

Moultonborough Planning Board
P.O. Box 548
Moultonborough, NH 03254

Work Session Minutes

September 30, 2009

Present: Members: Judy Ryerson, Joanne Coppinger, Eric Taussig, Jane Fairchild, Ed Charest (Selectmen's Representative); Alternates: Keith Nelson, Peter Jensen; Town Planner, Dan Merhalski
Excused: Members: Natt King, Jim Bakas

Audience: Russ Nolin, ZBA, Bob Clark, Con Com, Paul Stinson, Con Com, Marie Samaha, Con Com, Nancy Wright, Con Com, Cristina Ashjian, Heritage Commission.

Chairman Ryerson opened the meeting at 7:30, welcomed the public, and explained that this was a regularly scheduled work session of the Planning Board and ZBA.

The first order of business was the review and discussion of the three proposed draft ordinances relating to Steep Slopes, Groundwater Protection and Stormwater.

Ms. Ryerson noted that Mr. Merhalski had conducted a partial Power Point Presentation for the board at their last meeting, which was cut short due to a power outage. The board was given the basics of the presentation, but they didn't have an opportunity to go into depth due to the darkness. The board will discuss each of these one at a time this evening.

Ms. Ryerson appointed Peter Jensen and Keith Nelson to sit in place of Jim Bakas and Natt King.

Mr. Merhalski began with the Steep Slopes Development Ordinance, going over the changes, noting his intention was large impacts, such as roadways and commercial development, not individual residential lots. The board reviewed the draft with a lengthy discussion over the definition of steep slope. The next issue was the proposed triggering threshold of 20,000 sq. ft. Board members felt this would eliminate lots being developed one at a time, and only be triggered for large subdivisions or site plans. Mr. Jensen questioned the intent of the ordinance, if lots were to be developed individually and the ordinance did not apply to them how would this going to protect damage to the steams and lake? Another issue raised was the deletion of a requirement in the Draft Model Ordinance that no structure be built on a slope greater than 25 percent prior to the site disturbance. There were mixed feelings on this and will require further discussion. The question was asked if there was a definition of site disturbance. The board would like this defined in the ordinance. Mr. Merhalski will make changes discussed this evening, and has asked that board members reply to him prior to October 14th with comments regarding definitions for steep slope and site disturbance. The board will review this at the meeting on October 28th. The items to be addressed include the triggering threshold, development on a slope greater than 25 percent, and a definition for steep slope and site disturbance.

Mr. Merhalski then reviewed the Groundwater Protection Ordinance, going over the changes. After a lengthy discussion of the draft several changes were made to different sections of the ordinance, including Section VI. Performance Standards, Paragraph A, and Section X. Conditional Uses, Paragraph B, changing "any use" to "any commercial use" as well as rewording the remainder of the section to read "For any commercial use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater....."

Also discussed was the definition of Impervious surface. The board will revisit this definition at the meeting on October 28th.

Ms. Ryerson referred to a sheet provided by Ms. Fairchild relative to possible sign ordinance violations. The sheet was reviewed briefly in the morning by the Chair and Office Staff, noting ~~that most of the signs on the list are~~ *many of the signs may be* grandfathered. Ms. Fairchild questioned if the board was going to start a discussion of this at this time. The board reviewed the list of possible violations. Questions were raised regarding what is or is not allowed, relating to product signage, sandwich board signs, window signs, marquee signs, and signs in need of repair. Mr. Jensen noted the key being, what is grandfathered, is it the usage of the land the sign is placed on, or is it the specific sign? The board stated it is the specific sign, and each time a sign is changed it is a new use that must be approved. Ms. Fairchild noted the ordinance is not clear if product signs are permitted. Mr. Merhalski stated that he could forward the list onto the Code Enforcement Officer and ask that he give a point by point summary of what the status is of each and if they are in violation and the action to be taken to remedy the violation.

The board discussed the need for revisions to the sign ordinance. Mr. Nelson stated that he and Mr. Taussig had spent a great amount of time on a revision which was not brought forward as an amendment and perhaps she might want to resurrect what was prepared. Mr. Nelson will forward a copy of the draft language for Ms. Fairchild to review, and if she chooses to, begin working on revisions for next year.

Mr. Merhalski noted the board had not taken up the Stormwater Ordinance this evening. This will be added to the October 28th agenda with the review of Steep Slope and Groundwater Protection Ordinance. The last item on the agenda was the discussion of possible ordinance amendments for Town Meeting which would include a discussion of Route 25. This too can be added to October 28th agenda.

Mr. Merhalski updated the board regarding the access management. He had met with NH DOT regarding Fox Hollow Road. District 3 stated that they would not be able to enforce an access management ordinance locally if it violated the state requirements. Upon talking with someone at the state level, the DOT does do access management, but there is a process to be followed. This requires an initial Memorandum of Understanding (MOU) from District 3, agreeing the Town and DOT will notify each other when an application comes in on a state highway. Additionally, they will look at any future ordinances affecting access. Once the MOU is signed and turned in, we must draft an access management ordinance and send to DOT for review. DOT will then send back a MOU stating what portions of the ordinance they will or will not enforce. Based on that, we will revise the draft and remove what the DOT will not enforce. This is now in DOT's hands and we need the initial MOU by November in order to have it for Town Meeting 2010.

As a last order of business, the Chair noted the board had previously discussed that their two meetings in November fall on Veteran's Day and Thanksgiving Eve, and feel there is a need to still hold the meetings. Board Members voted to reschedule them to another weeknight evening.

Motion: Mr. Nelson moved to reschedule the November 11, 2009 Planning Board Meeting to Tuesday, November 10, 2009, seconded by Mr. Charest, carried unanimously.

Motion: Mrs. Coppinger moved to reschedule the November 25, 2009 Planning Board Meeting to Tuesday, November 24, 2009, seconded by Ms. Fairchild, carried unanimously.

The board adjourned at 10:26 p.m.

Respectfully Submitted,
Bonnie L. Whitney
Land Use Coordinator