

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

Meeting Minutes

April 10, 2024

Present: Members: Peter Claypoole, Scott Bartlett, Norman Larson, Brendan Connolly,
John Annaian, Kevin Quinlan (Selectmen's Representative)
Alternate: Allen Hoch
Excused: Member: Sandra Kelly
Staff Present: Dari Sassan, Town Planner; Bonnie L. Whitney, Administrative Assistant

I. Call to Order: Vice Chairman Claypoole called the meeting to order at 7:00 PM.

II. Pledge of Allegiance: The Pledge of Allegiance was recited, led by Mr. Claypoole. The members and staff then introduced themselves to the public. The Chair appointed Allen Hoch to sit on the Board with full voting privileges in place of Sandra Kelly.

III. Review/Approval of Minutes:

Motion: Mr. Bartlett made the motion to approve the Planning Board Minutes of March 27, 2024, as written. Mr. Connolly Seconded. Motion carried unanimously.

IV. Citizens Forum - None

V. New Submissions

1. Harbor Landing Development, LLC 140-16 & 170-12 Bean Road
Major 14-Lot Subdivision, Boundary Line Adjustment and Conditional Use Permit

Chairman Claypoole stated that this was a request for a proposed Subdivision, Boundary Line Adjustment, and Conditional Use Permit (CUP). The applicant proposes to create 14 lots, a residential subdivision involving the construction of roads and associated infrastructure.

Planner Sassan stated that basically this is under the umbrella of a subdivision. They are proposing 14 lots being created out of what are now 2 lots, and the Conditional Use Permit for the crossing through the wetlands buffer for the purpose of the road. Mr. Sassan referred to his Staff Memo prepared April 4, 2024. There are notations regarding zoning and regulatory considerations. However, Mr. Sassan stated that it made sense for the Board to first address the question of potential for regional impact. He recommended the Board take that up first.

Motion: Mr. Hoch made the motion that the Board determine that the application of Harbor Landing Development, LLC (140-16 & 170-12) does present a potential for regional impact to the abutting Town of Center Harbor, placing the application on the May 8, 2024 agenda of the Planning Board to allow for proper notification to the Town of Center Harbor and the Lakes Region Planning Commission.

Mr. Annaian noted that he would second Mr. Hoch's motion on the basis of having the Checklist for determining regional impact, citing two examples of potential for regional impact which include traffic generation, and school impacts included in the motion.

Mr. Hoch agreed with incorporating the reasons Mr. Annaian provided when seconding the motion.

Mr. Connolly proposed amending the motion to keep it broad, suggesting that it is due to the proximity to Center Harbor and the size of the development are what create the potential for regional impact.

Mr. Larson noted one of his concerns was that the community water supply located in Center Harbor, which overlaps the site, and there is a connection between the two communities that needs to be recognized.

Motion carried, unanimously.

2. John Gribbel III Trust, John Gribbel, Trustee (181-1 & 187-20) (Christmas Tree Lane & 2 Pine Needle Lane - Boundary Line Adjustment, Subdivision and Conditional Use Permit

Planner Sassan referred to his staff memo dated April 5, 2024, noting this was an application for a boundary line adjustment and subdivision of two lots into three and a Conditional Use Permit pursuant to Zoning Article 9.1.7.1 to allow for the construction of a driveway extension to access one of the lots. Mr. Sassan recommended that the Board move to determine if the proposal does or does not present a potential regional impact as defined in RSA 36:55.

Motion: Mr. Connolly made the motion that the Board determines that the application of John Gribbel III Trust, John Gribbel, Trustee (181-1 & 187-20) does not present the potential for regional impact as defined in RSA 36:55. However, if the Board determines that the proposal presents a potential regional impact, the case shall be continued to allow for regional notification in accordance with RSA 36:57. Mr. Bartlett Seconded. Motion carried unanimously.

Planner Sassan spoke to the application completeness, noting the application is compliant with zoning and does not believe that the application requires any waiver. As such staff recommend taking a motion regarding application completeness, adding staff felt that the application was complete.

Motion: Mr. Connolly moved that the board find that the Application of John Gribbel III Trust, John Gribbel, Trustee (181-1 & 187-20) is substantially complete for the purpose of application acceptance, and to schedule a hearing for this evening. Mr. Annaian Seconded. Motion carried unanimously.

VI. Boundary Line Adjustment - None

VII. Hearings

1. Continuation of Public Hearing for Greenleaf Tree Experts, Brian Huey (76-3) (822 Whittier Highway) - Site Plan Review

Planner Sassan noted that following a discussion with Craig Bailey, the applicant's engineer, Mr. Bailey submitted a request to continue the hearing for Greenleaf Tree Experts, to April 24, 2024, to allow time for him to respond to the Town's 3rd party review.

Motion: Mr. Bartlett moved to continue the hearing for Greenleaf Tree Experts, Brain Huey (76-3) to April 24, 2024, to allow the Board, and the Applicants agent, the opportunity to review the Town Engineer's 3rd party review. Mr. Hoch Seconded. Motion carried unanimously.

2. John Gribbel III Trust, John Gribbel, Trustee (181-1 & 187-20) (Christmas Tree Lane & 2 Pine Needle Lane - Boundary Line Adjustment, Subdivision and Conditional Use Permit

Bryan Walsh of Horizons Engineering was present representing the Applicant John Gribbel, Trustee of the John Gribbel III Trust.

Mr. Sassan noted his staff comments which are contained in his staff memo prepared April 5, 2024.

Mr. Walsh provided board members with revised plans, noting the only revision to the plan was a slight "dogleg" adjustment to the proposed boundary line along the water increasing the shore frontage of proposed Lot 1 to meet the minimum requirement of 150' of shore frontage.

Mr. Larson questioned if there were revised unit density calculations for the adjusted line with proposed Lot 1 and proposed Lot 2 based on the dogleg change. Mr. Walsh stated that the change was so minor that it did affect anything to the hundredth. Mr. Walsh provided members with revised calculations based on DES requirements as well as the Town requirements.

Members briefly discussed the revised calculations, questioning why there was no change in density. After reviewing the revised calculations, members agreed that the change was insignificant enough to not alter the units allowable.

Mr. Hoch questioned the width of the brook depicted on the plan, as the applicant was seeking a conditional use permit for the stream crossing. Mr. Walsh stated the brook varies in width from 5' to 15'. Mr. Hoch questioned if they had considered a bridge rather than a culvert. Mr. Walsh stated the point of crossing is at the narrowest point of the brook, for an avoidance and minimization of impact goal, which is where they have proposed the driveway. He stated that the culvert meets the requirements of DES. They were hoping that this would be an acceptable option based on them conducting a pre-development and post-development drainage analysis, a DES approved stormwater measure that is designed to pass sediment through it. Mr. Walsh added they feel that a bridge may be a bit excessive for an individual residence in terms of the construction costs. The brook is a relatively low flow brook, and they have their application into the wetland's bureau. They would like to avoid a bridge. Mr. Walsh explained the depth of the water flow through the culvert for both a 50 year storm event and an 80 year storm event.

Mr. Larson commented that the plan shows a proposed roadway, asking if it was cutting through or rising above the existing native grade. Mr. Walsh replied the roadway is above to avoid any wash over. Mr. Larson stated that he did not feel that a bridge was necessary.

There being no members present in the public and no further questions from the board, he closed the public hearing at this time and called for a motion to approve.

Motion: Mr. Connolly moved approve the Conditional Use Permit pursuant to Zoning Article 9.1.7.1 allowing for the placement of a stream crossing on Lot 187/20, subject to compliance with the following conditions:

1. Perpetually comply with Wetlands Ordinance requirements, to include continual satisfaction of the criteria set forth in Zoning Article 9.1.7.8.
2. Construction phase and permanent erosion control and drainage features shall be installed and maintained to function as required.
3. Prior to construction of driveway, all required federal, state, and local approvals, including DES wetlands approval, shall be obtained.
4. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

Mr. Bartlett Seconded. Motion carried unanimously.

Motion: Mr. Connolly moved approve the subdivision application with associated boundary line adjustment to reconfigure and subdivide Lots 181/1 & 187/20 into three lots 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. Add signature block to subdivision plan for owner and obtain owner's signature.
 - b. Obtain all required federal, state, and local approvals, and identify said approvals on plan by approval date and permit number.
 - c. All pins to be set and identified on plan.
 - d. Depict potential driveway location for Proposed Lot #3 and denote sight distances.
 - e. Confirm lot numbers with Assessing Department.
 - f. Confirm lot calculations with the Land Use Department.
 - g. All conditions subsequent shall be included as plan notes.
2. All required federal, state, and local approvals shall be obtained including DES subdivision approval and DES wetlands approval.
3. Conditions precedent shall be completed, and plan shall be signed and recorded, by 8/8/2024, per Subdivision Section 5.4.

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. Prior to development of lots, all necessary federal state and local approvals shall be obtained, to include DES Shoreland approval, DES Septic approval and town building permit approval, and all conditions of such permit shall be perpetually complied with.
6. All uses of all lots shall perpetually comply with Wetlands Ordinance requirements, as any exemptions per Zoning Article 9.1.5 shall no longer apply because this subdivision represents the "creation" of lots after 1/3/2008.
7. E-9-1-1 addresses shall be obtained at the time driveways are placed and prior to occupancy.
8. All representations made by the applicant and applicant's agent shall be incorporated as a condition of approval.

Mr. Bartlett Seconded. Motion carried unanimously.

VIII. Other Business/Correspondence: - None

IX. Committee Reports: - Mr. Claypoole reported that the CIPC had met on April 1st and that they are researching "Best Practices" in other communities.

X. Project Updates: - None

XI. Adjournment: Mr. Connolly made the motion to adjourn. Mr. Hoch Seconded. The Motion carried unanimously, and the Board adjourned at 7:55 PM.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant

NOTICE: These DRAFT Minutes have not been formally approved by the Planning Board. Please contact the Land Use Department after the next meeting of the Moultonborough Planning Board to learn if any corrections, additions, or deletions were made.