

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

Regular Meeting

October 10, 2012

Minutes

Present: Members: Tom Howard, Chair; Peter Jensen, Judy Ryerson, Chris Maroun, Paul Punturieri, Josh Bartlett; Russ Wakefield (Selectmen's Representative)
Alternate: Keith Nelson
Excused: Alternate: Natt King
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 P.M.

II. Approval of Minutes

Motion: Mr. Jensen moved to approve the Planning Board Minutes of September 26, 2012, as amended, seconded by Mr. Punturieri, carried unanimously.

Mr. Bartlett expressed his opinion over the decision of the Board of Selectmen (BoS) to only post Draft minutes of the different boards and committees, and not to post Final minutes. It was noted that it has been the practice to post the Draft Planning Board minutes and then to replace them with the Final minutes once they are approved by the board.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

1. Crucon Real Estate Holdings, LLC (141-11)(Whittier Highway)
Site Plan Amendment

Mr. Maroun stepped down for this hearing and Mr. Howard seated Mr. Nelson with full voting privileges.

Dan Ellis from Ames Associates presented the application for a Site Plan Amendment. Mr. Ellis stated that on July 25th the board had granted site plan approval for Tax Map 141, Lot 11. At that time the applicant was in discussions with NH DOT regarding the required driveway permit and the location of said driveway. One condition of the approval was that the NH DOT Driveway Permit and its specific conditions become part of the approval and submission of a final plan to the Board. On August 24th, NH DOT granted a driveway permit, which was depicted on the plan submitted with the application for site plan amendment. The driveway is a separate permit than the permit for the abutting property, Due South, LLC. Mr. Ellis stated that Section 10:C;1(c) of the site plan regulations requires a minimum separation between driveways of 350 feet, and they are here to request a waiver for the driveways to be 70 feet apart. Mr. Ellis noted there were no other proposed changes to the site plan.

Stephen Nix, attorney representing Due South, LLC stated that Due South had been working with the applicant and at this time Due South withdrew its Abutter's Motion to Stay or Deny Without Prejudice. Attorney Nix went on to say that the parties are working together to resolve their appeal at the Department of Transportation.

Mr. Ellis stated that the applicant was caught between two different sets of regulations. The lot is located on a state highway, regulated by DOT. The applicant had to apply to DOT for their driveway permit, and is very set in where they want the driveway. The applicant has a right to access their property and they have no choice but to comply with DOT's requirements. The location will be across from the existing access road.

Mr. Wakefield questioned if DOT had placed any restrictions on the Due South LLC driveway cut. Mr. Ellis stated no, that they did place conditions on the CruCon permit, requiring them to grant and construct a 50' easement to the Due South property line.

Mr. Woodruff commented that when the Planning Board first approved the site plan for CruCon with conditions, they did not or could not have known that DOT would keep both driveways open as shown on the original plan. Mr. Woodruff stated that both he and the road agent recommend granting the waiver. He stated that the board could place a condition on the 50' easement requiring that CruCon place a gate preventing access or egress across the Due South driveway until such time it is terminated. Mr. Ellis stated that the applicant would not be opposed to installing a gate.

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

Motion: Mr. Jensen moved to grant the waiver as requested for **Crucon Real Estate Holding, LLC (141-11)** conditioned upon the installation of a gate to prevent traffic from entering or exiting across the abutting lot until such time that the Due South driveway is no longer available, seconded by Mr. Punturieri, carried unanimously.

Mr. Maroun returned to the Board at this time with full voting privileges.

VI. Informal Discussions

VII. Unfinished Business

VII. Other Business/Correspondence

1. Mr. Howard stated the board was in receipt of an email comment from the Road Agent regarding the Lakes Region Planning Commission (LRPC) Membership Appropriation, and a copy of a letter that LRPC had sent to the BoS regarding the Town's 2013-2014 Membership Appropriation. The BoS forwarded this on to the Planning Board for their comments and recommendation. Mr. Wakefield noted that this was prompted by his comments and questions at the BoS meeting. He questioned what the town got for their \$10,000, and why does Moultonborough pay a larger share than a majority of the surrounding communities? Board members discussed this at length with many believing the share was not equal for all towns and the formula is flawed.

Mr. Woodruff commented that there are many intangible benefits the town receives from LRPC along with those that are visible. He feels that without the membership there would be other costs incurred.

Mr. Howard questioned the action to be taken on this. Mr. Woodruff stated that the BoS is asking for a recommendation as to whether the PB gets the necessary services needed from LRPC.

Board members had several questions they needed answered to make such a recommendation. Mr. Howard noted that in their letter of September 26th, LRPC has offered to meet with the Board to discuss their services. It was the decision of the Board to take them up of their offer.

Motion: Mr. Bartlett moved to invite LRPC in to discuss their services at their meeting of October 24, 2012, seconded by Mr. Wakefield, carried unanimously.

2. Shoreland Water Quality Protection Act (SWQPA) – Mr. Howard stated that he had met with John Goodhue, John Edgar, Bob Patenaude, John Robinson and Joe Skiffington regarding the SWQPA. In the discussions that many of them have had, it always seems that there are two issues which come up relating to tree count and impervious surfaces. Mr. Howard stated that The Town of Moultonborough had adopted the Comprehensive Shoreland Protection Act, now the SWQPA. In 2011 the state relaxed their requirements, with many noting their concerns for preserving the quality of the lakes. The Town could amend the zoning ordinance making our requirements more stringent. Mr. Howard had prepared a draft of suggested changes that would address these two issues. The Board reviewed and discussed the proposed changes and most were in agreement with them as presented with one clarification to the scoring of trees, adding greater than before each of the three diameters ranging from 3-24 inches, and to increase the minimum points required to 100. It was a majority of the board to include the proposed language for this year's proposed zoning amendments. Mr. Bartlett voiced his disagreement.

Mr. Howard noted the next item on the agenda was to continue working on the changes to the Zoning Ordinance and asked members what time they would like to adjourn this evening. It was the consensus of the board to adjourn at 9:30 this evening.

Mr. Woodruff noted that staff had reviewed the dates for the deadlines for the posting and publishing of the notice for the first, and if necessary, final public hearing for proposed amendments to the zoning ordinance. The dates for the public hearings will need to be held on January 9th and 23rd, 2013. This means that the board must finalize all of their proposed changes by no later than December 12, 2012.

3. Housekeeping of Zoning Ordinance

The board continued to work on the Table of Permitted Uses in the Zoning Ordinance, working from the draft dated 9/25/12, discussing the uses and determining if to make the changes as suggested by the Town Planner or keeping them as they currently are. The three options are Permitted, Not Permitted or Special Exception Required.

The following uses were discussed with the decision on each listed in the table below. Board members noted that they could combine three of the uses together into one. The three were Light Manufacturing, Research & Testing, and Assembly, Fabrication, Processing, Reproducing of goods. After a lengthy discussion of "Mixed Use" members were not able to come to an agreement of what a "Mixed Use" was (it was noted that Mixed Use is defined in the general definition section of the ordinance). They will continue with the Table of Permitted Uses, starting with Mixed Use, at their next meeting.

Mr. Woodruff noted that at the prior meeting the board had a question regarding recreational uses and had asked him to prepare a list of recreational use definitions. These were provided to the board. Mr. Howard asked that members review the list and they will discuss them as time allows at the next meeting.

IX. Committee Reports

Use	Commercial A	Commercial B	Commercial C	Residential Agricultural	Groundwater Protection Overlay District
Public Facilities	P	P	P	SE	*
Accessory Storage Facility for Retail Establishments	P	P	P	NP	*
Indoor Movie Theatre	P	P	P	NP	*
Restaurants and Eating Establishments	P	P	P	SE	*
Personal Wireless Service Facility Communication Tower	P	P	NP	SE	*
Personal Wireless Service Facility Communication Tower (If Incorporated into another permitted Building)	P	P	P	P	P
Light Manufacturing, Research and Testing, Assembly, Fabrication, Processing, Reproducing of goods.	SE	P	SE	SE	SE
Packaging, Packing or Bottling	SE	P	SE	SE	SE
Mixed Use	SE-NP	SE-NP	P	SE-NP	SE

Mr. Punturieri noted the Master Plan Implementation Committee (MPIC) met last evening. The MPIC talked about their work plan for next year. They reviewed the work plan, noting what different boards were working on. Some boards were working on things that aren't on the short term priority goal list. Mr. Woodruff has spoken with the Chair about changing the method by which the Planning Board could craft their own work plan for next year. The process he used for this year's work plan was that he reviewed the matrix for short term goals and created a list in which the PB prioritized, and came up with thirteen things to do on their 2012 work plan. The MPIC would like to provide the board with all of their goals and tasks that are in chapter 10 of the Master Plan, which is the implementation matrix. This way the board could see what is done and what is left to do, and the board could craft their work plan accordingly. The same process would go for the Conservation Commission, Heritage Commission, etc. Ms. Ryerson questioned if the board should be looking at a revision of the Master Plan. Mr. Woodruff stated that it was the Planning Board's call when to begin the process of updating or rewriting the Master Plan. He suggested that he as the Planner could be the facilitator of this process. A consultant would not be necessary. The Master Plan could be updated chapter by chapter. It does take a longer time to complete. Whenever it is decided to do this, Mr. Woodruff believes that it should be the only item on the boards work plan for whatever year they choose to do it.

X. Adjournment: Mr. Punturieri made the motion to adjourn at 9:32 PM, seconded by Mr. Wakefield, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant