

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

December 17, 2008  
Work Session - 5:30 P.M.  
Moultonborough Town Offices

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

Ms. Ryerson stated the board had just closed their Public Hearing at 5:30 pm and would now continue on with a work session regarding proposed changes to the zoning ordinance. It was noted for the record that Ms. Ryerson had previously seated the two alternates present to sit on the board with full voting privileges, and that they are seated for the work session, specifically Jane Fairchild in place of Jim Bakas, and Peter Jensen in place of Eric Taussig.

There were five proposals the board reviewed this evening, Route 25 Re-zone, Access Management, Special Exception, Re-write of entire Chapter V, Signs and Small Wind Energy Ordinance.

The **first item** worked on was the proposal for the rezoning of Route 25. Ms. Ryerson noted one of the things that came out of most every work group for the master plan, was a discussion of the fact that Route 25, where most of the commercial development occurs, is inadequate already for the traffic on Route 25. There was a Route 25 Corridor Study completed, there are problems with intersections in several places on Route 25. In an attempt to try to deal with some of that, a sub-committee was appointed to specifically look at some of the issues that had been identified as areas in need of some attention. Ms. Fairchild stated that the committee identified several things that they would like to see happen on Route 25, over some period of time. One of the goals of the committee was to develop some recommendations to deal with some of these issues in time to get some ballot questions on for Town Meeting this year. It was noted that further extensive study will be needed over time, one, two or even ten years.

The committee met three times and set some goals they would like to see happen on Route 25. The first goal was the safety issue of pedestrians and drivers. The second goal was the strong concerns of the Town's people relating to preserving scenic beauty and rural character of the Town. The third goal was the preservation of natural resources and wildlife habitat on Route 25. The fourth goal is to improve the general quality of life of residents, through less traffic congestion.

The immediate outcome of the committee's discussions was that they felt over a very short period of time, they should take some measures to try and pull back some of the commercial potential in areas along Route 25 that are still relatively undeveloped. The committee examined maps, and looked at certain areas than looked at each of the dangerous intersections and tried to come up with some recommendations, until there is time to study the whole situation along Route 25, before it goes beyond the ability to do anything about it.

The goal of the committee is to take a pro-active step and make some advances to address this before it is too late.

Ms. Ryerson asked that Ms. Fairchild read what is proposed and to speak to the changes that were suggested at the work session on Monday (12/15/08).

Ms. Fairchild read the following proposed ballot question as follows:

I. PROPOSED BALLOT QUESTION re Return of Sections of Route 25 from Commercial Use to Residential/Agricultural Use

Are you in favor of the adoption of Amendment No. XXX to the Town Zoning Ordinance as proposed by the Planning Board to amend the Zoning Ordinance of the Town of Moultonborough Article VI (C)(1)(a) to return certain portions of NH Route 25 from Commercial to Agricultural/Residential use in specified areas. The proposed amendment would return all land within 500 feet of the edge of the right-of-way on either side of NH Route 25 from the intersection of Glidden Road to the intersection of Moultonborough Neck Road and from the intersection of Marvin Road to the intersection of Blake Road to residential/agricultural use.

The provisions of this section relating to the boundaries of Zone "A" and "A-1" will expire ("sunset") on January XXX 2011, and shall return the land to commercial use unless other changes are adopted.

The purpose of this amendment is to: a. allow the Planning Board the necessary time to establish a comprehensive zoning and access management plan to improve safety on Route 25; b. preserve the town's rural character and scenic beauty as requested by residents in the master plan and town wide survey of 2006; c. protect the town's natural resources and wildlife habitat; and d. enhance residents' quality of life by reducing traffic congestion, improving traffic flow and improving the appearance of the Route 25 corridor.

The "sunset" provision was added as a result of the discussion on Monday.

Ms. Ryerson questioned if the last paragraph needed to be included on the warrant, that the purpose could be used for explanation / justification of the request for change. The board felt that this could be left to the discretion of town counsel upon his review.

The following is the new language that will appear in the zoning ordinance that would now describe Commercial Zone A and new Commercial Zone A-1.

2. PROPOSED ZONING ORDINANCE AMENDMENT Regarding Return of Certain Sections of NH Route 25 to Residential/Agricultural Use

Article VI C.(1)

C. BOUNDARIES OF COMMERCIAL ZONES AND PERMITTED USES

Commercial Zones within the Town of Moultonborough shall be described and bounded as follows, and the following uses shall be permitted as identified to each Commercial Zone.

(1) Commercial Zones "A" and "A-1"

a. Commercial Zone "A" shall include all land within 500 feet of the edge of the right-of- way on either

side of Route 25 from the Moultonborough / Center Harbor Town Line to the intersection of Glidden Road.

b. Commercial Zone “A-1” shall include all land within 500 feet of the edge of the right-of-way on either side of Route 25 from the intersection of Moultonborough Neck Road to the intersection of Marvin Road.

c. The provisions of Article VI C.(1)(a) and (b) relating to the boundaries of Zones “A” and “A-1” shall expire on January XXX 2011.

d. The following uses are permitted in Commercial Zones “A” and “A-1”:

The board voted to accept the ordinance proposal, forward the language for the ballot question and amendment to the zoning ordinance to Town Counsel for his review and to be scheduled for a public hearing in January.

The second item worked on was new language to be added to the zoning ordinance relating to Access Management. On Monday, the board voted to forward the proposed amendment to the ordinance under commercial uses, with only a small wording change. This would allow the board, in the coming year to work on access management issues.

Current language for Article VI, A (2) reads as follows:

(2) Because Route 25 is a highly visible tourist route it is important that all proposed uses have attractive landscaping and signs, and other aesthetic qualities. The height and locations of structures should ensure that the scenic views in the area are protected. Driveways and other points of access should be located in the safest possible location. The Planning Board shall continue to review commercial uses and changes of use through the Site Plan Review process.

Proposed amendment would remove from section 2, the sentence “Driveways and other points of access should be located in the safest possible location.” And add a new section: Article VI, Commercial Uses, A. General Provision, section 3.

The amended language would read as follows:

(2) Because Route 25 is a highly visible tourist route it is important that all proposed uses have attractive landscaping and signs, and other aesthetic qualities. The height and locations of structures should ensure that the scenic views in the area are protected. The Planning Board shall continue to review commercial uses and changes of use through the Site Plan Review process.

(3) Route 25 is a main east highway with high traffic volumes and frequently congested conditions, therefore, driveways and other points of access should be limited to the greatest extent possible and permitted in the safest possible locations. The Planning Board will consult with the NH Department of Transportation and the property developer to arrive at the best possible access management solutions as described in the town’s Site Plan Review regulations and a Memorandum of Understanding between the Town and the DOT.

Ms. Ryerson noted that this will necessitate renumbering the subsequent sections of the General Provisions.

Ms. Ryerson stated that the language was generally approved on Monday (12/15/08) based on the changes suggested being made.

The board voted to accept the ordinance proposal, forward the language for the amendment to the zoning ordinance to Town Counsel for his review and to be scheduled for a public hearing in January. It was noted the need for counsel to craft language for the ballot question regarding access management.

The **third item** worked on was relating to special exceptions. Ms. Ryerson indicated that the board voted to accept the proposal conditioned on agreed changes being made. This is a proposed ballot question for the repeal of authority to grant special exception under the Town of Moultonborough's Zoning Ordinance. At the work session on December 15, 2008, Mr. Taussig presented an amendment to remove the section providing for Special Exception for Commercial Use in the Residential Agricultural zone, noting that property owners still would be able to apply for a variance for commercial use. This ordinance provision was a holdover from the days when the town had no commercial zones and the Board feels that now there are commercial zones, and because there is still the variance possibility, this change should be made in keeping with the Master Plan recommendations that the Board act to retain the rural and scenic character of the Town.

Ms. Ryerson read the proposed ballot question into the record as follows:

REPEAL OF AUTHORITY TO GRANT SPECIAL EXCEPTIONS UNDER THE  
TOWN OF MOULTONBOUGH'S ZONING ORDINANCE

**ARTICLE \_\_\_\_\_**

Are you in favor of the Adoption of Amendment No. \_\_\_\_\_, as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town of Moultonborough will vote to repeal Articles VI A (3), VI D, VI E and those portions of Article VII relating to Special Exceptions, of the Zoning Ordinance of the Town of Moultonborough, to eliminate Special Exceptions for commercial uses in the Residential / Agricultural Zone; and to delete all references to Special Exception for Commercial Uses in Residential /Agricultural Zone where they appear.

Ms. Fairchild felt that the title should also include the language for commercial use in the residential zones. The board was in agreement with this and that the title would be as follows:

REPEAL OF AUTHORITY TO GRANT SPECIAL EXCEPTIONS FOR  
COMMERCIAL USE IN RESIDENTIAL / AGRICULTURAL ZONE UNDER  
THE TOWN OF MOULTONBOUGH'S ZONING ORDINANCE

The board voted to accept the ordinance proposal, forward the language for the ballot question and amendment to the zoning ordinance to Town Counsel for his review and to be scheduled for a public hearing in January.

The **fourth item** worked on was relating to the sign ordinance. Ms. Ryerson stated that this has been ongoing since August of 2007. It is a re-write of entire Chapter V, Signs. It was stated on Monday that the board could keep working on this forever, and it was felt by the board that this should be presented to the public and see what happens. There may be some comments on it at the public hearing, it is very long and was not gone through with detail this evening. Some of the changes include the number and size of signs that are allowed by permit to commercial entities, and it puts in a provision that anyone with a permitted sign now must come to the Town and get a free permit to continue the use of that sign. If that is not done there is a likelihood that the sign would need to comply with the new ordinance. The

Planning Board will be the entity that will approve signs. A question was raised, the way the ordinance reads, “this ordinance shall regulate all signs in the Town of Moultonborough.” Can the Planning board does not regulate signs that are not commercially related. The board would like to pose the question to Town Counsel, does the Planning Board have the authority to look at all signs, both commercial and residential.

Attached are the ten pages re-write of the sign ordinance.

The board voted to accept the proposed amendment to the zoning ordinance to Town Counsel for his review and to be scheduled for a public hearing in January. It was noted the need for counsel to craft language for the ballot question regarding Article V, Signs.

Mr. Jensen excused himself at this time, 5:50 pm.

The **fifth and final item** worked on this evening was an amendment to the zoning ordinance that would include the addition of a Small Wind Energy Ordinance. Ms. Ryerson noted that this has been worked on quite extensively and her proposal was to use the Model Small Wind Energy Systems Ordinance from the State of New Hampshire, and that there are a few small changes. The recommended changes are “Small wind energy systems and met are an accessory use permitted in all zoning districts where structures of any sort are allowed” At the end of that sentence we would add, except for Commercial Zone C, where they are not allowed. The committee would also like to discourage guy wires, looking at page 4, ii) Guy wires are disfavored but where they must be used to support the tower they are exempt from the small wind energy system setback requirements.

Ms. Whitney noted that the members of the Zoning Board of Adjustment would like a provision that would require that a small wind energy system require a special exception. The model ordinance does not require this. It would require a building permit issued by the Code Enforcement Officer. Ms. Ryerson said that she understood that requiring a Special Exception might be counter to the new law, and that counsel should look at any section that requires that before putting it into our zoning ordinance. The Board discussed this and felt that while it was not exactly what the Zoning Board wanted, it was better than nothing and that we should propose this for this year, and it could be changed later to require a special exception if that was found to be permissible and desirable.

Mr. King made the motion to accept the proposed amendment to the zoning ordinance, send it to Town Counsel for his review and to be scheduled for a public hearing in January. It was noted the need for counsel to craft language for the ballot question regarding Small wind energy systems.

Ms. Fairchild excused herself at this time, 6:05 pm. As there was no longer a quorum Ms. Ryerson adjourned the work session at 6:15 pm.

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.