

Moultonborough Planning Board
P.O. Box 548
Moultonborough, NH 03254
(603) 476-2347
Minutes

October 22, 2008
Regular Meeting - 7:30 P.M.
Moultonborough Town Offices

Present:	Members:	Judy Ryerson, Keith Nelson, Eric Taussig
	Alternates:	Joanne Coppinger, Peter Jensen, Jane Fairchild
Excused:	Members:	Peter Wright, Jim Bakas, Natt King
		Ed Charest (Selectmen's Representative)
	Alternates:	James Gray (Selectmen's Alternate)

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Ms. Ryerson called the meeting to order at 7:30 PM, and appointed Peter Jensen, Jane Fairchild and Joanne Coppinger to sit on the board with full voting privileges in place of Peter Wright, Natt King and Jim Bakas respectfully.

I. Approval of Minutes

Motion: Mr. Taussig moved to approve the Planning Board Minutes of October 8, 2008 as amended.
Mr. Jensen Seconded.
Motion Carried – Unanimously.

II. New Submissions

III. Boundary Line Adjustments

IV. Hearings

V. Informal Discussions

Mr. Nelson did not participate in the informal discussion relating to Tax Map 23 Lot 37.

1. **Jim Proko** requested to speak to the board on an informal basis regarding **Tax Map 23 Lot 37**, 1180 Whittier Highway. Mr. Proko is interested in leasing space in a multi-tenant building of Moultonboro Business Center and is seeking approval of the board. The proposed use is to sell used cars, retail, dealer to dealer over the internet as a wholesale business. The proposed use is an allowable use in Commercial Zone B, as indicated in the Zoning Ordinance. Mr. Proko will be leasing one of four units in the building located to the rear of the property. Each unit is approximately 1,250 square feet. Mrs. Fairchild questioned how many cars would be onsite. Mr. Proko stated six at most, which will include parking for employees. Mr. Proko is proposing to add signage to the existing sign board located on the site. Mr. Proko stated that there would be no additional lighting. The board questioned the number of parking spaces on the site. It was noted that there is an approved site plan on record for the site, which was approved by the board in 1999. The board reviewed the plan, noting there is only parking depicted on the Route 25 side of the building. Mr. Proko stated there is parking to the rear of the building, which is paved. This area is shown as gravel on the site plan. The board questioned the hours of operation. Mr. Proko stated he would not be open later than 6 PM. Board members questioned if the proposed use would require a site plan amendment. Ms. Whitney noted for the record that

she had spoken with Ronnie Steinsky, an owner of the property, who stated that if the board required a site plan amendment they would make application in a timely manner.

It was the consensus of the board that this is an appropriate use for the site, noting it is an established commercial site, with an approved site plan. Mr. Proko must operate within the limits of the approved site plan. Any changes to the site will require board approval prior to making any changes.

2. **Eric Colbath** requested to speak to the board on an informal basis regarding **Tax Map 23 Lot 37**, 1180 Whittier Highway. Ms. Ryerson noted this was the same site the board just discussed in the prior informal. Mr. Colbath noted that Mr. Proko had given the background for the site, noting the difference is the proposed use. Mr. Colbath is proposing to lease one unit for motorcycle repairs. The proposed use is not listed as a pre-approved use in Commercial Zone B and will require approval from the Zoning Board of Adjustment. Mr. Colbath is seeking input from the Planning Board, questioning if they will require a site plan amendment for the proposed use. The board discussed the approved site plan, noting the site was not completed as depicted on the plan. The changes appear to be minor, noting the lack of retaining walls, addition of pavement, location of the dumpster and the handi-capped parking space. The proposed use will not change the site in any way. The board questioned the number of parking spaces Mr. Colbath would require. He indicated that he is a specialty motorcycle repair shop and that there is very little impact on the parking. A few motorcycles may be outside during business hours, but when he was closed, all motorcycles would be inside. The board questioned if there would be any storage of oils and chemicals. Mr. Colbath stated oil would be stored in a 55 gallon drum. He will have a case or two of new oil for use in his shop. There are cleaning solvents for the cleaning of parts, noting that he uses "orange" based products, which are safer for the environment. These are contained in the cleaning unit, maybe five gallons.

It was noted the proposed use will require approval of the Zoning Board for a special exception. The next step for an applicant would be to make application to the board for site plan approval.

The board questioned why this use would or would not require a site plan amendment. This use or the use proposed by Mr. Proko is no different. It is a board decision if they feel the need for a site plan amendment. It was the feeling of the board that neither of the two uses proposed triggers the requirement for a site plan amendment, but that the site plan on record does not reflect what improvements have been made to the site. The board would like an "As-built" of the site, adding any of the improvements that have been made, and to incorporate any changes the two tenants or owners may wish to make at the time of application. Ms. Whitney will contact Ronnie Steinsky regarding the request for a site plan amendment.

3. **Rich Casella** requested to speak to the board on an informal basis regarding his property located on Whittier Highway, **Tax Map 115 Lot 3**. Mr. Casella submitted a request for a twelve month extension of his site plan approval which was granted on November 28, 2007. Mr. Casella stated that he has not proceeded with the construction of the garage shown on the site plan due to the economy. Mr. Nelson stated the board needed to look at the site plan and make sure the proposed site plan is in compliance with the current site plan requirements. If this is done and the board determines it the case it would be a board decision whether they grant an extension. The board noted the changes to the zoning ordinance and site plan regulations that would apply to Mr. Casella's site plan. These changes include the addition of Building Design and Layout to Site Plan Review regulations and the addition of Article IX of the Zoning Ordinance "Wetland Resources Conservation Overlay District."

The board reviewed the site plan on record, applying the changes to the site plan regulations and amendments to zoning ordinance to see if Mr. Casella's would be in compliance with the changes prior to granting the extension. It was noted there is a wetland depicted on the plan. Mr. Casella stated there is an existing driveway on the site. It was the feeling of the board that the driveway is existing and that there would be a greater impact on the wetland if the road were torn up and relocated and that it would be the least impacting to leave it as it is. It was noted for the record that the majority of the ground improvements are completed and the only things that remain are the construction of the structures. The board discussed the design review standards. Mrs. Coppinger read into the record the requirements from the site plan review regulations. Mr. Casella stated that he would be willing to design and construct a building that would meet these requirements, having a natural appearing exterior. It was noted the regulation does not specify a roofing

material, noting a metal roof would be acceptable. The board required Mr. Casella to submit a letter to the board for the file indicating he will construct the building to conform to the design standards in place at this time.

Motion: Mr. Nelson moved to extend the site plan approval for **Casella & Son Site Work, Inc. (115-3)** for twelve months from the date of expiration of the approval granted on November 28, 2007 to November 28, 2009 subject to compliance with Section XI, D, 4 of the Site Plan Review Regulations, the receipt of a letter from Mr. Casella stating he will comply with Section XI, D, 4 and reserve the right to amend.
Mr. Taussig Seconded.
Motion Carried – Unanimously.

It was noted for the record that the extension for Mr. Casella was granted on its own individual basis and does not set any precedence. Any future request will be reviewed on a case by case basis.

VI. Unfinished Business

VII. Other Business/Correspondence

1) Ms. Ryerson noted a letter dated October 16, 2008 from Willard G. Martin, Jr. regarding correspondence from the PB relative to the possibility of sharing a Planner. Mr. Martin stated this issue has been placed on Sandwich Planning Agenda of November 6, 2008.

2) Ms. Ryerson stated that both she and Mr. King attended the Center Harbor Planning Board meeting last evening and that they expressed some interest in participating with us in funding a joint planner, to the extent that perhaps they would pick up one fifth of the cost, or one day a week, to work primarily on issues we might have in common in our increasingly intertwined commercial district at the Center Harbor Moultonborough town line. They will be discussing their needs further but we should contemplate, perhaps, that some of the cost of a full-time town planner could be defrayed by Center Harbor, and possibly by Tuftonboro, which needs a planner possibly 4-6 hours a week. The board discussed the pros and cons that may be associated with the sharing of a planner.

3) Ms. Whitney noted the need for the board to come to an agreement regarding the board's position on the hiring of a Planner. Carter Terenzini is in the process of working on the budget and a planner would need to be included as a line into the Land Use Office budget for a full time professional planner. In order not to throw our budget way out of line, we need to be sure that the amount we are asking for is appropriate to the work and within the bounds of our past expenditure. In 2007 \$60,000 was authorized for planning services, in 2008, \$27,000 was authorized, in part because we were in the midst of Master Plan process and getting a great deal of planning help that way. In 2009 and beyond we will need a great deal of planning help to implement the Master Plan and to help us with day to day needs. The board discussed the issue of hiring a planner, such as number of hours, full time vs. part time, shared planner, job description, etc. It was the decision of the board to include the amount of \$60,000 for budgeting purposes.

Mr. Nelson made a recommendation to the Selectmen that they budget up to \$60,000 to hire a Town Planner, and after a planner has been hired the board can investigate the feasibility of subcontracting out with other town. The board asked that the Board of Selectmen include a designee from the Planning Board to participate in the hiring process.

4) Ms. Ryerson stated board members were in receipt of a copy of a letter dated September 26, 2008 from

Charlie Johnson. Charlie has been working with Don Cahoon assisting with Shoreland enforcement issues, and he has been involved with some that were involved with the rewrites of our Shoreland ordinance. He has made some suggestion that the board should make revisions to this section of the ordinance. Mr. Terenzini has asked for comments from the Planning Board regarding Charlie's suggestions. The board discussed this issue, and while some felt he had some valid points that there is no desire by the board at this point to do an amendment or rewrite of our Shoreland act. The new Shoreland Protection Act is less than three months old. According to Don Cahoon, the new Act and our own town ordinance, which is designed to help enforce the state act, are working well so far. The board does not see any need, or desire to make any changes to this at this time, or at any time in the near future.

5) Ms. Ryerson noted for the record that the town is in receipt of a fully-executed Final Stipulation for filing with the Court regarding the Town of Moultonborough versus Dixon Recreational Company, LLC.

6) Zoning Board of Adjustment Draft Minutes of October 15, 2008 were noted.

7) Selectmen's Draft Minutes of October 9 & 16, 2008 were noted.

8) Ms. Ryerson noted copy of a Special Use Permit Application of the Town of Wolfeboro. Ms. Ryerson stated that the board had recently approved such a use and had no guidelines in place. This may be a good starting point for the creation of a similar application for the Town of Moultonborough.

9) Ms. Ryerson noted that the board had been working on but had not completed changes to our regulations suggested by MRI Planner, Heidi Griffin. Due to the late hour the board did not take these up this evening.

10) Ms. Ryerson updated the board regarding two items that have been discussed to be included as a warrant article for town meeting this year. These were Small Wind Energy Systems Ordinance--This ordinance amendment needs to be on the March '09 Ballot since a change to state law in June '09 will make it difficult, if not impossible, to deal with these systems without it. Second, a Re-write of the sign chapter: We have no deadline for this, similar to above, but it has been extensively worked on, and two members of our Board have said they will make the needed changes so that it too can be on the March Ballot.

Mr. Taussig stated that he has raised this issue of amending the ordinance to eliminate change of use by special exception and to require this to be done by a Use Variance. Mr. Taussig feels a change of use should be reviewed as a variance and that conditional use permits may be granted, that will not run with the land. Mr. Taussig will draft language for the work session on October 29th.

11) Ms. Ryerson asked for board members thoughts and ideas regarding Route 25. Ms. Ryerson stated there are many proposals coming out of the Master Plan Update that could be worked on by a Planning Board appointed Route 25 Committee--some of these are: possible change in designation of Commercial District A to create a new district (possible Zone D) that runs from Lake Shore Drive West to Blake Road. There are various suggestions for this districts classification. Upgrade the Design Standards language in the Regulations, with distinctions in districts. Access Management standards for commercial development along Route 25 and perhaps Route 109. And there has been interest expressed in changing some of the Village language. Since the Village designation and regulations occur in the Ordinance, that would also require ordinance changes--which probably wouldn't be possible this year. However, we might look at our Regulations and see if we could make some changes there that would be helpful. And while it doesn't necessarily have to do with Route 25 in particular, since it would have an impact, looking at a change to Special Exceptions.

Ms. Ryerson stated she would like to appoint such a committee tonight. Ed Charest has expressed a strong

interest in this, the Selectmen have also been in a dialogue with Center Harbor Selectmen about Route 25 issues so his input would be crucial. Ms. Ryerson thinks that there are many others also interested in this, noting she would like to be involved and thinks there are other Planning Board members who might be as well. Joe Skiffington, who worked on the Master Plan Land Use Group, has also volunteered. Ms. Ryerson thinks that the board should try to get Chief Kinmond involved, since his knowledge is so deep. There still is Planning Services money available. Ms. Ryerson asked that the Board authorize hiring an advisor. Since LRPC did the Corridor 25 study, which is the best data basis we have for changes we would make, she suggested that they hire Mike Izard, or someone at LRPC, to work with the Committee and give guidance.

Motion: Mrs. Fairchild moved that Ms. Ryerson, as Chair appoint a short term committee including a representative from three Master Plan Update groups (Historical, Master Plan Land Use and Transportation Group) and other in the community to expeditiously come back to the board with their recommendations about how they believe the future use for Route 25 should be designated.
Mr. Jensen Seconded.
Motion Carried – Unanimously with Mr. Taussig abstaining.

Committee Members will include Jane, Judy, Ed, Eric, Joe Skiffington, Carol Smith & Peter Jensen as an alternate.

VIII. Committee Reports

Ms. Ryerson noted the board is in receipt of draft copies of the Master Plan. The plan is undergoing substantial re-writing and is not currently available for review. Burt Watson from MRI has promised that it will be available for the meeting of the Steering Committee on October 29th and the immediately following Work Session of the board.

IX. Adjournment

Motion: Mr. Nelson moved to Adjourn at 9:54 P.M.
Mrs. Coppinger Seconded.

Motion Carried - Unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator

These Minutes have not been formally approved by the Moultonborough Planning Board. Please contact the secretary after the next regularly scheduled meeting of the Moultonborough Planning Board to be held on the 2nd and 4th Wednesday of each month, to learn if any corrections, additions or deletions were made.