

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

**Public Hearing and Regular Meeting**

**January 11, 2012**

**Minutes**

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

Ms. Coppinger called the Public Hearing to order at 7:00 P.M. stating that this was the second Public Hearing for the Proposed Amendments to the Zoning Ordinance to be included on the ballot for March 2012. The first Public Hearing was held on December 19, 2011. She explained the procedure for the proposed amendment, noting that the Board may only make editorial changes this evening. No substantive changes may be made. They may either vote to forward the proposal on to be included on the ballot for 2012 or withdraw the proposal.

**1. 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 Public Hearing noting there had been some citizen input on the proposal at the first hearing, suggesting that language proposed to be removed, not be removed, therefore remaining in the ordinance. The board was in agreement with this and the language was included back in.

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. Jensen, motion carried 6 to 0 in favor.

**2. Citizens Petition to amend Zoning Ordinance**

Ms. Coppinger opened the Public Hearing for the Citizens Petition and read the petition into the record. She opened the floor for public input.

Kim Prause asked how the board thought that this proposal changes how they feel about the differences between a special exception and a variance. How does this affect applications and how would it change zoning? She added that in looking at the Master Plan, a lot of attention was paid to the Route 25 corridor and there are a lot of concerns that could become a 17 mile strip, sprawl.

Mike Prause commented that looking at all of the paper work that is currently necessary in order for a businesses to start, he was perplexed that there would be another layer may be added, when in fact, it takes so long for someone to understand the procedures necessary. He couldn't imagine what another layer would add, as there already appears to be a lot of confusion and paper work and ways that things are regulated. This seems to be another addition and another layer does not need to be added.

Ms. Coppinger closed the public input at this time, and asked for Board discussion.

Mr. Woodruff stated after reviewing the Zoning Ordinance, applications, the zoning map, and reviewing the Table of Uses, this proposal would throw all of that out. This appears to be a reaction to an issue. If the Board sees that there is a problem with the Zoning Ordinance with regards to Special Exceptions being granted in the Residential / Agricultural Zone that would be one thing. He was not certain if the Board has had the chance to try and solve that issue in a well considered, well planned out contact sensitive solution way. He suggested that particular solution could happen throughout the next year. As a Planner, he thought the Citizen's Petition, while possibly well meaning, appears to be a knee jerk reaction in a band-aid approach to solving this issue. His recommendation was for the Board to not recommend that the voters vote in favor of it.

Mr. Nelson commented that the Board went through this last year, and decided that they would tighten up the special exception requirements, but still leave a little bit of leeway and leave it more flexible for people to do things on their property with a minimum of impact and to let the Zoning Board review the criteria and grant the special exception if they felt that it was warranted. He felt the board should continue as they are, and what is in place is good. Mr. Nelson is satisfied with what we have now and was not in favor of this going forward.

Mr. Nelson noted the petition was to Repeal Article VI A (3), which is the wrong provision of the Ordinance. This was discussed by the Board. Mr. Woodruff noted that while the Board could not change the petition, there was language regarding Petitioned Zoning Articles taken from the New Hampshire Practice book that states "It is suggested that selectmen should not expect legal precision from persons petitioning for zoning ordinance changes. If the petitioned article is reasonably clear so that the intent of the article can be ascertained by the voters, then it should be placed on the ballot." Mr. Woodruff stated that the petition had already been accepted by the Town Clerk and the Board could only make a motion to recommend or not recommend.

Board members King, Coppinger, Howard and Ryerson were not in favor of recommending the voters vote in favor of the petition. Mr. Jensen commented that he was in agreement with the intent of the petition, but did not feel this was the correct solution.

**Motion:** Mr. Jensen moved that the Board recommend the passage of the Citizen Petition, Seconded by Mr. King. 0 in favor, 6 Opposed.

Mr. Woodruff noted while he understood why Mr. Jensen made the motion he did, he stated that the motion failed. Mr. Jensen withdrew the motion, and Mr. King withdrew his second.

**Motion:** Mr. Jensen moved that the Planning Board NOT recommend passage of the Citizens Petition, Seconded by Mr. King, carried in favor 6 to 0.

Ms. Coppinger closed the Public Hearings at 7:32 and opened the regular meeting.

## **II. Approval of Minutes**

**Motion:** Mr. King moved to approve the Planning Board Minutes of December 14, 2011, as written, seconded by Mr. Maroun, carried unanimously, with Mr. Jensen and Ms. Coppinger abstaining.

**Motion:** Mr. King moved to approve the Planning Board Public Hearing Minutes of December 19, 2011, as written, seconded by Mr. Jensen, carried unanimously, with Mr. Maroun and Ms. Ryerson abstaining.

## **III. New Submissions**

**IV. Boundary Line Adjustments**

**V. Hearings**

**VI. Informal Discussions**

**VII. Unfinished Business**

**VIII. Other Business/Correspondence**

1) Mr. Nelson stated that in going through the Zoning Ordinance and reviewing Special Exceptions and variances, what is in the ordinance under variances differs from the statute. Mr. Nelson commented that the ordinance should conform to the statute. It was noted that the ZBA variance application and the criteria sheet had been revised to conform to the statute. It was suggested the ordinance could be amended to reference the statute directly and then if any changes were made the ordinance would conform.

2) Mr. Woodruff reminded the Board the need to begin the discussion of their 2012 Work Plan. He suggested they review the 2011 Work Plan and take into account what had not been completed. Other suggestions for the Work Plan related to language regarding building heights, adding specific criteria sections for specific uses that are by special exception, possible zoning districts, i.e. nodes, signs, conservation commission overlay district, Transfer Development Rights (TDR) for residential and commercial (Innovative Land Use Controls), and as noted updating the variance criteria.

Mr. Howard noted the board should also review the Zoning Ordinance for any references to the former Comprehensive Shoreland Protection Act (CSPA) which was substantially amended in 2011 and now called the Shoreland Water Quality Protection Act. The new Act changed the definition of Shoreland Frontage, which is used to determine the amount of frontage. The definition for Shoreland Frontage was the average between the tie course and the actual frontage, and now is the actual frontage. This change may increase the impact of shore front lots or shore front access in Moultonborough and increase density on the lake.

3) Zoning Board of Adjustment Draft Minutes of January 4, 2012 were noted.

**IX. Committee Reports**

**X. Adjournment:** Mr. King made the motion to adjourn at 8:00 PM, seconded by Mr. Howard, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant