

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

Work Session Minutes

November 15, 2010

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

Mrs. Coppinger opened the meeting at 7:00, noting this was a regularly scheduled work session, and appointed Keith Nelson to sit on the board with full voting privileges in place of Judy Ryerson.

I. Pledge of Allegiance

II. New Business

III. Informal Discussions

IV. Zoning Ordinance

1. Discussion of Removal of Article VII (B)(3) of the Zoning Ordinance – Expansion of Non-Conforming Primary Structure

Mr. Merhalski stated this was an item the board had discussed at their work session on September 29th. At that time the board had directed the Planner to draft language to revise Article VII (B)(3), eliminating the Special Exception for the expansion and rebuilding of Non-Conforming structures into setbacks. Mr. Merhalski provided the board with draft language.

The board reviewed this section and discussed the differences between the expansion of use and the expansion of structures. After a lengthy discussion the board noted the need to strike references to section B (3). This included striking sections a, b, c, and d of numeral 2, the second part of numeral 4 and the last paragraph. The board replaced the word "subsection" in numeral 2 to become ordinance, replaced the word "buildings" in paragraph 2 in numeral 3 to become structures and for further clarification added a new paragraph to the end to read "Non-conforming structures shall not become more non-conforming."

Mr. Merhalski will make the changes as discussed this evening and will provide the board with the amended language for review at their next meeting if time allows or at the next work session.

2. Lot Coverage

Mr. Merhalski stated that last year the board proposed, and the town voted, to increase the lot coverage in the Village Zone, Commercial Zone C to 65 percent. In an effort to clarify this section, the amendment is to remove the language "50 percent" from the last sentence. The intention last year was to have this changed. As Commercial Zones A & B are 50 percent and C is 65 percent, it could be read that it's only applying to Zones A & B this year. The board was in agreement with the language as proposed.

Due to the hour, it was the decision of the board to go out of order on the agenda and take up a few of the smaller items this evening.

3. Discussion of Site Plan Review Thresholds

Mr. Merhalski provided the board with draft language for a threshold for Site Plan Review, when it is required. The propose threshold is 500 square feet of material expansion, specifying that changes of use, that don't have material expansion outside, do not require Site Plan Review unless there are certain circumstances. Mrs. Coppinger questioned where the limitation of 500 square feet came from. Mr. Merhalski stated it was just a starting point for discussion. He has reviewed other ordinances that had triggers that were similar, some being 1,000 square feet. There is additional wording proposed that requires review if the proposed construction or change of use generates more than 100 vehicle trips per day. The Board discussed this and was in agreement with the provision allowing a small, limited expansion without the need for one to go through site plan review. They reviewed the proposed language and had a few comments and questions. Questions were raised regarding the tracking of the square footage and the number of times this could be applied for. This would be tracked by the CEO through building permitting. Language was drafted to address the number of times the 500 square feet could be applied for. Proposed was "Cumulative expansions, totaling not more than 500 square feet can only be applied for without Site Plan Review. Any further expansion after this 500 square foot limit shall require Site Plan Review." It was noted that all other requirements under zoning shall be complied with when completing any project under this section of the ordinance.

Mr. Merhalski will revise the draft as amended this evening and provide a copy to the CEO, asking for his comments on the final version.

4. Discussion of Revision to Special Exception Criteria

The Board started a conversation regarding the revisions to Special Exception Criteria. Mr. Merhalski noted board members were provided comments from Ms. Ryerson and Mr. Taussig. This was originally talked about last year, the tightening up of the requirements for special exceptions. The board had started this at the meeting on the 10th and continued this evening. The board reviewed the criteria, with the addition of a Bed and Breakfast. Ms. Ryerson had suggested adding "Inns, Bed and Breakfast under 10 rooms." Another suggestion was the addition of camps.

There was a discussion regarding special exceptions in general, with it noted that Moultonborough is unique with special exceptions for commercial uses in residential zones. Other communities just have special exceptions. Board members were provided with examples of Special Exception Use Tables from other communities for review. Mrs. Coppinger referred to ordinances from Bristol and Meredith

Board members noted concerns with the number of allowable employees being five, questioning if it should be less and compared this with what is currently allowed by the ordinance for home occupations.

After further discussion, board members requested additional time to review the examples provided this evening and the others (Bristol and Meredith) that Mrs. Coppinger had referred to.

Mr. Merhalski will revise the draft as discussed this evening and send to board members for their review to be continued at next hearing

5. Discussion of Village Center Zoning Issues

Correction to Zoning Ordinance – 50% threshold to 60% - previously approved in 2010 Zoning Amendment but calculation still in current Zoning Ordinance
Commercial protections for Village Zone

V. Subdivision Regulations

1. Discussion of Revision of Subdivision Regulations

VI. Site Plan Regulations

1. Discussion of Revision of Site Plan Regulations

VII. Other

Mr. Nelson made reference to a concern brought up by Mr. Taussig at their last meeting regarding signs. Mr. Taussig had stated “rental” real estate signs were being placed in town, which are not allowed by the ordinance. The board discussed this section of the ordinance, Article V(A)(4), which allows real estate signs advertising the sale of the property, not exceeding three (3) feet by four (4) feet in size and limited to two signs per lot. It was the agreement of the board to amend the language to include rental or lease of the property. Mr. Merhalski will amend the language for the next meeting as discussed.

Mr. King tossed out a thought regarding the possibility of the Planning Board being able to contract with a “Land Use” attorney who may be well versed in that aspect of municipal law. Mr. Merhalski stated this had been talked about previously, he was told that there is a town attorney, and if the Planning Board would like to make a request to the Board of Selectmen they have the right to, but the town does have an attorney. The Town is a member of the Local Government Center and may contact them for a legal opinion but it was noted that the LGC will not represent the town in court. Board members questioned the area of expertise of the town attorney. It was not certain if Mr. Minkow was a municipal or land use attorney or a family practice attorney. There are firms that have attorneys on staff that just handle land use matters. The town had gone out to bid many years ago. Since then, a few attorneys have left the firm and the Town’s account has been handed down along the way. The board discussed this and noted if the town was to go out to bid that they would like it to be a qualification’s bidding process, verses a financial bidding process. The board was in agreement to ask the BoS to entertain the idea of going out to bid for a town attorney. This could be done after the beginning of the year, perhaps in time for the new fiscal year, keeping in mind the BoS may or may not agree with the board that this was a necessary request or that it may benefit the town.

VIII. 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