

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

Regular Meeting

November 21, 2011

**Minutes**

Present: Members: Joanne Coppinger, Natt King, Tom Howard, Peter Jensen  
Ed Charest (Selectmen's Representative)  
Alternate: Keith Nelson; Town Planner, Bruce W. Woodruff  
Excused: Members: Judy Ryerson, Chris Maroun

**I. Pledge of Allegiance**

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

**II. Approval of Minutes**

Ms. Coppinger noted a typo on page 2; Ms. Charest should be Mr. Charest.

**Motion:** Mr. King moved to approve the Planning Board Minutes of November 9, 2011, as amended, seconded by Mr. Charest, carried unanimously.

Ms. Coppinger stepped down from the board at this time. Mr. King chaired for the new submission and hearing for the White Pines Trust (194-34).

**III. New Submissions**

1. White Pines Trust; Robert E. White & Sharon Loizance Trustees (194-34)  
(Eagle Shore Road) Conditional Use Permit

This was a request for Conditional Use Permit to construct a driveway for access to an abutting lot within the 50' wetlands setback.

**Motion:** Mr. Charest moved to accept the application of the **White Pines Trust (194-34)** and to schedule a hearing for this evening to be Hearing #1, seconded by Mr. Jensen, carried unanimously.

**IV. Boundary Line Adjustments**

**V. Hearings**

1. White Pines Trust; Robert E. White & Sharon Loizance Trustees (194-34)  
(Eagle Shore Road) Conditional Use Permit

Mr. King stated that this was a request for Conditional Use Permit to construct a driveway for access to abutting lot within the 50' wetlands setback.

Joanne Coppinger, agent for Robert White and Sharon Loizance presented the application for a conditional use permit. Ms. Coppinger stated the permit was for only one (1) lot, noting the plan showed two lots, which had been approved for a subdivision by the Planning Board last year. The proposal is for a driveway to access the abutting lot of the White Pines Trust. Ms. Coppinger had been retained to complete a shore land permit and at that time they determined the location of the driveway was not an ideal site, due to a ledge out cropping and the close proximity to the cottage. They are requesting to relocate the driveway which will encroach on the 50' wetlands setback.

Mr. Nelson noted there was a silt fence shown on the plan and questioned if was to stay or be removed. Ms. Coppinger noted it was there for construction and would be removed once the driveway was stabilized.

Mr. Jensen questioned what the impact of snow plowing would be in the winter. Ms. Coppinger noted that eventually the driveway would be paved. Board members questioned if there would be any salt runoff into the wetlands. It was suggested as a condition of approval that there be no salt usage on the section of the driveway located within the setback.

Mr. Charest questioned if an access easement would be required for the driveway over the existing lot. Mr. King noted the Planners Memo in which he recommended approval of the Conditional Use Permit with three conditions, an amended plan adding a note regarding the access easement, a licensed NH Surveyor stamp be added to the Mylar and paper copies and the requirement that the Notice of Decision (NoD) include the performance standards of the MZO Article IX Wetlands Resources Conservation Overlay District be included within the document.

Mr. Howard questioned if the original subdivision plan showed the location of the access driveway through the area depicted on the plan as ledge? It was noted, yes that it did.

Mr. King asked for questions or comments from the public. It was noted there were none.

Ms. Coppinger stated they would provide the Office with amended plans that included the conditions, and noted the name change of the surveying company to Advanced Surveyors.

**Motion:** Mr. Nelson moved to approve the Conditional Use Permit for the **White Pines Trust (194-34)** subject to the conditions as noted this evening, seconded by Mr. Charest, carried in favor 4 to 1 with Mr. Howard opposing.

Ms. Coppinger returned to the board at this time.

## **VI. Informal Discussions**

## **VII. Unfinished Business**

Mr. Woodruff noted that the board was in receipt of a letter dated November 14, 2011, from the State of New Hampshire Office of Energy and Planning (OEP) regarding the National Flood Insurance Program (NFIP). The Town is a member of the NFIP. The Federal Emergency Management Agency (FEMA) is in the process of updating the Flood Insurance Rate Maps (FIRM). Whenever new maps are produced by FEMA, the agency requires that communities who are members of the NFIP have ordinances that are fully compliant with the NFIP. FEMA has requested that the OEP conduct a "compliance review" of our current flood plain management ordinance. OEP completed a review of Article VIII and identified the changes needed for compliance with NFIP regulations. Mr. Woodruff commented that the OEP had provided the proposed changes and asked that the board accept the changes and hold the required public hearing to be included on the Ballot.

**Motion:** Mr. Howard moved that the board accept the proposed changes as provided by OEP and vote to hold the required Public Hearing on the changes as presented, to be included on the Ballot, seconded by Mr. Jensen, carried unanimously 6 to 0.

Mr. Jensen asked if there were any new terms defined in the FEMA language and questioned if the board would or would not add them to proposed Section 1502, Terms with Applicability in Specific Articles, this year. It was suggested that language, a disclaimer, could be added to Article XV, to the effect that in the event terms are defined within a specific article, that language would supersede any other definitions. Mr. Woodruff will work on draft language for the meeting on the 30<sup>th</sup>.

The board worked on proposed language for Section 1501 Use Guidance, Section C, for clarification purposes. They felt the language as written was not clear as to what articles it applied too. The new language would read as follows: The following articles contain definitions that may be specific and applicable to said article; in the case of terms or words defined in both ~~these articles~~ Sections 1502 & 1503 ~~and in the general definitions section~~, the term or word in ~~the general definition~~ Section 1503 shall apply to articles other than those listed below:

**Motion:** Mr. Jensen moved that the board accept the proposed revisions to Section 1501 Use Guidance, Section C as amended and vote to hold the required Public Hearing on the changes as presented, to be included on the Ballot, seconded by Mr. Howard, carried unanimously 6 to 0.

#### Discussion of the Draft Zoning Ordinance Definition Section

The Board next took up the discussion relating to the Draft Zoning Ordinance Definition Section. Mr. King questioned where the “new definitions” as shown in the handout came from. Mr. Woodruff cited the sources, which included the Planning Advisory Service, NH RSA’s, APA’s glossary, Other NH municipalities, etc.

**Motion:** Mr. King moved to accept the definitions as presented, based on their sources, and vote to hold the required Public Hearing on the changes as presented, to be included on the Ballot, seconded by Mr. Charest.

Discussion on the motion. Mr. Nelson noted his concerns and did not agree with Mr. King. He felt that this would be throwing in definitions in the ordinance, and that they have not been thought out, and defining other words that are currently not in the text of the existing ordinance.

Mr. Jensen was in agreement with Mr. Nelson, if the board were to put this amendment on the ballot there would be the risk of the voters not passing any of the amendments.

Mr. Howard commented the need for a definition section and that there had to be something in between.

Mr. Woodruff noted an e-mail from missing member Chris Maroun. Mr. Maroun asked that Mr.

Woodruff share his comments with the Board. He believes the town hired a competent, well educated planner with plenty of experience to work for the town and give guidance to the Board, and that he was fine with the list of definitions provided at the meeting on the 9<sup>th</sup>. If present this evening, he would have voted in favor of approving the definitions as written and vote to hold the public hearing to be included on the Ballot.

Mr. Woodruff went on to remind the board that at the prior meeting he had suggested removing some of the contentious terms and work on them later. He also noted the terms on pages 16 & 17 were new terms this evening that would not be included. He felt that these were well vetted definitions and noted the zoning ordinance needs a definition section. The board discussed this at length, if they could agree upon terms which should be defined and proposed for this year.

Mr. King withdrew his motion on the floor at this time, and Mr. Charest withdrew his second.

Mr. Howard suggested the board start again with the new definitions “A” and work through to see what terms are in our current ordinance and to establish a section for general definitions. Mr. Jensen offered to go through the list of terms, quickly one by one, asking if any member had an issue with the term. If there was any objection, then the term would be removed for discussion at a later date. All of the terms that had no objections would be carried forward into the section for general definitions as written. Terms to be REMOVED from proposed Section 1503 General Definitions were: Animated Sign, Awning Sign, Banner or Pennant Sign, Changeable Sign, Change of Use, Directional Sign, Freestanding Sign, Frontage, High Hazard Use, Illuminated Sign, External Illumination, Externally Illuminated Sign, Internal Illumination, Internally Illuminated Sign, Information Sign, Industrial Use, General Manufacturing, Light Industry, Research and Development, Marquee Sign, Mobile Sign, Nonconforming Sign, Professional Office, Parapet Sign, Personal Service Establishment, Projecting Sign, Real Estate Sign, Roof Sign, Setback, Sign, Sign Area, Aggregate Sign Area, Site Development Sign, Special Event Sign, Temporary Sign, Use, Illegal Use, Wall Sign, Recreation and Entertainment, Indoor, Recreation and Entertainment, Outdoor, Recreation (or Vacation) Camp, Recreational Vehicle, Recreational Vehicle Park, Campground, Sign, Temporary: Sign, Real Estate, Sign, Real Estate, on-site, Temporary Sign, Real Estate Sign. Terms to be included in the proposed Section 1503 General Definitions were: Abandonment, Access: Accessory Building or Structure, Accessory Use, Addition, Agriculture, Alteration, structural, Bank, Automated Teller Machine, Bed and Breakfast, Building (see Structure), Building Code, Building Height, Building Permit, Code Official, Conditional Use Permit, Dwelling: Single-family dwelling, Two-family dwelling, Multifamily dwelling, Dwelling Unit, Fence, Hazardous Materials, Hotel, Extended Stay Hotel, Marina, Motel (see Hotel), Extended Stay Motel, Nonconforming Lot, Nursing Home, Office (see Bank), Overlay District: Structure, Sustainable Development, Legal Nonconforming Use, Permitted Use, Principal Use, Special Exception Use, Assisted Living Facility, Independent Living Facility, Congregate Care Living Facility.

**Motion:** Mr. King moved to establish Section 1503 General Definitions as amended, including the terms as listed above and vote to hold the required Public Hearing on the changes as presented, to be included on the Ballot, seconded by Mr. Howard, carried in favor 5 to 1 with Mr. Charest opposing.

Board members discussed reviewing the terms which were “knocked out” to see if the term is currently used in our existing ordinance and if the term should be defined, and include any other terms they may wish to attempt to define (and complete) at the meeting on the 30<sup>th</sup>.

The board wrapped up their work session at this time, noting they will continue with working on the definitions at their work session on the 30<sup>th</sup>.

Mr. Woodruff briefly updated the board regarding the sub-committee on Road Design Standards. Planning Board members were emailed the draft of the Policy Recommendations for Design Standards and Procedures on existing town-maintained roads which were revised by the PB Subcommittee on 11/15/11. Board members had only received the email earlier and the day and did not have time to review and were not ready to comment on the policy. Mr. Woodruff stated this could be taken up on the 30<sup>th</sup> and at that time the board should be ready with their comments, and recommend they endorse the policy and vote to forward it onto the Board of Selectmen their approval.

Mr. King questioned the status of the Townsend property located on Route 25, noting it was an eyesore and appears to be not in compliance with the approved site plan on record. Mr. Woodruff stated that the property recently went through foreclosure and the Code Enforcement Officer (CEO) was just able to find a contact person for the lender. The Fire Chief, CEO and he will be meeting onsite tomorrow to view the

property and provide the bank with a list of issues with the property. There is no action required by the board at this time.

**VIII. Other Business/Correspondence**

- 1) Zoning Board of Adjustment Draft Minutes of November 16, 2011 were noted.
- 2) Joint Selectmen & School Board Meeting Draft Minutes of November 15, 2011 were noted.
- 3) Selectmen's Draft Minutes of November 17, 2011 were noted.
- 4) Selectmen & ABC's Budget Meeting Draft Minutes of November 18, 2011 were noted.

**IX. Committee Reports**

- X. Adjournment:** Mr. Charest made the motion to adjourn at 9:06 PM, seconded by Mr. King carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant