

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

Regular Meeting

October 24, 2012

Minutes

Present: Members: Tom Howard, Chair; Peter Jensen, Judy Ryerson, Paul Punturieri,
Josh Bartlett; Russ Wakefield (Selectmen's Representative)
Alternate: Keith Nelson
Excused: Member: Chris Maroun
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. and appointed Keith Nelson to sit on the board with full voting privileges in place of Chris Maroun.

II. Approval of Minutes

Motion: Mr. Wakefield moved to approve the Planning Board Minutes of October 10, 2012, as amended, seconded by Mr. Jensen, carried unanimously.

III. New Submissions

IV. Boundary Line Adjustments

V. Hearings

VI. Informal Discussions

VII. Unfinished Business

VII. Other Business/Correspondence

1. Application For and Notice of Voluntary Merger for John A. & Robin E. Roche (221-032 & 221-033)(20 Long Point Road). The Voluntary Merger was presented to the board. Mr. Nelson voiced his concern, which he has expressed in the past, regarding many requests for voluntary mergers. When only one lot is subject to a lien, and if the bank were to foreclose they could only foreclose against that one lot, so in essence they would end up re-subdividing the lot back to before the merger. It was noted the board has no control with this and it is the right of the property owner, under statute, to merge the lots.

Motion: Mr. Jensen moved that the board transfer the application notice from **John A. & Robin E. Roche (221-032 & 221-033)** to the Selectmen and the Tax Collector and to authorize the Chairman to sign said notice, to be recorded at the Carroll County Registry of Deeds , seconded by Mr. Bartlett, carried unanimously.

2. LRPC, 2013-2014 Membership Appropriation: Mr. Howard noted the meeting with Kimon Koulet from LRPC has been changed from this evening to November 28th.

3. Housekeeping 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.

Mr. Howard noted at the prior meeting the board had left off with “Mixed Use”. They were unable to come to an agreement of what a “Mixed Use” was and requested a definition. Mr. Woodruff sent the members an e-mail on October 19th, in which he updated the use table reflecting the changes made to date and commented that Ms. Ryerson and Mr. Nelson were correct in their statements: mixed use is simply any combination of commercial uses with residential use(s) on one parcel. In other words, to be a mixed use, there must be a residential component of the development. Ms. Ryerson noted the need to amend language in Article III, as it states that both single family residential and two family residential uses are allowed throughout the Town. It does not state that in some areas a special exception would be required as shown in the Table of Uses. It was the decision to add language to Article III to address this. Suggested wording was: for mixed uses please reference the Table of Permitted Uses.

The following uses were discussed with the decision on each listed in the table below. In discussing Small Wind Energy Systems, Mr. Punturieri asked if the board felt the need to add solar panels to the table. Members noted, as with prior uses, that that could be a topic for future discussion. Mr. Bartlett noted his opposition to allowing Solid Waste Landfill by special exception in Zone B. It was noted that this also could be a topic for future discussion. Mr. Howard stated that Mr. King had requested a discussion regarding light construction. As he was not present this evening the board tabled any discussion on that. At this time the Board had completed their review of the Table of Permitted Uses.

Mr. Howard noted that there were a few residents in attendance this evening, and asked if they had any comments or questions. Bob Patenaude, member of the Conservation Commission briefly spoke to the board regarding the recent meeting he and several others attended in Meredith regarding the Shoreland Water Quality Protection Act (SWQPA). Mr. Patenaude noted the concerns many towns have regarding the change to the regulations. Mr. Howard updated him as to the proposed amendments the board has worked on. Mr. Patenaude had been provided with a copy of the proposed changes for this year.

The Board next took up the discussion of recreational uses, referring to the list that Mr. Woodruff had prepared and provided to them at their last meeting. Members were asked to review the list and be prepared with questions or comments. Mr. Bartlett expressed his concerns with breaking out facilities by profit or non-profit organizations, as that is a distinction recognized by the IRS for organizations tax filing status only.

In reviewing the list of definitions, which were compiled by Mr. Woodruff from several surrounding communities and planning definitions, members commented that several of the definitions could be combined together. After a lengthy discussion, it was noted that “recreation facility” was used in several of the definitions, and that too needed to be defined. Members asked that Mr. Woodruff prepare a new iteration, narrowing down the list, suggesting uses be indoor, outdoor, high impact and low impact and adding them to the Table of Permitted Uses. And too define recreation facility and function facility, adding the proposed language to the definition section of the ordinance.

<u>Use</u>	<u>Commercial A</u>	<u>Commercial B</u>	<u>Commercial C</u>	<u>Residential Agricultural</u>	<u>Groundwater Protection Overlay District</u>
Mixed Use	SE	SE	P	SE	SE
Home Occupations with no more than 1 employee (not incl. residents) and are not visible or detectable from adjacent properties	P	P	P	P	P
All Other Home Occupations	SE	SE	SE	SE	SE
Small Wind Energy Systems	P	P	NP	P	P
Adult Uses	SE	SE	SE-NP	SE-NP	SE
Gasoline Stations	SE	SE	SE	SE	NP
Excavation (RSA 155-E)	SE	SE	SE-NP	SE	NP
Hazardous Waste Disposal Facility (RSA 147-A)	SE-NP	SE	SE-NP	SE-NP	NP
Solid Waste Landfill	SE-NP	SE	SE-NP	SE-NP	NP
Salt Storage without Indoor, Impervious Containment	SE-NP	SE	SE-NP	SE-NP	NP
Junkyards	SE-NP	SE	SE-NP	SE-NP	NP
Snow Dump	SE-NP	SE	SE-NP	SE	NP
Waste or Septic Lagoon	SE-NP	SE	SE-NP	SE	NP
Petroleum Bulk Plant or Terminal	SE-NP	SE	SE-NP	SE-NP	NP
All Other Uses	SE	SE	SE	SE	SE

Motion: Mr. Bartlett made the motion to adjourn at 8:30 PM, seconded by Mr. Punturieri

Discussion on the motion: Mr. Howard noted that while the board had completed their review of the Table of Uses, there were several other items they could work on this evening. Mr. Woodruff requested the board finish their discussion regarding the proposed amendments to the SWQPA, and noted he had a request from Mr. Nelson to review a suggested change to Special Exceptions.

Motion failed unanimously.

4. Shoreland Water Quality Protection Act (SWQPA) – Mr. Woodruff provided the board with the language for the SWQPA as amended at the prior meeting. He referenced all of the changes that he had made as discussed and reviewed. Mr. Bartlett stated for the record that he was not in agreement with the changes or the SWQPA, as he feels that it is a taking of property rights and he cannot support the proposal. All other members were in support of the proposed changes. It was noted that this would be a separate warrant article, from the other proposed changes to the zoning ordinance. It was a majority of the board to send the proposed language to the required public hearing to be included on the warrant article.

5. Mr. Nelson raised a concern regarding Special Exceptions, noting that it appears in reviewing the Table of Permitted Uses, Special Exceptions may end up being the preferred designations for a lot of uses. In respect to buffers, he made a suggestion to amend the language to address what he seemed to be an unfair burden to a business owner when seeking approval for a special exception in a commercial zone. He believes that the buffer requirement was intended to only apply in the Residential/Agricultural Zone. Board members reviewed and discussed the suggested language and it was the consensus of the board to accept the suggested language with the other proposed changes to the Zoning Ordinance.

IX. Committee Reports

- X. Adjournment:** Mr. Bartlett made the motion to adjourn at 8:53 PM, seconded by Mr. Punturieri, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant