

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

Regular Meeting

April 13, 2011

Minutes

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

I. Pledge of Allegiance

Ms. Coppinger called the regular meeting to order at 7:00 P.M.

II. Approval of Minutes

Mr. Howard requested two revisions to the minutes of the 23rd: 1) Page 2, Paragraph 3, Line 2 of the Rizzo Public Hearing, changing the word policy to practice and 2) Page 2, Paragraph 4, striking the second half of the sentence "He would then only have to upgrade the road to the hammer-head. ~~and the remainder would become a driveway, which would not be maintained by the town.~~

Ms. Fairchild requested a revision to the minutes of the 23rd regarding the vote on the motion on Page 5. She questioned why the individual votes were included in the minutes, as it was not a poll of the board. To be consistent, she recommended striking the names and only show that the motion failed 2 to 5. Board members did not have a preference with this and were in agreement with the request.

Motion: Mr. Maroun moved to approve the Planning Board Minutes of March 23, 2011 as amended, seconded by Ms. Fairchild, carried unanimously.

Ms. Coppinger appointed Peter Jensen to sit on the board with full voting privileges in place of Judy Ryerson.

Motion: Mr. Maroun moved to approve the Planning Board Work Session Minutes of March 30, 2011 as written, seconded by Mr. Jensen, carried unanimously.

III. New Submissions

1. Philip & Marcia Steckler, Arthur Steven & Karen Cafaro, Steckler Family Revocable Trust #1 of 2008 and Margareta L. Schenk Revocable Inter Vivos Trust 247- 4, 5, 6 & 7 Boundary Line Adjustment – Geneva Point Road

This was a request for a proposed Boundary Line Adjustment for Tax Map 247 Lots 4, 5, 6 & 7.

Ms. Coppinger noted the request for waiver of Section 4.3 of the Subdivision Regulations dated March 23, 2011 from David M. Dolan Associates, PC.

Motion: Mr. Charest moved to accept the application of **Philip & Marcia Steckler, Arthur Steven & Karen Cafaro, Steckler Family Revocable Trust #1 of 2008 and Margareta L. Schenk Revocable Inter Vivos Trust (247-4, 5, 6 & 7)**, grant the waiver for the purposes of acceptance only and to schedule a hearing for this evening to be Boundary Line Adjustment #1, seconded by Mr. Jensen, carried unanimously.

IV. Boundary Line Adjustments

1. Philip & Marcia Steckler, Arthur Steven & Karen Cafaro, Steckler Family Revocable Trust #1 of 2008 and Margareta L. Schenk Revocable Inter Vivos Trust 247- 4, 5, 6 & 7
Boundary Line Adjustment – Geneva Point Road

Dave Dolan of David M. Dolan Associates, PC and Marcia Steckler were present in the audience for the hearing. Mr. Dolan provided the board with color coded reduced size plans to easily identify the lots and the proposed changes. He briefly described the location of the lots and the proposed boundary line adjustment (BLA). The request is to swap 2,427 sq. ft. from Lot 5 to Lot 4, making Lot 4 larger, and simultaneously “swinging” the lot lines of the remaining three (3) lots by 2,427 sq. ft., with lots 5 and 6 remaining the same size and Lot 7 being reduced in size to 2.427 sq. ft. Mr. Dolan provided the board with lot size calculations for Lot 7, which is the only lot being reduced in size, showing that after the BLA, Lot 7 will meet the minimum lot size. Mr. Dolan noted they have requested a waiver for a complete boundary survey of Lot 7. Mr. Dolan answered any questions from the board.

Mr. Jensen questioned the water supply source for the lots. Mr. Dolan pointed out the well locations for lots 7, 4 and 6 and noted that lot 5 accesses the lake for water.

Mr. Howard questioned the impact on the septic loading for lot 7. Mr. Dolan stated they were not making the lot non-conforming based on Soil and Slopes and noted he had provided the lot calculations.

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 boundary line adjustment. Mr. Merhalski reviewed the Notice of Decision with the board and applicants agent.

Motion: Mr. Maroun moved to approve the boundary line adjustment for **Philip & Marcia Steckler, Arthur Steven & Karen Cafaro, Steckler Family Revocable Trust #1 of 2008 and Margareta L. Schenk Revocable Inter Vivos Trust (247-4, 5, 6 & 7)**, subject to compliance with the Draft Notice of Decision as set forth this evening, and grant the waiver as requested, seconded by Mr. Charest, carried unanimously.

V. Hearings

1. Continuation of Public Hearing - Trey and Anthony Wilson (23-15)
(1225 Whittier Highway) Site Plan Review

Mr. Howard stepped down from the board at this time.

Jim Hambrook of Hambrook Land Surveying presented the application for Trey and Anthony Wilson. Mr. Hambrook noted this was a continued hearing and briefly described the changes shown on the revised site plan. These included a change to the footprint of the proposed building, screening for the

parking, location of the existing sign, location of the easements, revision of the lot coverage and the notation regarding lighting. Mr. Hambrook stated he received a letter from the Code Enforcement Officer regarding the Lot Calculations, in which the CEO stated were not required for the property. Mr. Hambrook went on to say that they had a Public Hearing with the ZBA on April 6th for the request for an Equitable Waiver and Special Exception, which is anticipated to be granted at the April 20th ZBA meeting. Mr. Hambrook answered any questions from the board.

Ms. Coppinger noted they had requested a number of waivers as noted in the Planners memo dated April 7, 2011.

There were no additional questions from the Board at this time. Ms. 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 Site Plan Review Permit, and he reviewed it with the board and applicants agent. Mr. Merhalski questioned if the Board would like to keep Item #14, Maintenance in the Notice. Item 14, c, did not apply as this was a gravel lot, but they would like the remainder to stay in the notice.

Motion: Ms. Fairchild moved to approve the site plan for **Trey and Anthony Wilson (23-15)** subject to compliance with the Draft Notice of Decision as set forth this evening, and grant the waivers as requested, seconded by Mr. Jensen, carried unanimously.

Mr. Howard returned to the board at this time with full voting privileges.

VI. Informal Discussions

VII. Unfinished Business

Discussion of Revision of Site Plan Regulations

VIII. Other Business/Correspondence

Discussion of Possible Projects for 2011 Work Plan – The Board began their discussion of the 2011 Work Plan, and took into account the Master Plan Short Term projects, and the other priorities that the Board has discussed (Sign Ordinance, Definitions, etc.). They reviewed the current 2010 Work Plan, noting the items that were completed (green), underway (orange), or not completed (red). It was noted the Master Plan Implementation Committee’s Short-Term items list that the Planning Board is designated as the responsible party to implement for review. This should be completed by 2013. Therefore the Board should complete the remaining items on the list within that time frame. Mr. Merhalski will update the MPIC as to which items the Board will undertake this year. He recommended that the Work Plan should have about 10 items to complete for 2011.

Board members reviewed the MPIC list, noting that they could combine 2 or 3 of the items together, pick an additional 2 or 3, and add a few of their own items, such as the Sign Ordinance and Definitions to be included on the 2011 Work Plan. The Board discussed the items on the list at length, noting the need to compare the list to the Master Plan to see what Chapter they refer to and what the goal is.

Mr. Howard stated that there is new census data available and that the Board should immediately update the Chapters that would be affected by the new current data, such as the Housing Chapter and Population & Growth Management. Mr. Merhalski commented that he and Mr. Terenzini have discussed the data and

would like to wait until they can review it to see if there was an error as there was a 10% decrease, and they were expecting a 10% increase.

Mr. Howard stated that there may be a potential problem with the Zoning Ordinance as it directly relates to the Comprehensive Shoreland Protection Act. An amendment is proposed for the CSPA that will change the definition of Shoreland Frontage, which is used to determine the amount of frontage. The definition for Shoreland Frontage now is the average between the tie course and the actual frontage, the proposed change is to be actual frontage. This change may increase the impact of shore front lots or shore front access in Moultonborough. The board discussed this and would like to be pro-active. The Town may be more restrictive than the CSPA and they feel this could be addressed by including a definition of Shoreland Frontage to the Subdivision Regulations. Mr. Merhalski will draft language for a definition to be included in the Subdivision Regulations prior to the Public Hearing.

Mr. Charest left for the evening at 9:38 pm.

After discussing the list at length the items the Board would like to be included on the 2011 Work Plan were Access Management, Definition section in Zoning Ordinance, Sign Ordinance, and the review permitted uses in village zone.

Due to the time, it was the decision of the board to wrap up their discussion at this time. Mr. Merhalski will draft a work plan for the board to review, time permitting, at their next meeting.

2. Ms. Coppinger noted a letter dated March 30th from the Code Enforcement Officer. He had a question from a gentleman asking if there would be an issue with landing a helicopter or plane on a large parcel of land, 50 -100 acres in size. He believes this would relate to Article III, C, which says "*Any use that may be obnoxious or injurious by reason of causing odors, dust, smoke, refuse matter, fumes, noise, vibration, or similar conditions, or that is dangerous to the health or safety, comfort, peace and enjoyment of the community as determined by the Selectmen and the Planning Board is prohibited.*" The CEO would like the opinion of the Planning Board if they would consider the use to fall within the guidelines of Article III, C, and thus to be prohibited. Board members discussed what their review would be, where the Lot was located and if this would be determined on a case by case situation. Mr. Merhalski commented that there is case law involving a similar situation and he will speak to town counsel for an opinion regarding this.

3. Mr. Terenzini sent a letter to the Board regarding one goal in the Master Plan was to require cable access infrastructure for new developments. The BoS discussed this at a workshop in regards to the recent discussion for cable. The BoS is asking that the Board consider a requirement for the installation of conduits to accept future cable service in new subdivisions and if above ground, provide the required space on the poles. The board felt that this could be accomplished by adding language to the Subdivision Regulations. Mr. Merhalski will draft language to be included in the Subdivision Regulations prior to the Public Hearing.

4. NH OEP Annual Spring Planning & Zoning Conference will be on Saturday, June 11, 2011. Those wishing to attend should contact Mr. Merhalski.

5. Zoning Board of Adjustment Draft Minutes of April 6, 2011 were noted.

6. Selectmen's Draft Minutes of March 31 and April 7, 2011 were noted.

IX. Committee Reports

- X. Adjournment:** Ms. Fairchild made the motion to adjourn at 10:08 PM, seconded by Mr. Howard, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant