

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

**Regular Meeting**

**May 25, 2011**

**Minutes**

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

**I. Pledge of Allegiance**

Ms. Coppinger called the regular meeting to order at 7:03 P.M. and appointed Peter Jensen to sit on the board with full voting privileges in place of Chris Maroun.

**II. Approval of Minutes**

**Motion:** Mr. Charest moved to approve the Planning Board Minutes of May 11, 2011 as written, seconded by Mr. Jensen, carried unanimously with Mr. King abstaining.

Mr. Maroun arrived at 7:05 and Ms. Coppinger unseated Mr. Jensen at this time.

**III. New Submissions**

**IV. Boundary Line Adjustments**

**V. Hearings**

1. Continuation of Public Hearing Izzy Atlixco, LLC d/b/a El Mariachi (44-25 & 31) (1094 Whittier Highway) - Site Plan Review

Ms. Coppinger stated this was a continued hearing for Site Plan Review for the Lincoln Family Revocable Trust 2003. Board members were provided with a memo dated May 25<sup>th</sup> from the Town Planner regarding the Site Plan Issues/Deficiencies for the project and a letter dated May 25<sup>th</sup> from the Code Enforcement Officer (CEO) regarding parking on Lot 31.

Dave Dolan of David M. Dolan Associates, PC was present representing the applicant. Ed Lincoln, Trustee and Izzy Lira and were also present in the audience for the hearing. Mr. Dolan referred to material that he had provided to the CEO in an effort to determine the grandfathering of the parking for Lot 31. Mr. Dolan did not receive his reply until earlier in the day, today. Based on the information provided to the CEO, he stated that it was not grandfathered parking. Mr. Dolan asked if the Board would be willing to accept an affidavit from Mr. Lincoln regarding the parking. Mr. Dolan also provided the Board with additional material as proof that the parking was constructed prior to 1985. These included a wetlands permit from the State of New Hampshire Wetlands Board issued in 1980 and a receipt for 1000 yards of fill for Lot 31 (subdivision lot #2) from a local contractor.

Mr. Dolan stated they have submitted a waiver request relating to the location of the sewer lines. Mr. Dolan referred to the revised plan submitted which included items discussed at the prior hearing, adding the existing electrical box, overhead light, proposed LP tanks, proposed refuse area, screening,

removing existing waste oil container, sizing of water line, revising Plan Notes 9, 10 & 11 on Lot 25 and increasing number of parking spaces, adding berm and vegetated buffer on Lot 31.

Board members reviewed the material submitted by the applicant in an effort to determine if the parking area was grandfathered. There was a lengthy discussion as to who may make this determination, the Board or must it come from the CEO. If the board was in agreement that this decision must be made by the CEO, the applicant would have to make a decision in how he wished to proceed. He could amend his application this evening to not include the parking on Lot 31, which would limit the seating capacity or continue the hearing to allow time to provide the material submitted this evening to the CEO for his determination. If the CEO did not overturn his decision, they then would be required to apply to the Zoning Board for a variance for the parking as it does not meet the required setbacks from the road or the wetlands.

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.

**Motion:** Mr. King moved that the Board make the decision that the parking is pre-existing, seconded by Mr. Maroun.

There was additional input regarding the parking, with Mr. Merhalski stating that it is the responsibility of the Code Enforcement Officer (CEO) to make the determination of the use of the Lot, and if it is grandfathered, and that his correspondence stated based on the information he was provided, that it was not grandfathered parking.

The Chairman called for a vote on the motion, which failed 0 to 7.

After further discussion the applicant requested a continuance in order to present the additional information provided this evening to the CEO, and request he review the material and make a determination on the parking.

**Motion:** Mr. King moved to continue the hearing for **Izzy Atlixco, LLC d/b/a El Mariachi (44-25 & 31)** to June 8, 2011, seconded by Ms. Fairchild, carried unanimously.

## **VI. Informal Discussions**

## **VII. Unfinished Business**

### **Discussion of Town Owned Tax Deeded Parcels for Possible Sale**

The Town Administrator, Carter Terenzini, reviewed with the Board, the parcels for possible sale. He noted after further discussion with the Tax Collector and Town Counsel, Parcels 10-15 on the list will be taken out of consideration at this time and Parcel 3 was messy and may also be removed from consideration. Mr. Terenzini requested input from the Board on these parcels, asking if any should be retained by the Town. The Board discussed each of the lot and the following motion was made:

**Motion:** Ms. Coppinger moved that the Planning Board recommend that all lots in Suissevale and Balmoral only be sold to abutter's, seconded by Mr. King. After further discussion the motion and second was withdrawn.

Mr. Terenzini questioned if any of the parcels should be retained by the Town of Moultonborough for public purposes. It was the consensus of the Board that there was no public purpose to retain any of the lots.

**Motion:** Mr. King moved that the parcels be sold to the highest bidder with the right of first refusal to the abutter's, Seconded by Mr. Maroun, Aye - Mr. King, Mr. Charest, Mr. Maroun; Nay - Ms. Coppinger, Ms. Fairchild, Ms. Ryerson, Mr. Howard. Motion failed 3 to 4.

### **Discussion of Town Planner Hiring Process**

The Board discussed with Mr. Terenzini his memo dated May 23<sup>rd</sup>, regarding hiring process for a new full-time Town Planner and interim options. Board members questioned how the membership for the Screening Committee was determined as well as the Countdown process. Mr. Terenzini stated he has conducted the recruitments for personnel in this manner with Screening Committee's and is his usual timeline. He noted this was most recently done for the hiring of the Chief of Police and the Assessor. Board members weighed in on the process, recommending that the Professional Planner and Area Manager only act in Advisory capacity, and that he add one more Planning Board Member to the Screening Committee. The Planning Board noted the importance of a Town Planner and the need for him or her to work closely with the board. Therefore they would like to have additional representation from the board on the committee.

**Motion:** Mr. King moved that the Board write a letter to the Board of Selectmen Designating one (1) primary and one (1) secondary representative from the Planning Board on the screening committee, Seconded by Mr. Maroun Carried 6-0-1 (Mr. Charest).

**Motion:** Ms. Coppinger moved to nominate Mr. Howard as the primary representative and Ms. Ryerson as the secondary representative to the Screening Committee, motion carried – unanimously.

Mr. Terenzini commented that he had recommend to the BoS, the hiring of an interim planning consultant for two days a week to do plan reviews, write notice of decisions etc. He asked for input from the board regarding this. It was the consensus of the board that they feel they need an interim planner.

Ms. Coppinger will draft a letter to the BoS requesting that they be allowed *two* representatives on the Town Planner search committee, namely Tom Howard and Judy Ryerson. And also request that the "Area Manager" and "Regional Planner" representatives serve on the committee in an advisory capacity only.

Mr. King noted he had obtained a Job Description from the Finance & Personnel Office for the Town Planner position and provided a copy to the Board. A question was raised as to where that description derived from, as the prior screening committee had worked at great lengths on creating a job description. Ms. Coppinger provided the board with a "Final Draft" of that and the board noted there were no similarities between the two. This will be brought to the attention of the new screening committee.

### **Discussion of Revision of Site Plan Regulations**

Following the meeting on May 11<sup>th</sup>, Mr. Merhalski further revised the Site Plan Review Regulations. Board members reviewed the changes. Ms. Fairchild commented there were a few amendments that were not captured properly from that meeting relating to Section 11, C. Landscaping. These were discussed and will be amended accordingly in agreement with the Board. Mr. Merhalski will make the changes as discussed this evening and prepare the final draft for the public hearing scheduled for June 8<sup>th</sup>.

## **Discussion of Revision of Subdivision Regulation Amendments**

Following the meeting on May 11<sup>th</sup>, Mr. Merhalski further revised the Subdivision Regulations. Board members reviewed the changes. Mr. Howard commented there were a few amendments that were not captured properly from that meeting relating to Sections 7.2D, 7.1F, 4.13C, a typo in Section 4.12 and the need to strike “publication” from Section 4.7C. These were discussed and will be amended accordingly in agreement with the Board. Mr. Merhalski will make the changes as discussed this evening and prepare the final draft for the public hearing scheduled for June 8<sup>th</sup>.

### **VIII. Other Business/Correspondence**

Natt King’s letter dated May 23<sup>rd</sup> to the Code Enforcement Officer regarding TM 71-14 was noted.

Mr. King stated that Mr. Merhalski was leaving this week and noted that it had been a pleasure having him on staff and thanked him for his professionalism in working to improve the board.

Cristina Ashjian stated one of the sessions at the NH OEP Spring Planning & Zoning Conference is on “The built Environment: Blending the Old and New” and noted the same session will be held at the Moultonborough Library at 7 PM on Tuesday, August 16<sup>th</sup> for those who wish to attend.

Zoning Board of Adjustment Draft Minutes of May 18, 2011 were noted.

### **IX. Committee Reports**

- X. Adjournment:** Mr. King made the motion to adjourn at 10:38 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant