

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

**Public Hearing**

**December 19, 2011**

**Minutes**

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

Ms. Coppinger called the Public Hearing to order at 7:04 P.M. There were three members of the public in attendance for the Public Hearing.

Ms. Coppinger stated that this was a Public Hearing for the Proposed Amendments to the Zoning Ordinance to be included on the ballot for March 2012, and explained the procedure for the proposed amendments. The Board will open each Public Hearing separately where they can discuss and ask questions on each of the six proposals and open them up for public input. Any changes made to the drafts will be made this evening. A second, final Public Hearing may be held if there are substantial changes made. If the board is in agreement with the proposed language as drafted, they do not have to schedule a second Public Hearing, they can vote to send them to the Town Clerk as written. In the event of a second Public Hearing, only editorial changes may be made, no substantive changes may be made. At that hearing the Board will vote to either forward the proposal on to be included on the ballot for 2012 or withdraw the proposal.

**1. Rearranging and Reformatting Sign Ordinance** - This proposal will amend Zoning Ordinance Article V, Signs, in its entirety to reformat and rearrange the text logically for readability with no new wording or intent.

Ms. Coppinger opened the first Public Hearing listed on the agenda, and read the article language.

Mr. Woodruff gave a brief overview of the proposed change, stating it was a housekeeping type change for this year, which rearranges and reformats the existing sign ordinance. It's simply a revision to improve readability and logical progression for clarity and ease of understanding, and adds no new wording or intent. Mr. Woodruff noted that it is the intent of the Planning Board to eventually reformat all the articles contained in the ordinance and the sign section was deemed a good starting point.

Board members were in agreement with the proposed language as written, and there were no questions from the public.

**Motion:** Mr. King moved that the Board accept the language as presented and to forward it to the Town Clerk for posting on the warrant, seconded by Mr. Charest, motion carried 5 to 0 in favor.

**2. Purpose and Intent of Sign Ordinance** - This proposal will amend Zoning Ordinance Article V, Signs, by replacing the first paragraph with a new Section, entitled, "Purpose and Intent" that clarifies the reasons for and functions of the sign regulations.

Ms. Coppinger opened the second Public Hearing listed on the agenda, and read the article language.

Mr. Woodruff gave a brief overview of the proposed change stating it was a replacement of the first paragraph, which isn't a true purpose and intent statement for regulating signs, with a newly crafted, concise section that clarifies the reasons for and functions of the sign regulations in Town.

Eric Taussig had one comment and one suggestion regarding the proposal. He commented that the proposal was to remove the existing purpose in the current Zoning Ordinance and questioned if that language was replaced elsewhere in the proposed language. After review, it was determined that the proposal was to remove the language. Mr. Woodruff commented that some of the proposed changes were completed prior to his arrival, and was in agreement with Mr. Taussig to keep the language in this section, renumbering it to Section 502 and renaming it. Mr. Taussig suggested additional language to be included in the "New" proposed purpose, that signage be in "accordance and consistent with the Master Plan...". Mr. King stated that he did not think that the language was necessary, as the entire Zoning Ordinance should be based on the Master Plan. Mr. Woodruff agreed with Mr. King's statement. After a brief discussion it was the general feel of the board that the suggested language was not necessary. If in the future they add such language, that it should be in the beginning of the ordinance, not included in each separate article.

Board members were in agreement with the proposed language as amended, and there were no further questions from the public. It was determined by the board that the proposed change, not to remove the current language now shown as "purpose" was a significant change and would require a second hearing.

**Motion:** Mr. King moved to amended the language as proposed for Item #2 and to continue the Public Hearing to January 11, 2012, seconded by Mr. Jensen, motion carried 5 to 0 in favor.

**3. Creating Definitions Article in Ordinance** – This proposal will create a new Article XV, Definitions, consolidating existing terms currently used throughout the entire document into one place for ease of use, and adding guidance for interpretation of terms.

Ms. Coppinger opened the third Public Hearing listed on the agenda, and read the article language.

Mr. Woodruff gave a brief overview of the proposed change stating it was a proposal to add an article that defines zoning terms to the Ordinance. Amendment (#3) on this would simply be consolidating the existing terms used in several sections of the text into one place, a new Article XV. Mr. Woodruff stated that this proposal would not change any definitions.

Ms. Coppinger suggested a "housekeeping" change, which was under Section 501 D, to rearrange items 1 – 7, to be numerically correct, by Article numbers, shown in Roman Numerals.

Board members were in agreement with the proposed language as amended, and there were no questions from the public.

**Motion:** Mr. King moved that the Board accept the language as amended and to forward it to the Town Clerk for posting on the warrant, seconded by Mr. Charest, motion carried 5 to 0 in favor.

**4. Adding General Definitions Section to New Definitions Article (above)** - This proposal will amend Zoning Ordinance Article XV, Definitions (if so created by Article 3 above) by adding a new section, entitled, General Definitions that would add generally accepted zoning and land use terms to the zoning text for clarity of interpretation.

Ms. Coppinger opened the fourth Public Hearing listed on the agenda, and read the article language. Ms. Coppinger questioned for clarification purposes, if Article 3 failed, that Article 4 would as well? Mr. Woodruff stated yes.

Mr. Woodruff gave a brief overview of the proposed change stating it was a proposal to add generally accepted zoning definitions in a new general definition section to the newly created article. He went on to say that definitions are tools for regulating uses and remove much of the guesswork out of interpretation of the meaning of the zoning text.

Mr. Taussig had a few questions regarding this proposal. The first was what the difference was between an Assisted Living Facility and a Congregate Care Living Facility. After a brief discussion Mr. Woodruff reviewed each of the definitions and stated the differences were kitchen facilities and the degree of supportive services.

Mr. Taussig noted the term Use was defined and had a breakdown of additional terms which included Special Exception Use. Mr. Taussig noted the Citizen Petition which was filed to repeal Special Exception Use and questioned if this definition should be taken out of the proposal and a definition for Variance should be included? Mr. Woodruff stated that once a property is granted a variance, then it becomes a special exception use, and that there are other types of special exceptions in the existing ordinance.

Mr. Taussig suggested for clarification purposes that the term Hazardous Materials be expanded upon to include language referencing any state or federal Hazardous Material lists. Board members were in agreement to add such reference as described.

Cristina Ashjian questioned if there was a number that determined the difference between a Bed and Breakfast verses a motel. Mr. Woodruff stated that originally there was a number (5) included in the definition, but had been removed during discussions held at prior work sessions.

Board members were in agreement with the proposed language as amended, and there were no further questions from the public

**Motion:** Mr. King moved that the Board accept the language as amended and to forward it to the Town Clerk for posting on the warrant, seconded by Mr. Jensen, motion carried 5 to 0 in favor.

**5. Correcting Commercial Use Setback and lot coverage omissions, adding New Buffer Conditional Use Permit** - This amendment to Zoning Ordinance Article VI (F)(2) adds language to the existing table that defines a 50 ft. setback for front, side and rear for commercial structures in the Residential/Agriculture zoning district, and in (F)(2)a, adds a new Conditional Use Permit that would allow reduction of the required 25 ft. vegetative buffer between the building and roadway within the front setback for sufficient cause. Finally, in (F)(3), to add back the Residential/Agriculture zone to the 50% lot coverage maximum requirement as it had been prior to the change approved during the 2011 Town Meeting. This amendment corrects an oversight that allows commercial use lot coverage with no upper limit and no setback requirement in the Residential/Agriculture zone.

Ms. Coppinger opened the fifth Public Hearing listed on the agenda, and read the article language.

Mr. Woodruff gave a brief overview of the proposed change, stating it was significant. The proposal this year will be the Planning Board's correction of an unintended omission from the setback and lot coverage requirement for commercial uses in the Residential-Agriculture (RA) zoning district that was approved at last year's Town Meeting. While last year's amendment did provide needed safeguards, it did not address development in the RA zone. This amendment seeks to fix this issue by adding language to the existing table that defines a 50 ft. setback for front, side and rear for commercial structures in the Residential/Agriculture zoning district, and by adding a new Conditional Use Permit that would allow reduction of the required 25 ft. vegetative buffer between the building and roadway within the front setback for times when that just isn't possible or practical. Finally, the amendment would add back the Residential/Agriculture zone to the 50% lot coverage maximum requirement as it had been prior to the change approved during the 2011 Town Meeting. This amendment will correct the oversight that allows commercial use lot coverage with no upper limit and no setback requirement in the Residential/Agriculture zone and act as a safeguard against overdevelopment of lots adjacent to residential uses.

Board members were in agreement with the proposed language as written, and there were no questions from the public.

**Motion:** Mr. King moved that the Board accept the language as amended and to forward it to the Town Clerk for posting on the warrant, seconded by Mr. Jensen, motion carried 5 to 0 in favor.

**6. Revision of Flood Plain Development Ordinance** – This proposal will amend Zoning Ordinance Article VIII, Flood Plain Development, by adding language needed for compliance with the National Flood Insurance Program (NFIP) regulations as recommended by a compliance review by the Agency. This action is required from time to time to ensure the Town remains enrolled in the program.

Ms. Coppinger opened the sixth Public Hearing listed on the agenda, and read the article language.

Mr. Woodruff gave a brief overview of the proposed change. The last proposal would amend the Flood Plain Development Ordinance by revising and adding language to bring our verbiage in line with the requirements of the National Flood Insurance Program (NFIP). The changes are definitional and administrative in nature and were prepared by the NFIP in conjunction with the Lakes Region Planning Commission in response to a Compliance Review. Revisions such as these are required by the Agency from time to time to ensure the Town remains enrolled in the Flood Insurance program.

Board members were in agreement with the proposed language as written, and there were no questions from the public.

**Motion:** Mr. King moved that the Board accept the language as amended and to forward it to the Town Clerk for posting on the warrant, seconded by Mr. Charest, motion carried 5 to 0 in favor.

After further discussion, it was noted that only Hearing #2 was continued due to what was considered substantial changes. The public hearing was continued to Wednesday, January 11, 2012 at 7 PM with a snow date of Monday, January 16, 2012. It was also noted that the public hearing for the Citizen Petition will be held as the second public hearing, and that the regular meeting of the Planning Board will begin immediately following the two public hearings on January 11<sup>th</sup>.

Mr. Jensen asked if he could raise a question regarding the Citizens Petition that is scheduled for public hearing on January 11, 2012. It was noted that the public hearings for this evening had been closed and that the time for discussion would be on the 11<sup>th</sup>. He noted that one reference in the petition refers to Article VI A(3) which is not related to special exceptions. It was noted that the zoning ordinance had been amended a few years ago, and appears that Article VI A(3) is now Article VI A(4). This may be addressed at the public hearing.

**Adjournment:** Mr. King made the motion to close the Public Hearing at 8:10 PM, seconded by Mr. Charest, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant