

**Moultonborough Planning Board Work Session**  
**July 29, 2009**  
**Minutes**

Members present: Judy Ryerson, Ed Charest, Natt King, Jane Fairchild, Joanne Coppinger, Eric Taussig

Alternates Present: Peter Jensen, Keith Nelson

Absent: Jim Bakas

Town Planner; Dan Merhalski

Audience: Russ Nolin, ZBA, Jerry Hopkins, ZBA, Marie Samaha, Con Com, Nancy Wright, Herb Farnham, Con Com Committee, Jim Leiterman, Jean Beadle, Al Hume

Chairman Ryerson opened the meeting at 7:30, welcomed the public, appointed Peter Jensen to sit in place of Jim Bakas, and explained that this was a regularly scheduled work session of the Planning Board and ZBA. She also stated that since there were no new submissions for the next scheduled Planning Board meeting, August 12, that that meeting would also be treated as a Work Session.

Prior to entering on the first order of business, a discussion of Zoning Ordinances proposed by the Conservation Commission, Jerry Hopkins of the ZBA spoke to the Planning Board in favor of the Board creating an ordinance that would require home owners to submit property surveys prior to receiving Building Permits. Mr. Hopkins said that it frequently happens that houses are built too close to property lines in the first instance, and then should they want to expand, they come to the ZBA for an equitable waiver of dimensions. Mr. Hopkins feels that if the CEO needed to see a land survey before permitting building, that this problem would be eliminated because the houses would be properly sited in the first place. It was unclear in the ensuing discussion where this would be in our ordinance/regulations or how it would be worded. Ms. Ryerson asked Mr. Hopkins if the ZBA could present the Board with some written material about this that they could begin to work from. He said no he didn't think so. It was the consensus of the Board that the Town Planner should look into this and report back at an unspecified later date with his recommendation.

The Board then heard a presentation from Peter Jensen, Zoning Board Alternate, and member of the Con Com Natural Resources Master Plan Implementation Committee on three proposed ordinance amendments. The back up sheets for the accompanying power point presentation are attached. It was clear from the presentation, and from discussion that ensued, that there are concerns with the three ordinances as they are now written: Groundwater Protection (Wellhead and Aquifer protection), Stormwater Management, and Steep Slopes. All three are based on the State's model ordinances and all are to one degree or another, complicated. It was also the opinion of Dan Merhalski that there is unnecessary detail (some of which had contributed to the negative comments from Con Com member Paul Stinson and from Joe Skiffington) in the ordinances and that he might be able to significantly simplify at least the two long documents. Since this was the first

time most of the Board Members had seen the material, the Board concluded that, before asking Dan Merhalski to do any work on them, the Board should have a chance to review the material and discuss it at their next meeting, August 12. It was also the feeling of the Board that they would like the input from Erica Anderson of the LRPC at the next meeting, as long as that would be part of the regular service that the LRPC provides us as dues paying members. Ms. Ryerson said she would see if Ms. Anderson could come. The Con Com committee said it will continue to follow this process and offer any help it can. The Board was in general agreement that these ordinances, which come out of recommendations made as part of the 2008 Master Plan, would be beneficial as long as we they can will not be an undue burden on the property owner.

Town Planner Daniel “Dan” Merhalski next gave the presentation that he had given to the Selectmen as part of the hiring process, on his proposed process for implementing the Master Plan. It was an impressive presentation and the Board was happy to be able to see it. The presentation generally laid out a method for achieving implementation of the 2008 Master Plan that included establishing an implementation committee to meet at regular intervals, establishing a MPU page on the web site, and creating a time line/matrix to make sure that goals are achieved, or at least addressed. As follow up, Mr. Merhalski said that he felt it was essential that the Selectboard create a MP Implementation Committee made up of representatives from most of the affected Town Boards and Departments. He made it clear that Planning Board responsibilities would remain in the hands of the Planning Board—writing of zoning ordinance amendments, regulations, etc—but only the Selectboard has the authority to direct department heads, and other town employees. Since the Master Plan included recommendations that went beyond strict “land use” areas, Mr. Merhalski felt it was important that the Implementation Committee be formed by, and report to the Selectboard. Mr. Merhalski asked the Board to send a letter that he would draft to the Selectmen asking them to set up such a committee. In the event there was any confusion about who would be working on land use issues, the Board said it was confident that Mr. Merhalski, being the principle staff person supervising the update as well as technical support for the Land Use Boards, would manage the process so that the Planning Board’s responsibilities and prerogatives are secure. Natt King made a motion, seconded by Joanne Coppinger, to send a letter asking the BoS to establish a Master Plan Implementation Committee as outlined by Daniel Merhalski. Motioned carried unanimously.

The Board next began a rather free form discussion about what its members thought were the top needs for the Planning Board that the Planner could assist with. They were, in order of presentation:

1. Keith Nelson said that he felt progress on the re-zoning of Route 25 was a top priority, especially in light of the fact that the effort last year failed. He said he hoped we could try again, perhaps in another way. Jane Fairchild concurred that she would like the Board to focus on that and brought up the issue of Route 25 in Moultonborough possibly being a scenic by way, which might affect the debate.
  - a. Discussion followed about Route 25 in general.

- b. It was noted that Mr. Merhalski had said he might be able to bundle several of the Route 25 issues together, including item 5 below as well as possibly design standards and changes to set-backs.
2. Water protection, reference was made to the three ordinance amendments presented by Con Com discussed above.
3. Review of Regulations and Ordinances for compliance
  - a. Mr. Merhalski has been given the reviews done by Heidi Griffin and Carol Ogelvie. And it was noted there would be others added in as they occur. There was also discussion of putting in language stating that Boundary Line Adjustments cannot be used to create new buildable lots.
  - b. Mr. King said that he would like something added to our regulations regarding how we evaluate when a road, required by Planning Board, has been completed satisfactorily. He recommended that we use the Town Engineering firm for scheduled inspections, to be charged to the developer/applicant. Mr. Merhalski said that is standard procedure and should be followed.
4. Joanne Coppinger said that she would like a clear definition in our regulations about what a “unit” is. Currently, apparently, a unit is any dwelling, and it could be a studio apartment, or a ten bedroom house, and is prejudiced against apartments. She felt units should bear some relationship to septic needs, and because it also bears on our compliance with Work Force Housing legislation that is something we should look at, perhaps it is also time to look at our minimum lot sizes, reasons for that, and corrections to it if needed.
5. Access management (see also under #1). We do not have the necessary regulations/ordinances, etc to satisfy the state so that we can enter into a Memo of Understanding so that we can work with the state on development related to accesses along state roads. Mr. Merhalski said that he felt the State would want an ordinance, not beefed up language in our regulations, so that DOT was confident that the Planning Board could not change details arbitrarily (waive regulations), he also said that would be good for the Board as it would take possible pressure off the Board from developers asking for waivers. He said it would be a relatively simple thing for him to prepare an ordinance amendment that would be ready for next Town Meeting.
6. Jane Fairchild felt it was important that the Board and Land Use office begin to make some progress on one of the Master Plan priorities, Revitalization of the Village Zone—this would probably not be ordinance or regulation work, but might be creation of a Village improvement committee.
7. Eric Taussig expressed concern about tree cutting on residential properties that subsequently become commercial.
8. Eric also said hoped the Board would try again to deal with Special Exception for Commercial Uses in the Residential zones, an attempt we made last year that narrowly failed.
9. Several people, Sign Ordinance.

10. Peter Jensen felt that the Board should do something so that where underground electric is approved for a development or site that the conduits also be able to accommodate broadband, and to otherwise foster broadband throughout town.
11. There was a general sentiment that the Board would like to see better communication with the public, especially relating to work we do on ordinances and regulations.
12. Mr. Merhalski also mentioned that Bob Stephens of ZBA has asked him to look into preparing information on the spirit and intent of ordinances passed by the PB as assistance to ZBA when they deal with applicants looking for relief from the constraints of an ordinance. Ms. Ryerson also said she would like to find ways the ZBA and Planning Board would have better communication.

Housekeeping matters:

Joanne Coppinger would like to see Tables of Contents for our Ordinances and Regulations. Judy Ryerson said she thought we should try to keep track of when the specific parts of the Zoning Ordinance were created, nullified, or amended. Currently we list dates when the document was amended, but do not connect those dates to specific content.

Mr. Merhalski also said that he would like to do some work on our fee schedules which are considerably out of date with fees below those in neighboring towns.

Board members also noted that we had not discussed the issue of minutes, and hoped that we would do that at the next meeting.

As a last order of business, the Chair said that she understood that the CIPC would soon be formed, that Jane Fairchild had expressed an interest in being part of that Committee as the Planning Board Representative, and that Carter Terenzini said that it was up to the PB to appoint its own representative. The Chair asked if anyone else was interested. Peter Jensen said that he was also interested, and was eligible to be on the Committee. With two good candidates, the question became how to handle it. Natt King proposed that since Mrs. Fairchild had mentioned her interest first, he would nominate her to be our representative, and ask that Mr. Jensen be appointed an alternate so that it would be sure that the PB would always be represented. Mr. Jensen said he had previously asked to be on the Committee, through administration. It is clear from the RSA governing CIPC, that the Planning Board must have one representative, and may have more, so it was the feeling of the Board that if Mr. Jensen were also chosen this would not be a violation of the RSA, although it might run counter to an ordinance that the town, through its TA, was preparing.

Motion by Mr. King, seconded by Ms. Ryerson, to designate Jane Fairchild as the Planning Board Representative to the soon to be formed CIPC. Vote 4 yes, with three abstentions (Taussig, Fairchild, Jensen).

Mr. King made a motion to adjourn at 10 PM. Carried unanimously and enthusiastically.