

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

Regular Meeting

June 27, 2012

Minutes

Present: Members: Tom Howard, Chair; Peter Jensen, Judy Ryerson, Paul Punturieri, Josh Bartlett; Russ Wakefield (Selectmen's Representative)
Alternate: Natt King – arrived at 7:23
Excused: Member: Chris Maroun
Alternate: Keith Nelson
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

Mr. Howard called the regular meeting to order at 7:00 PM.

III. Approval of Minutes

Motion: Mr. Jensen moved to approve the Planning Board Minutes of June 13, 2012, as written, seconded by Mr. Punturieri, carried unanimously.

IV. New Submissions

1. Ronald A. & Janice A. Prescott and Property Owners Association at Suissevale, Inc.
(150-44 & 45)(Berndorf Avenue & Olympia Street) Boundary Line Adjustment

Mr. Howard stated this was a new submission and noted for the record that there was an error on part of the Meredith News in the printing of the Public Notice. The heading on the notice was printed as the Moultonborough Zoning Board of Adjustment. The Body of the notice, which included the Planning Board, Applicants, date and time, were correct. Mr. Howard also stated that the application submitted for the Boundary Line Adjustment (BLA) was for a transfer of equal area parcels (7,301 sq. ft.) between Tax Map 150 Lot 44 (Prescott) and Lot 45 (POASI) and that the amount of equal area exchange has been amended to 8,162 sq. ft. Lastly, it was noted there was a discrepancy in the request for waivers of Sections 4.3 (A) (3), (5), (10), and (12) [relating to wetlands, topography, soils and slope information, and off site geographic facts within 200 feet of the property line] of the Subdivision Regulations dated June 20, 2012 from David M. Dolan Associates, PC. The article numbers that are referenced in the check list have not been revised to reflect the most recently adopted Subdivision Regulations.

Motion: Mr. Jensen moved to accept the application of **Ronald A. & Janice A. Prescott and Property Owners Association at Suissevale, Inc. (150- 44 & 45)**, grant the waivers for the purposes of acceptance only and to schedule a hearing for this evening to be Boundary Line Adjustment #1, seconded by Mr. Bartlett, carried unanimously.

V. Boundary Line Adjustments

1. Ronald A. & Janice A. Prescott and Property Owners Association at Suissevale, Inc.
(150-44 & 45)(Berndorf Avenue & Olympia Street) Boundary Line Adjustment

Dave Dolan, of David M. Dolan Associates, PC presented the application for the boundary line adjustment exchanging equal areas. He noted that he had originally submitted an application for an equal area exchange of 7,301 sq. ft. but would like to amend it to 8,162 sq. ft. between the lots, with no net change in area of the lots. Mr. Dolan briefly described the lots, and the area of exchange. The POASI lot is an undeveloped lot that by deed is a recreation lot. The Prescott lot is fully developed with a portion of their garage and driveway encroaching onto the POASI lot. Mr. Dolan stated that the proposed BLA would not bring the Prescott lot into compliance, as the garage will still not meet the required 20' sideline setback, but that it would eliminate the encroachment onto the POASI lot. Mr. Dolan answered any question from the Board.

Mr. Woodruff noted he had received a call from Mr. Russell, an abutter, who requested an explanation of the proposal. After hearing the proposal, Mr. Russell stated he had no objections.

There were no questions from the Board at this time. Mr. Howard asked for questions or comments from the public. It was noted there were none.

Motion: Mr. Bartlett moved to approve the requested waivers to not depict wetlands, to not provide soils and soils information, to not depict the 2-ft. and 5-ft. contours, and not to depict off-site geographic details within 200ft. of the parcel on the Boundary Line Adjustment plat, and further moved to approve the Boundary Line Adjustment for **Ronald A. & Janice A. Prescott and Property Owners Association at Suissevale, Inc. (150-44 & 45)**, which transfers an equal area between the parcels in the amount of 8,162 sq. ft. from Tax Map 150, Lot 45 to adjacent parcel Tax Map 150, Lot 44 with the following conditions: 1) Revise the final plan to reflect that the boundary pins have been set; 2) Add a note to the plat "memorializing" the substantial decrease in the nonconformity as opposed to not being able to bring the lot/structure into complete compliance; 3) The final plat be submitted to the Development Services Office in electronic format and 4) Submit executed deeds for recording with all recording costs at the time of recording the plan, seconded by Mr. Jensen, carried unanimously.

VI. Hearings

1. Public Hearing and possible vote to approve amendment of Site Plan Regulations

Mr. Howard stated this was the Public Hearing and possible vote to approve the amendment of the Site Plan Regulations and asked that Mr. Woodruff give a brief synopsis of the proposed amendments. Mr. Woodruff noted that the Planning Board had worked over the last three months on the proposed amendments. The Amendment consists of minor changes to the entire regulation, including the following: add Technical Review Committee process; add electronic plan file submission requirements; update definition of Abutter per statute; change BOCA to IBC or NH State Building Code; add who recommends bond amounts; change CEO to Planner where applicable; add retaining walls to site plan detail; add certification of completion requirement; add access management section; add traffic impact assessment and analysis section with standards and thresholds policy; add dumpster pad and screening requirement; revised floodplain language as per required changes from federal program; and other minor changes.

Mr. Howard noted there was no one present in the audience for the public hearing. There was no further discussion from the board on the proposed amendments for the Site Plan Regulations.

Motion: Mr. Wakefield moved to approve the Site Plan Regulations as presented this evening, seconded by Mr. Jensen, carried unanimously.

Mr. Howard then closed the Public Hearing for the amendment of the Site Plan Regulations.

VII. Informal Discussions

VIII. Unfinished Business

IX. Other Business/Correspondence

1. Application For and Notice of Voluntary Merger for Elaine W. Kozlowski (51-33 & 51-32)(64 Old Route109 & Lee Road). The Voluntary Merger was presented to the board. There was no input from the Board or public.

Motion: Mr. Jensen moved to acknowledge the receipt of the Voluntary Merger Application for **Elaine W. Kozlowski (51-33 & 51-32)** and to authorize the Chairman to sign the appropriate paperwork, seconded by Mr. Punturieri, carried unanimously.

Mr. Howard seated Mr. King at this time with full voting privileges.

2. Discussion of Draft Demolition Review Ordinance.

Mr. Wakefield stated that he had brought the draft Demolition Application/Permit to the Board of Selectmen (BoS) at their last meeting. The BoS acknowledged it and it was their decision to take it up as a work session item tomorrow (6/28/12).

Mr. Howard read an email into the record from Cristina Ashjian, Chair of the Moultonborough Heritage Commission asking that the board postpone their discussion of the Demolition Review Ordinance until the next PB meeting. She had received an updated draft and is not comfortable with the ordinance as proposed as it was substantially different from the draft discussed and forwarded by the Heritage Commission last November. Ms. Ashjian would like some time to work on the draft with Norman Larson and Bruce Woodruff before it is next taken up by the PB. As proposed, both Norman and she felt that it would not be something that the Heritage Commission could support. Also, it was their understanding that the board would again review the matter only after the BoS had the chance to consider the Demolition Permit; which is on their agenda for Thursday's work session at 4 PM.

Mr. Woodruff stated that the board had several comments at the last meeting and as a result he had made some changes to the draft, the most significant being reducing the review period from 30 days to 15 days.

Members went on to discuss the idea of such an ordinance in general, if there was a need for a Demolition Application/Permit to be in place first. Members were in agreement with the idea of the application only on the basis that it would become part of the Zoning Ordinance, which would require a vote of the town, and not a regulation that goes through a public hearing with either the PB or BoS.

Motion: Mr. Bartlett moved to continue to pursue developing a Demolition Review Ordinance only on the basis that it be a part of the Zoning Ordinance, seconded by Mr. Punturieri, carried unanimously.

It was the consensus of the board to table further discussion at this time to allow input from the BoS and the Heritage Commission.

3. Housekeeping of Zoning Ordinance

The board next started a discussion of proposed changes to the Zoning Ordinance. Mr. Woodruff provided members with a handout which included proposed amendments on pages 4, 6, 15, 18, 19 and 29-31. The first two changes are to sections B (2) & (3) and are for clarification as to where you take the measurements from. Members were in agreement with the change. Next was section I, in which the word "or" has been inserted to the last sentence. Members were in agreement with the change. Section J was then discussed at length. It was noted that this issue has been discussed over the past couple of years, with members not being able to come to a consensus with proposed language for an amendment. Mr. Woodruff stated the proposed language was an effort to clarify how an average lot dimension would or could be calculated. One change is replacing the word length with depth. A question was raised as to what was trying to be accomplished or prohibited in this section of the ordinance. After reviewing and discussing several scenarios it was the consensus of the board to revisit this section allowing time for Mr. Woodruff to research as to what was the intent of this section of the ordinance and report back to the board.

Mr. Woodruff then moved onto Section B (3) on page 15, in which the board had reviewed at a prior meeting. At that time, Ms. Ryerson had noted her concern that if the wording was amended to add the word proposed, what would prevent multiple increases of the footprint of an existing building to a square footage greater than 12,500 or 25,000. Mr. Woodruff revised the language which puts a cap on the amount of increase allowed by special exception. Members were in agreement with the change. The board started a discussion regarding Commercial Use within the Residential/Agricultural Zone of the handout, Section D, page 19. Mr. King asked that the board advance the idea of adding language to the zoning ordinance addressing abandonment of a special exception in a Residential/Agricultural Zone. They discussed this briefly with Mr. Woodruff explaining the differences in grandfathered properties and special exceptions. It was the consensus of the board to continue this discussion to allow time for the Planner to draft language regarding vesting and abandonment for commercial uses and special exceptions within the Residential/Agricultural Zone.

The board will take up Non-conforming lots/uses/structures and table of uses at their meeting on 7/11/12.

4. Zoning Board of Adjustment Draft Minutes of June 20, 2012 were noted.

X. Committee Reports

XI. Adjournment: Mr. King made the motion to adjourn at 8:40 PM, seconded by Mr. Bartlett, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant