planner Woodruff noted that this was a public hearing and the public may comment on the project as well.

   Marie Samaha from the Conservation Commission was present for the hearing. Chairman Bartlett stated the Board was interested in understanding the project, questioning if six (6) spaces were enough. Mrs. Samaha replied that she was not sure of that number. Based on the amount of money remaining in the MFCA fund, for a guesstimate of the cost for improvements for the driveway and parking area, six is the number of spaces they’re proposing. She does not believe that they have the funds remaining to make it larger. They believe for the use as proposed, six spaces will be adequate.

   Don Campbell, abutter at 830 Whittier Highway, expressed his strong support for the project. He and his wife think it is important on a number of levels. This will help preserve the wildlife corridor from the end of Garland Pond to Lees Pond. He feels it is a fantastic addition to the amenities of the town to make it possible for walking trails on the site and enjoy it.
Members discussed the Chairman’s comment regarding the number of parking spaces, with a couple thinking that six spaces are adequate. Mrs. Kelly noted that there are 2-3 additional parking spaces near the bridge along Route 25 by Moultonboro Falls. Mrs. Samaha commented that she got input from the Lakes Region Conservation Trust regarding parking areas they have for other trails, and the number they provided was 6-10. Mr. Larson commented that as they organize the lot, think about how they wanted to expand it, they would do so without running into the drainage controls that may be in place.

As a representative of the Heritage Commission, Mr. Larson commented it was great that they have indicated they will be protecting the stone walls and that they have proposed the driveway where there was an existing opening in the wall. Their preference would be that stone walls were not removed, but it is understood that due to the curb cut and angle that a portion of the wall will need to be removed. He commented it would be nice if they could relocate the stones that are needed to be taken out and rebuild the stonewall along the other side of the driveway. Mrs. Samaha noted on a prior plan, Ray Korber had included language to relocate or remove stones. The plan presented stated remove. Mr. Larson asked that they try to do what they can do onsite.

Mrs. Samaha stated that the final plans have been completed. Chris Theriault should have those plans. He will be the mediator to find a contractor to construct the driveway and parking lot. Mr. Bartlett questioned if they had reached out to any of the local contractors. She replied Mr. Theriault will do that. Mrs. Samaha asked the Chair how many additional parking spaces he was thinking of? Mr. Bartlett stated probably four more. Members discussed this with a few not in agreement with additional spaces.

**Motion:** Mr. Bartlett moved to acknowledge the site plan submitted for Moultonborough Falls Conservation Parking Area as requested with the recommendation that they remove only what is needed of the stone wall, and where possible relocating those stones along the property line and that Best Management Practices are used in the construction of the driveway and parking area. Seconded by Mr. Hoch, carried unanimously.

### VIII. Other Business/Correspondence

1. The Chair noted the Board was in receipt of a Letter dated 1/8/2020 from Charles Bollinger. The Board granted an approval on September 11, 2019 for a boundary line adjustment, which requires that the deeds be recorded with the plat at the Carroll County Registry of Deeds within 120 days of approval. Mr. Bollinger and Mr. Quinn are requesting an extension of that requirement to obtain any necessary mortgage release as required. Members briefly discussed request.

**Motion:** Mr. Larson moved to grant a 1-year extension, from the date of this approval, for Charles Bollinger and Michael J. Quinn, Tax Map 72, Lot 1 and Tax Map 70, Lot 2 at 399 Governor Wentworth Highway and 45 Yukon Trail, seconded by Mr. Quinlan, carried unanimously.

2. Planner Woodruff noted that he had previously provided members with a draft 2020 Work Plan, asking members to review the draft and be prepared to discuss this evening. Planner Woodruff noted that he had not received any input from members, adding that he had revised the draft 2020 Work Plan. Those revisions included removing Items #4 and 5 from the draft dated 12/18/2019. He feels that Item #4 is already being worked on by staff and Item #5 as there are no other tasks for the Planning Board meetings.

Chairman Bartlett noted Item #2, Update of Historical/Cultural Resources Chapter is shown as being worked on in March and April. He asked Mr. Woodruff if he had any idea when the draft chapter will be before the Planning Board? Mr. Woodruff commented that he’d like to think that the schedule is based on what he’s been told by the Chair of the Heritage Commission. Mr. Larson replied that was his understanding and that he and the Chair are working towards these dates.

Members briefly discussed the 2020 Work Plan with the suggestion that the numerical and reformatting of the Site Plan Regulations, Subdivision Regulations and the Zoning Ordinance be added to the Work Plan.
Chairman Bartlett asked that members assign a priority to the tasks. Members agreed with the order of the items as shown on the draft. There were no additional changes to the 2020 Work Plan as discussed.

**Motion:** Mrs. Kelly moved to approve the 2020 Work Plan as amended, seconded by Mr. Hoch, carried unanimously.

3. Chairman Bartlett reminder members that the Planning Board Land Use Task Group subcommittee will be facilitating an informal stake-holders round-table discussion and listening session on Monday, January 27th at 5:15 to 6:45 pm at the Public Safety Building. This discussion is to get people focused on the greater Greens Corner area as the next potential node in the whole nodal concept they have been working on, which has been evolving over the last number of years.

   Planner Woodruff will be facilitating the discussion. There will be a short PowerPoint overview and then there are seven specific questions the moderator will be asking the group to get input.

4. Chairman Bartlett noted that Mr. Hoch has been working on the reformatting of the zoning ordinance, similar to what he had completed with both the site plan and subdivision regulations. Also discovered in reviewing the regulations was an Earth Excavation Regulation. Mr. Hoch has a few questions regarding this process. Mr. Bartlett requested time to meet with the himself, Mr. Hoch and Planner Woodruff to go over these questions in order to move forward in completing the revisions. Planner Woodruff made a comment regarding the excavation regulations, stating currently there are no official and/or legal earth excavation operations in Moultonborough. Adding in the future, there may be. He feels that it is important to keep the Earth Excavation Regulations on the books. This is under the Planning Board’s purview. As these regulations are quite old, it may require further review to be in line with the state statute. Any amendments to the Earth Excavation Regulation would only require a public hearing, and then approval by the Board, same as the Site Plan and Subdivision Regulations. It does not need to go to Town Meeting.

Members were provided via email with revised Planning Board Application forms. The reformatting effort was undertaken by Mr. Hoch and Ms. Whitney to make sure the administrative application forms used in the department are consistent and that they reflect the recent extensive numerical reformatting work done on the Subdivision and Site Plan Regulations.

The Board acknowledged the revised applications as amended. The Chair and the Land Use Staff are very grateful to Mr. Hoch for his interest and leadership in tackling this additional effort. Mr. Hoch will provide a final word document and a fillable pdf to the Land Use Department. Staff will update the website with the revised applications to be available to the public as quickly as time allows. As a courtesy, the Chairman suggested notifying the local professionals who present to the board on a regular basis of the revised applications.

**IX. Committee Reports** – None

**X. Projects Updates**

1. Planner Woodruff updated the board regarding the property of Paul Keyser, 15 Kerri Court, Tax Map 194, Lot 43. He gave a brief background of what has taken place. On June 25, 2018 the board approved a Conditional Use Permit for the placement of a garage within the required wetland buffer. Mr. Keyser then requested and amendment for the location of the garage. At the meeting on September 25, 2019 the board, by consensus, approved the relocation of the garage, asking for an amended site plan reflecting that change.

   At this time, the garage has not been constructed. Mr. Keyser has requested to amend the location as previously requested on September 25th. Members were provided with an amended site plan (dated 16 January 2020) which reflects changes including the relocation of the proposed garage, and a slight reconfiguration of the driveway. The house is nearly complete. The relocation of the garage and drive results in less cumulative impact (in square feet) than as originally approved by the Planning Board.

   Members reviewed the amended site plan as presented and agreed that the overall impacts are less. Mr. Woodruff stated this is the plan which should be signed as an amended plan of the original approval. Chairman Bartlett asked for questions or comments of the board, noting there were none.
Motion: Mr. Quinlan moved to authorize the Chairman to sign the plan dated 16 January 2020 as amended, seconded by Mrs. Kelly, carried unanimously.

2. Planner Woodruff noted that January 29th was a fifth Wednesday, which is generally a place holder for either a Joint Land Use Board meeting or a work session for the Planning Board. Considering that the board is holding the listening session on Monday the 27th, he recommended they consider cancelling or scheduling a meeting on January 29th.

Motion: Mr. Hoch moved to cancel the work session of January 29, 2020 as recommended, seconded by Mr. Larson, carried unanimously.

3. Chairman Bartlett noted the recent NH DES wetland rules. Members were provided with a handout prepared by the NH Association of Conservation Commissions which was a summary of the changes.

4. Planner Woodruff noted that there was no new submission filed with the Land Use Department for the meeting of February 12, 2020. This would be an opportune date to begin working on an item from the approved 2020 Work Plan. An agenda for February 12th will be prepared accordingly.

5. Mr. Quinlan asked the Planner if he had any update on an action taken by the Planning Board at their meeting of December 11, 2019 regarding the property located at 268 Whittier Highway, TM 142, Lot 1.

The board had vacated the lapse of approval until January 15, 2020, subject to an inspection by the Code Enforcement Officer and Fire Chief, and to apply for permits needed.

Planner Woodruff updated the board regarding the property stating that the Fire Chief and the Code and Compliance Officer did an inspection. They took numerous photos of the site, identifying several code issues with regards to some of the mechanical systems, furnace, and exhaust venting among other things. They are preparing documentation to send to the property owner outlining the violations.

Mr. Woodruff noted contrary to what the Board was led to believe at the hearing on December 11, 2019, the dwelling unit improvements had never been done. The board was led to believe that they had been done without permits. One of the conditions was to obtain any necessary permits, after the fact, before the plan could be signed by the Chairman. Mr. Woodruff stated the Fire Chief and CEO found evidence of blankets, pillows and thin mattresses stuffed in places, making it obvious that someone sleeps there. All the code issues will be handled by the Fire Chief and the Code and Compliance Officer.

The other issue is that the Board extended the approval until a date specific, which has now passed, and the applicant’s representative or applicant did not do anything. They have not submitted a new plan. They have not done any of the conditions of approval, so a lot of this has become moot. It’s as it the board never vacated the lapse in approval. The code issues remain and will be handled by the Fire Chief and Code and Compliance Officer. The site plan approved on March 22, 2017 has expired. This is now an enforcement process.

XI. Adjournment: Mr. Larson made the motion to adjourn at 7:50 PM, Seconded by Mr. Hoch, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant