

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

Regular Meeting

August 8, 2012

Minutes

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

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

I. Pledge of Allegiance

II. Approval of Minutes

Mr. Bartlett requested the word "length" be changed to "depth" in item 4, on page 4.

Motion: Mr. Jensen moved to approve the Planning Board Minutes of July 25, 2012, as amended, seconded by Mr. Maroun, carried unanimously.

Motion: Mr. Maroun made a motion to set an adjournment time of 8:30 PM this evening, seconded by Mr. Punturieri, carried unanimously.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

VI. Informal Discussions

VII. Unfinished Business

VII. Other Business/Correspondence

1. Housekeeping of Zoning Ordinance - Board members had been provided with Draft Customary Home Occupation Language for review and comment this evening. The Planner noted a few important changes were the need to have a way to enforce the code, a need for a permit and a certificate of occupancy, stating that it is important for the other residents that live around a Home Occupation (HO).

Members began the review of the language with many noting their concerns with such uses proposed to be allowed, and others that shall not be considered.

Mr. Nelson had a question regarding #11. If a home owner has a commercial business and parks more than one vehicle in a garage, conducts his business inside and stores all their equipment in a garage, is this a home occupation?

Mr. Bartlett began a discussion regarding a combination of multiple uses within a dwelling, such as a lawyer and architect, questioning if this would be allowed. Members discussed this at length, with many agreeing this would be allowed, so long as all of the remaining conditions were met.

Members made several suggestions and changes to the draft for consistency of terms and consistency with other sections of the zoning ordinance. The Planner maintained that the draft language is tried and true. However the board, after much discussion, asked Mr. Woodruff to make some changes.

2. Mr. Bartlett requested a few minutes of the boards time. He made the following statement: "It is very important that the Town of Moultonborough recognize that discrimination based on race, religion, gender, national origin, family connections, political affiliation, sexual orientation or philosophy of the owner or others involved in a project, should have nothing to do with the acceptability or appropriateness of a proposed project. Therefore, I propose that the Town of Moultonborough Zoning Ordinance include the simple statement that 'These regulations shall be the only criteria considered for acceptability of a project'." He commented that in light of what's gone on with a number of projects locally and nationally, he thinks that it is absolutely critical that this be added to the ZO. There's nothing in our ZO now, and there are a lot of politicians that are grabbing headlines and a lot of folks that are working the system for their friends or against their enemies. Mr. Bartlett thinks they need to recognize that the ZO is not a popularity contest, and that's basically what they've gotten done too, and this will eliminate it, because the only criteria they [ZBA] can use are the written regulations. They can't say I don't like this guy's philosophy. I don't like this guy's religion. Board members were not in agreement with Mr. Bartlett's comments or recommendation to add language to the ZO. Members feel that the ZO is what is used to make decisions. Mr. Bartlett went onto ask how they were banning a mosque in NY City because of popularity. How are they banning Chick-Fil-A's restaurant in Chicago because of the unpopularity of the owner? Board members questioned where this has been done in Moultonborough. Mr. Bartlett commented that a lot of things have been done on the basis of popularity. Members were not in agreement with that statement, and Mr. Bartlett commented that could be argued all night. He asked what harm was there in putting "that" statement in our ZO. Board members comments included they did not know what the statement meant, and that it was unnecessary. It is clear that the only things that can be applied are in the ZO. If Mr. Bartlett does not feel that is true, he can contest decisions made by the boards. Mr. Bartlett stated he had just brought this up for the board to consider.

3. Mr. Howard briefly updated the board in regards to the SWQPA. He will get together once more with Joe Skiffington and John Goodhue from Gilford. The Town of Meredith has indicated they would like to join in the discussion. The Town of Tuftonboro did not respond. He was not certain of the other towns that Joe & John were contacting. They are meeting to share the thoughts discussed earlier, that the 2008 CSPA regulations were too stringent, the 2011 regulations are not stringent enough. They are discussing if they could find some common ground without trying to rewrite any parts of the ordinance. Perhaps simply peg our ordinance to one or the other with exceptions. Ms. Ryerson commented that with the existing state regulations, they were enforced by the State. If something were added to our ZO, how would we enforce it? This could be through a formal complaint process to the CEO.

IX. Committee Reports

X. Adjournment: Mr. Maroun made the motion to adjourn at 8:38 PM, seconded by Mr. Punturieri, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant