

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

Regular Meeting

November 10, 2010

Minutes

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

Mrs. Coppinger called the regular meeting to order at 7:00 PM and appointed Keith Nelson to sit on the board with full voting privileges in place of Judy Ryerson.

I. Pledge of Allegiance

II. Approval of Minutes

Mrs. Coppinger requested an amendment to the October 27th minutes, page 5, requesting to strike the second part of the last sentence in paragraph 4 "and that elevation plans are not required by the regulations" as all members were not in agreement with that statement.

Motion: Mr. King moved to approve the Planning Board Minutes of October 27, 2010, as amended, seconded by Mr. Jensen, carried unanimously with Mr. Nelson and Ms. Fairchild abstaining.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

1. Continuation of Public Hearing - Morrill Homes of Wolfeboro (152-18)(Severance & Caverly Road) - Subdivision Amendment

Mrs. Coppinger stated that this was a continuation of the public hearing for a subdivision amendment for Morrill Homes of Wolfeboro.

Present in the audience for the public hearing was Carl Johnson, Peter Morrill, Jennifer Haskell, Esquire, Paul Fluet and Kath Blake.

At their September 22nd meeting, the Board determined that the Stormwater Management Ordinance did apply and continued the hearing to allow time for the applicant to provide the required information. The applicant submitted a revised plan, Storm Water Management Plan & Maintenance and Inspection Manual dated October 15, 2010, prepared by Fluet Engineering Associates, P.C. Carl Johnson referred to the revised plan, noting that a 100' wide protective buffer strip had been added. No cutting of existing vegetation will be allowed on Lots 7 through 13. Mr. Johnson stated the notation on the plan states Lots 7 through 14, but he does not feel the buffer is necessary on Lot 14.

Other revisions made to the plan included the note regarding Caverly/Severance Road and the correction of the lot size of Lot 12 to match the square footage. Mr. Johnson also stated that they had

submitted the Home Owners Association Documents. Mr. Johnson answered any questions from the board.

Mrs. Coppinger asked if there were any questions from the board. Board members discussed if there was a need for the 100' vegetative buffer on Lot 14. The board reviewed this and was in agreement that the 100' buffer was not necessary on Lot 14.

Paul Fluet, engineer, noted this project had received an Alteration of Terrain permit in March of 2008, prior to the Town's adoption in March 2010 of their Stormwater Management Ordinance. Mr. Fluet explained the treatment methods, the 100' buffer and the rain gardens. The rain gardens treat each individual lot.

Mrs. Fairchild questioned the maintenance of the rain gardens on each individual lot and how the board could be certain they will be properly maintained and not become a problem in years to come. It was stated the requirement for the maintenance of the rain gardens is included in the deeds and the Home Owners Association Documents.

Mrs. Coppinger questioned if there were specific plantings required for the rain gardens, or was it only required that they be mowed. Mr. Fluet stated there were required plantings and there is a page with detailed plans that was submitted in the full set of plans.

Mr. Merhalski referred to his memo dated November 4th, Zoning Ordinance Issues 1 and 2. His question was specific relating to the Stormwater Report indicating that the location where pre-and post-development water quality level were taken was off-site and that the point of measurement for these impacts should be at the property line. The board needs proof that there is no net impact post-development. Mrs. Coppinger and Mr. Fluet discussed this issue at length. It appears by the Drainage Diagram submitted by Mr. Fluet that the information he has collected would allow him to determine the pre-and post-development water quality level where the water is going to exit off the site near node 12R.

Mrs. Coppinger suggested a conditional approval, with the requirement that Mr. Fluet submit the measurements showing what the impacts are at the property line or as close to the property line as possible, shown as node 12R. This could be information that would be reviewed by the Chair and the Town Planner in the office.

There were no additional questions from the Board at this time. Mrs. Coppinger asked for questions or comments from the public. It was noted there were none.

Mr. Merhalski had prepared a draft Notice of Decision for the subdivision amendment. Mr. Merhalski reviewed the Notice with the applicant and board. Items to be added to the Notice of Decision include language that the applicant will provide areas of the watersheds and the location of the measurement at the closest point to the Lot line, the first stream off site. The removal of the requirement for the bonding of the sprinkler systems, and the removal of the detention pond (both being approved by the board at a prior hearing).

Motion: Mr. Maroun moved to approve the subdivision amendment for **Morrill Homes of Wolfeboro (152-18)** subject to compliance with the Draft Notice of Decision as amended this evening, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

Eric Taussig requested to speak to the board on an informal basis regarding the Discussion of Special Exceptions. Mr. Taussig first noted his concerns regarding signage that has recently shown up on

his street. He provided the board with photos of signs that are signage for rental properties, Fairpoint Communications and an Art Gallery. Mr. Taussig stated that he had been in contact with the Code Enforcement Officer regarding the signs. It was noted that the board has no enforcement authority of this and Mr. Taussig was proceeding in the correct manner by bringing it to the attention of the CEO.

VII. Unfinished Business

c. Discussion of Special Exception Criteria – Zoning Ordinance

As Mr. Taussig was present to participate in the discussion of Special Exceptions, it was the decision of the board to take that up first. Mr. Taussig commented that while he was a member of the board he had noted his concerns with the granting of special exceptions for commercial uses within Residential / Agricultural zones (R/A). Mr. Taussig stated he had reviewed the proposed amendment to the Special Exception criteria and would like the board to again consider eliminating special exceptions versus tightening up the criteria. Mr. Taussig listed many special exceptions which have been granted by the Zoning Board of Adjustment over the last ten years. He then reviewed each of the uses proposed, noting his concerns with each and his reasons why they should not be allowed. Mr. Taussig stated that there are 17 linear miles of commercial zoned area in the town, and feels that is plenty of space for commercial activity. He stated if someone wished to start a commercial operation in the R/A zone they could apply for a variance.

The board discussed this with the Chair polling the board regarding if they wished to proceed with tightening up the criteria for the granting of a special exception or repealing special exceptions. Mrs. Coppinger commented if the board chose to proceed with language to tighten up the criteria and a member was not in agreement with it, they could vote no on forwarding the language to the Board of Selectmen to be included on the ballot. It was the decision of the board to proceed with language to tighten up special exceptions.

Mr. Merhalski stated that he had made the revisions to the Special Exception Criteria in accordance with their discussion at the last Planning Board meeting. He also stated that he had finished investigating how other Towns address this in their Zoning Ordinances. With the exception of Moultonborough, no other Town separates out commercial uses in non-commercial areas in their tables of permitted uses, or in their Special Exception criteria. The Board discussed the option of including a table of permitted uses in the zoning ordinance. Mr. Merhalski will look at a few communities that have tables of permitted uses in their ordinances and will try and provide the Board with a few to look at at their next work session.

Mrs. Coppinger noted the board has been working on the revision to both the Subdivision and Site Plan Regulations, and while they are mostly finished with them, they need to concentrate on the proposed Zoning Ordinance amendments. Mrs. Coppinger questioned the order in which the board would like to proceed regarding the amendments to the Subdivision and Site Plan Regulations and the proposed Zoning Ordinance amendments. The board questioned what the proposed changes were for the zoning ordinance and the timeframe in which to notice and hold the required Public Hearings.

Mr. Merhalski stated there were a few other proposed changes, steep slopes ordinance, the revision or removal of Article VII B(3), which is the expansion of Non-Conforming Primary Structures, the revision for the Special Exception Criteria, and one other that he could not recall this evening. Mr. Merhalski will bring the proposed zoning ordinance amendments to the work session on Monday evening.

a. Discussion of Revision of Subdivision Regulations

b. Discussion of Revision of Site Plan Regulations

VIII. Other Business/Correspondence

1. Zoning Board of Adjustment Draft Minutes of November 3, 2010 were noted.
2. Selectmen's Draft Minutes of October 28 & November 4, 2010 were noted.

IX. Committee Reports

- X. Adjournment:** Mr. King made the motion to adjourn at 9:28 PM, seconded by Mr. Jensen, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant