

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

Work Session Minutes

June 30, 2010

Present: Members: Natt King, Judy Ryerson, Jane Fairchild, Chris Maroun, Peter Jensen, Ed Charest (Selectmen's Representative); Alternate: Keith Nelson;
Town Planner, Dan Merhalski
Excused: Member: Joanne Coppinger

Vice Chairman King opened the meeting at 7:00, noting this was a regularly scheduled work session.

I. Pledge of Allegiance

II. New Business

- a. Discussion of Revision of Subdivision Regulations
- b. Discussion of Revision of Site Plan Regulations

The first order of business was the discussion of revisions to the Subdivision and Site Plan Regulations. Mr. King noted the Board's 2010 Work Plan included the revision of these regulations. Mr. Merhalski outlined the procedure for this process. The board was provided with copies of both the Subdivision and Site Plan Regulations, noting at the first meeting he wanted to gather input from the board, what they would like to see, and talk about what some of the Department Heads have asked to be included. He would then compile the information, put it in draft form with his revisions highlighted and comments in one color and the Board's input in another, for review at the meeting on July 14th. This evening he would like to discuss and create a laundry list of items from board members.

The board took up the discussion of the revision for Subdivision Regulations first. Mr. Merhalski had a few items to be included on the laundry list. One item is that the driveway and roadway regulations are different in two standards. There is a policy for private roads that has a different requirement for private roadways than for regular roadways. This should be discussed and determine if they want to keep two different standards or have one standard that they both meet and ask the Board of Selectmen (BoS) to amend their policy. Then there would be one road standard and it wouldn't matter if it were a private road or a public road. They are substantially similar; the major difference is the width of the road. The Road Agent has asked they review the driveway regulations as there are a few issues. Mr. Merhalski will provide the Road Agent with the recommended changes for review and ask that he attend the next meeting. Another item on the work plan was the discussion of the time frame for a request for extension, how many times and what length of time may an applicant request. His last item is to include a regulation relating to the 50-Year/24 hour storm event.

Mr. Merhalski asked for input from the board at this time. It was noted that Carol Ogilvie and Heidi Griffin had started a similar projects a few years ago and suggested that those should be looked at and compared for inconsistencies with the regulations.

Board members brought up six items they would like the planner to look into. These include Road Frontage, does the board want to require all proposed lots to have frontage on a road, or reasonable access to back lots. Mr. Merhalski stated that state law requires frontage on a road defined as Class I through Class VI. The Board must make a decision regarding this, do they want to put in requirements within the

Subdivision Regulations, which under certain cases could be waived by the board. The question was raised as how island subdivisions fit into this requirement, as they have no road frontage. Members discussed Roadway Access, and the requirements for emergency access. The Board questioned if they could waive the minimum standards for a road, and under what circumstances would they want to waive the requirements. The Board agreed there should be lower standards for small subdivisions that cannot be expanded. Included in this discussion were Class VI roadways and the need for limited liability to be signed off by the Town. Board members felt that if there was any instance where the regulations were not in line with state requirements, it needs to be looked at.

Mr. Nelson referred to the definition of Subdivision in the regulations, noting state law and our Subdivision Regulations say that if there is any leasing of property that is in fact a subdivision. There was discussion about the definition in the regulations and where it came from. Mr. Merhalski commented that leasing was a form of use on a property, not a form of subdividing a property. The board referred to both the statute and the definition in the regulations. After a lengthy discussion the board would like the definition of subdivision to be looked at and therefore be added to the laundry list.

Mr. Merhalski stated that recently there have been a few applications for subdivision that have generated a lengthy discussion during the public hearing regarding the 4 to 1 ratio. He would like talk about the definition of a lot and how the board would like to determine the 4 to 1 ratio in subdividing a lot, some clarification on the method or formula to determine the 4 to 1 ratio.

Mr. King stated he would like fire protection addressed in the regulations. At this time we require if there are four or more lots, an applicant shows how they are going to have fire protection. There is no requirement if it is only three lots. The board would like to address this, with the mention of sprinkler systems. Board members noted Chief Bengtson had attended a meeting a few years ago and spoke to fire protection. The Board asked if the BoS could require sprinklers for all homes. The Board asked Mr. Merhalski to request Chief Bengtson attend the meeting on July 14th to speak to fire protection and Scott Kinmond attend to speak to roads, driveways and the inspection process for the construction of new subdivision roads.

Mr. Nelson noted Section 6.2 D; in reviewing the regulations he came across this section which makes reference to 15% of the total area of a subdivision that could be dedicated to open spaces or parks for the subdivision. Ms. Ryerson thought that this was required by statute. This will be looked into in regards to the state law.

Mr. Nelson noted Section 6.4, Monuments, commenting that in the past the board has required iron pins to be set, but have not required concrete monuments to be set. Mr. Merhalski stated that while this provision is in the regulations, unless this is addressed specifically in the subdivision approval, this is not required. The board discussed this and would like it added as “boiler plate” to the Notice of Decision to require iron pins or other suitable monuments to be set.

Mr. Merhalski noted that the application for Voluntary Merger and Table I, Minimum Lot Sizes are included in the Subdivision Regulations. He does not believe the application or Table should be in these regulations and suggested they be removed. The Table is included in the Zoning Ordinance. It was the decision of the board to remove these two items from the Subdivision Regulations.

Ms. Ryerson questioned a Minor Subdivision verses a Major Subdivision. If the application is approved as a minor subdivision this restricts the lots from further subdivision. The board discussed this noting in some communities a minor subdivision is a simpler subdivision requiring less review. That is not the case in Moultonborough. The same review is completed by the Planner whether it is for a minor or major subdivision. Board members were in agreement to eliminate Minor Subdivision from the regulations.

Mr. King noted there was not a procedure for the release of bonds/securities or an inspection process for the installation of roads, questioning if this should be something considered being added to the Subdivision Regulations. The board felt this was important and would like to discuss this further with Scott Kinmond if he is able to attend on July 14th.

Ms. Ryerson referred to Section 7.2 Road Design and Construction, Paragraph A. Acceptance of Existing Roads. Mr. Merhalski stated he will recommend removing the second sentence allowing a private road to be built to lower standards.

Mr. Nelson noted Section 4.5 Waivers, stating the board routinely grants waiver requests when the regulation requires undue hardship or injustice. The board will review waiver requests more closely.

The board moved onto the discussion of Revision of Site Plan Regulations.

Mr. Merhalski stated there were two items he would like addressed in the Site Plan Regulations. The first was the extinguishing clause, when a site plan is determined to be not substantial, and that an applicant can only apply for one extension for one year. The second requiring the 24 hour 50-Year storm event for all storm water, to make sure the storm water interceptor is designed for it. The board questioned what is substantial development? This would be an attempt to define this in the regulations.

Ms. Fairchild noted there is a section in the Site Plan Regulations that refers to waivers, which is the same as discussed in the Subdivision Regulations and feels the board should review waiver requests closer in regards to undue hardship or injustice.

Ms. Fairchild referred to Section 11, Paragraph B, Signs. The regulation requires the applicant to submit designs for all signage with new site plans and this is not being done. The board does not have the authority to require specific color or material of signs. She feels there should be tighter standards for signs or design standards for signs.

It was noted there is an existing regulation for Building Design and Layout and board members questioned if there should be landscaping design standards as well. This will be added to the laundry list.

III. Informal Discussions

IV. Zoning Ordinance

V. Subdivision Regulations

VI. Site Plan Regulations

VII. Other

Mr. Charest requested an update regarding the pending cell tower lease, and asked if the engineering study had been completed as required, noting the BoS is carrying the request on their agenda and asked if they should table this item. Mr. Merhalski replied no it had not been completed and stated the owner of the tower needs to submit the study before Maine PCS can add to the tower. The owner of the tower will not sign the lease with the Town until Maine PCS gets their site plan approval. This is being held up by the owner.

Mr. Merhalski updated the Board regarding Work Force Housing, noting he had attended a meeting at the LRPC. LRPC has a draft Housing Needs Study coming out, but LRPC is not doing the study that says what our area Work Force Housing requirement is. They are leaving that up to the Towns to consult with someone and do it themselves. The LRPC study will be available in the office once it comes out. After consulting with Counsel, Mr. Merhalski does not believe the Town has to have a study to do it. The reasonable and realistic opportunity exists for Work Force Housing. The inherent problem is Moultonborough's land values are so high that you can't build reasonable Work Force Housing.

VIII. Adjournment: Mr. Charest made the motion to adjourn at 9:40 PM, seconded by Mr. Jensen, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant