

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

Regular Meeting

December 8, 2010

Minutes

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

Mr. King 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 Joanne Coppinger.

I. Pledge of Allegiance

II. Approval of Minutes

Motion: Ms. Fairchild moved to approve the Planning Board Minutes of November 10, 2010, seconded by Mr. Charest, carried unanimously.

Motion: Mr. Maroun moved to approve the Planning Board Work Session Minutes of November 15, 2010, seconded by Mr. Nelson, carried 4 to 1 with Ms. Fairchild abstaining.

III. New Submissions

1. The Taylor Community (96-4)(Route 171)
Subdivision – Condominium Ownership
2. The Taylor Community (96-4)(Route 171)
Site Plan Review – Condominium Ownership

This was a request for a condominium conversion from the existing 14-unit retirement community to a condominium association with 14 units. No new construction is proposed, only a change in ownership. Mr. King noted the request for waiver of discretionary information dated October 29, 2010 from the Applicant.

Motion: Mr. Charest moved to accept the applications of **The Taylor Community (96-4)** grant the waiver for the purposes of acceptance only and to schedule them as hearings # 2 & #3 this evening, seconded by Mr. Nelson, carried unanimously

IV. Boundary Line Adjustments

V. Hearings

1. Continuation of Public Hearing - The PepperMill, LLC (170-17)(5 Whittier Highway)
Site Plan Review

Mr. King noted the Board was in receipt of a request for continuance to January 26, 2011, from Hambrook Land Survey, Agent for The PepperMill, LLC.

Motion: Mr. Charest moved to continue the hearing for The PepperMill, LLC (170-17) to January 26, 2011, seconded by Mr. Nelson, carried unanimously.

2. The Taylor Community (96-4)(Route 171)
Subdivision – Condominium Ownership

Present in the audience representing The Taylor Community was Catherine Broderick, Esquire, Rod Dyer, Esquire, Steve Smith of Steven J. Smith & Associates and Tim Martin, President and CEO of the Taylor Community.

Mr. Dyer gave a brief overview of the existing property known as West Wynde, which has been in existence since 1997. Mr. Dyer noted there were 14 units and the proposal is to convert the property to a condominium form of ownership. There will be no increase in the number of units, increase in size of units or in the number of bedrooms. The only change is the form of ownership. Mr. Dyer stated they are before the Board this evening for subdivision approval and site plan approval in accordance with RSA 356-B. The Town Ordinance requires the applicant to receive a special exception from the Zoning Board of Adjustment (ZBA). They appeared before the ZBA last week for a Public Hearing, which was continued to December 15th, at which time the ZBA will vote on the granting of the special exception as requested.

Steve Smith of Steven J. Smith & Associates briefly described the existing conditions of the site. Mr. Smith provided photos of West Wynde and referred to 3 plans, the first plan was an overview of the property, the second was the site detail plan and the third an “as-built” of the floor plans. There are fourteen (14) units on 84.38 acres, consisting of 4 single units, 3 duplex units and 1 quad unit. Mr. Smith noted that the 84.38 acres could support 33 units, but stated they are not proposing any increase in the number of units. They received subdivision approval in 1998, and have an existing State approval for the well system. They have re-submitted to the State for subdivision approval which is pending at this time while they wait for the water quality test to come back for a new water system approval. Mr. Smith referred to the Planners Memo dated December 3rd. Mr. Smith provided unit density calculations and documentation completed by Peter Howard, PE regarding the sewage loading capacity and certification of the existing system. Mr. Smith stated he had added to the plan a limited common area of 15’ around each of the units. Mr. Smith answered any questions from the board.

The Board took ten minutes to review the material presented by Mr. Smith this evening.

Mr. Nelson questioned if there was a restriction in the documents limiting further subdivision. Russ Nolin, abutter commented that he had requested as a condition of approval for the special exception that there be no additional units. The ZBA will review and vote on the Facts of Findings at their next meeting.

Mr. Merhalski noted that Town Counsel had reviewed the Condominium Documents and that they are okay.

Mr. Merhalski had prepared a draft Notice of Decision for the subdivision permit. Mr. Merhalski reviewed the Notice with the applicant and board. Items to be added to the Notice of Decision include the requirement of State Subdivision approval, NH DES approval for water quality, granting of a special exception from the ZBA, delineation of each unit in the two-family and four-family units and removing Item #6 as they provided certification this evening.

Motion: Mr. Nelson moved to approve the subdivision for The Taylor Community (96-4) subject to compliance with the Draft Notice of Decision as amended this evening, seconded by Mr. Charest, carried unanimously.

3. The Taylor Community (96-4)(Route 171)
Site Plan Review – Condominium Ownership

Mr. Merhalski had prepared a draft Notice of Decision for the site plan review permit. Mr. Merhalski reviewed the Notice with the applicant and board, noting he will remove Item #6 as they provided certification this evening.

Motion: Mr. Maroun moved to approve the site plan review for The Taylor Community (96-4) subject to compliance with the Draft Notice of Decision as amended this evening, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

As there were several members of the public present in the audience for the discussion of the ordinance regarding Real Estate Signs, Mr. King suggested taking up Item (h) first. Board members were okay with taking the agenda out of order.

h. Discussion of Real Estate Signs Ordinance Amendment

Mr. Merhalski stated that he had made the revision to this section of the ordinance, Article V(A)(4), as requested at the work session, to add “or lease”. Mr. Nelson commented that he had brought this up at the work session as a result of the conversation with Mr. Taussig. Mr. Nelson thought that this was an oversight when this section was created. Mr. Nelson stated that since the work session he had received comments that it was not an oversight and that others do not want the change. Board members discussed this with Mr. King, Mr. Maroun and Mr. Charest okay with the proposed amendment.

Judy Ballard spoke against the sign proposal noting her concerns regarding safety and security. She feels that if there is a “rental” sign in front of a property that it is an invitation for potential safety and security issues.

Mel Borrin spoke in favor of the amendment. Mr. Borrin stated the state shows three segments involved in real estate, the sale, leasing and renting. The difference in leasing and renting is that leasing is 180 days or greater and renting is less than 180 days.

Alan Ballard stated that he was okay with signage for sales and leasing, but not for rental, which as Mr. Borrin stated are under 180 days. Mr. Ballard noted it was the seasonal rentals that are the problem. The homes are weekly rentals and the sign would be up throughout the entire season. The town would be subject to the proliferation of rental signs year round.

Mr. Nolin questioned how the proposal would affect an individual owner verses a real estate agent.

Paul Ardito noted his concerns regarding the impact 300-400 rental signs would have on the town, stating that multiple signs are ugly.

Cristina Ashjian commented that sign issues have been a concern and that the Master Plan includes language to improve the appearance in the town, such as attractive signage. Signage has been an ongoing issue that has not been resolved in the ordinance in the past five (5) years.

Ms. Fairchild commented that she was not present at the work session and asked if the board had thought this through and questioned if they go forward with the change, they may wish to limit the size of the sign, making it smaller than 3' x 4' which is allowed in the ordinance.

Mr. Borrin commented if that were proposed and all of the realtors banned together he felt that they would support it.

Mr. Taussig arrived at this time and noted his concerns with the proposal. Mr. Taussig stated that when he appeared before the board at the meeting on the 10th and brought up his concerns regarding signage that had shown up on his street, it was not with the intent for the board to propose an amendment to allow the illegal signs. He would like enforcement of the existing ordinance. Mr. Taussig stated that he had been in contact with Mr. Borrin and the Code Enforcement Officer (CEO) and there has been no resolution. He noted his concerns with the proposed amendment allowing the rental signs. There are 3 properties out of 11 on his street that are rental units, the signage would be an invitation for transients and vandals.

Mr. Charest questioned if there was any information supporting that the signage would increase vandalism in neighborhoods.

Ms. Fairchild commented that the board needed to look at the entire sign ordinance, and that they cannot just add a couple of words to allow leasing, and they must look at this as a commercial use. Ms. Fairchild questioned off premise directional signs. Mr. Merhalski read the policy of the Moultonborough Board of Selectmen to the members.

The board discussed this at length including striking the second reference to "or lease" from Article V(A)(4). Mr. King asked if the board wanted to continue the discussion for further research.

Motion: Ms. Fairchild moved to table the proposed amendment until the board has had time to research sign ordinance and policies (possibly never), seconded by Mr. King for discussion purposes only.

Mr. King questioned what further discussion would the board benefit from. Mr. Nelson noted that there was no sense of urgency to add the proposed language. Mr. Maroun stated he would like to proceed with the language as amended. Mr. Charest stated he would like to speak with the Chief in regards to vandalism or burglaries. Mr. Nelson noted that this would be a proposed amendment to the Zoning Ordinance which would require a Public Hearing and if it goes forward, ultimately the Town will vote on it.

Mr. King called for a vote on the motion. Motion failed 1 to 4, with Ms. Fairchild in favor.

Motion: Ms. Fairchild moved to table the discussion to December 13th, seconded by Mr. Maroun, carried unanimously.

The Board took a five minute break from 8:52 – 8:57. Mr. Merhalski noted there were several items remaining on the agenda to be discussed. The Board had agreed at an earlier meeting to delay working on the site plan and subdivision regulations until after they finish the proposed amendments to the zoning ordinance, as those are time sensitive for the scheduling of Public Hearings.

Discussion of Site Plan Review Thresholds

Mr. Merhalski noted the board had discussed this at the work session and he had made the changes to the proposed draft amendment. The board had requested input from the CEO on this as discussed. Mr. Merhalski noted the CEO's comment, suggesting the proposed 500 square foot threshold seemed large on a small lot, while you may hardly notice the same 500 square feet on a large lot. He suggested there be one threshold for lots less than one acre and another for lots greater than one acre. The board discussed this suggestion and agreed to have a threshold based on the size of the lot. The threshold for lots under one acre, 200 square feet and lots greater than one acre, 500 square feet. It was noted the need to change the cumulative to include lots less than one acre.

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

Mr. Merhalski noted the board had discussed this at the work session and he had made the changes to the proposed draft amendment. The board reviewed the draft and approved it as written.

Lot Coverage

Mr. Merhalski noted the board had discussed this at the work session and he had made the changes to the proposed draft amendment. The board reviewed the draft and approved it as written.

Discussion of Revision to Special Exception Criteria

Mr. Merhalski noted the board had started the discussion regarding the revisions to the Special Exception Criteria at the work session. At that time Board members were provided with examples of Special Exception Use Tables from other communities for review. It was noted that Mrs. Coppinger and Mr. Jensen were not present this evening and that they both had a lot of input on this matter. Board members reviewed the handouts, noting they liked the use tables. They asked the Planner to create a draft table of the uses for their review at the work session on December 13th with the current and proposed uses. This item will be continued the December 13th work session.

VIII. Other Business/Correspondence

1. Mr. Merhalski noted he had received a letter from Verizon Wireless requesting to change the lending institution for a Letter of Credit for the removal of a wireless communications tower, located at 27 Glidden Road, from one bank to another. The Board discussed this and authorized the Planner to work with the applicant to provide the Board with the proper documents for final approval by the Board.
2. The Board was copied on a letter to the Board of Selectmen dated November 23, 2010 from the CEO to Donald LeMien regarding Tax Map 115 Lot 4.
3. Zoning Board of Adjustment Draft Minutes of November 17, & December 1, 2010 were noted.
4. Selectmen's Draft Minutes of October 28 & November 18, 2010 were noted.

IX. Committee Reports

- X. Adjournment:** Mr. Charest made the motion to adjourn at 9:35 PM, seconded by Mr. Maroun, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant