

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

Regular Meeting

October 8, 2014

Minutes

Present: Members: Josh Bartlett, Rich Kumpf, Joanne Farnham, Kevin Quinlan;
Russ Wakefield (Selectmen's Representative)
Alternate: Tom Howard, Kathi Margeson
Excused: Members: Scott Bartlett, Ed Charest
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

Mr. J. Bartlett opened the regular meeting at 7:00 PM and led the Pledge of Allegiance. He then appointed Tom Howard and Kathi Margeson to sit on the board with full voting privileges in place of Scott Bartlett and Ed Charest.

II. Approval of Minutes

Motion: Ms. Farnham moved to approve the Planning Board Minutes of September 24, 2014, as written, seconded by Mr. Quinlan, carried unanimously with Mr. Howard and Mr. J. Bartlett abstaining.

III. New Submissions

1. The Sally B. Watts Revocable Trust – 2008 & Blackey 37 Realty Trust, Tax Map 172, Lot 1; The Sally B. Watts Revocable Trust – 2008, Tax Map 172, Lot 2; and Blackeys 37 Realty Trust, Tax Map 173, Lot 52 (43, 49 & 37 Blackey Cove Road respectively) Boundary Line Adjustment

Mr. J. Bartlett stated that this was a request for a boundary line adjustment and that the application was in order for acceptance and scheduling of a public hearing by the board for this evening.

Motion: Mr. Wakefield moved to accept the application of The Sally B. Watts Revocable Trust, and Blackeys 37 Realty Trust (172-1 & 1 and 173-52) (43, 49 & 37 Blackey Cove Road), and to schedule a hearing for this evening to be Boundary Line Adjustment #1, seconded by Mr. Kumpf, carried unanimously.

IV. Boundary Line Adjustments

1. The Sally B. Watts Revocable Trust – 2008 & Blackey 37 Realty Trust, Tax Map 172, Lot 1; The Sally B. Watts Revocable Trust – 2008, Tax Map 172, Lot 2; and Blackeys 37 Realty Trust, Tax Map 173, Lot 52 (43, 49 & 37 Blackey Cove Road respectively) Boundary Line Adjustment

Fred Van Magness, Trustee of the Blackeys 37 Realty Trust presented the application for the boundary line adjustment. Mr. & Mrs. Van Magness were present, representing themselves and the Watts for the proposed boundary line adjustment. He noted that the applicants are the owners of Tax Map 172, Lot 1. Mr. Van Magness noted the proposal is to transfer "Parcel A" 14,725 sq. ft. from Tax Map 172-1 to Tax Map 172-2 and to transfer "Parcel B" 14,671 sq. ft. from Tax Map 172-1 to Tax Map 173-52, thus

resulting in the elimination of Tax Map 172 Lot 1. Mr. Van Magness answered any questions from the board.

Mr. Kumpf noted that there was a dwelling depicted on Lot 1. Mr. Van Magness stated that that would be demolished after an asbestos inspection was completed and any remediation if necessary based on the State required Asbestos Report.

Mr. J. Bartlett opened the hearing for public input, it was noted there was none.

There were no further questions or comments from the Board or the public. Mr. J. Bartlett closed the Public Hearing.

Motion: Ms. Farnham moved to approve the Boundary Line Adjustment Plat for Map 172, Lot 1; Map 172, Lot 2 & Map 173, Lot 52 at 43 Blackey Cove Road, 49 Blackey Cove Road & 37 Blackey Cove Road, respectively, for The Sally B. Watts Revocable Trust – 2008 and Blackey 37 Realty Trust which conveys an area of 0.338 acre from Tax Map 172, Lot 1 to adjacent parcel Tax Map 172, Lot 2 resulting in Lot 2 area becoming 1.64 acres +/-, and to convey an area of 0.336 acre from Tax Map 172, Lot 1 to adjacent parcel (other side) Tax Map 173, Lot 52 resulting in Lot 52 area becoming 1.08 acres. These boundary line adjustments result in the elimination of Tax Map 172, Lot 1, with the following conditions: 1. Obtain demolition permit and demolish the existing dwelling located on Lot 1 prior to the Chair signing the plat. 2. Set the new boundary pins prior to the Chair signing the plat. 3. Add Owners' signatures to the plat, correct a name spelling for Sally B., and add the surveyor's seal and signature to the recordable Mylar plat prior to the Chair signing. 4. The final plat be submitted to the Development Services Office in appropriate electronic format. 5. Submit executed deeds for recording with all recording costs at the time of recording the plat, seconded by Mr. Quinlan, carried unanimously.

V. Hearings

VI. Informal Discussions

VII. Unfinished Business

1. Discussion on language for possible zoning amendments identified at 9-24-14 meeting.

Mr. Woodruff stated that over the last few meetings the board has looked at 4 of 5 proposed amendments. Two of those were proposed by the Code Enforcement Officer. At the meeting of September 10th the board voted to approve proposed amendments 1 and 4 and to hold the required public hearing. On September 24th they voted to approve proposed amendment 2 and hold the required public hearing. That left proposed Amendments 3 and 5. Proposed amendment 3, relating to Temporary Use, was tabled to allow the sub-committee to work on draft language. Mr. Woodruff stated proposed Amendment 5 was relating to limiting rental occupancy for seasonal home rentals, in which the board approved the proposed amendment and to require the public hearing.

There were several members from the public that were present to ask questions regarding proposed Amendment 5. The Chair reviewed the definition of "Bedroom" and it was the consensus of the board that the definition as written was acceptable. The next discussion was relating to the proposed definition for Multifamily dwelling, in which the board had discussed at length and approved on September 24th. Mr. Woodruff had provided additional language shown in red, which the Chair read aloud. There were two members of the public who asked if they could speak to this proposal and asked that this be revisited. Mark Borrin of Preferred Vacation Rentals and Rob Wichland of Bayside Rentals addressed the board regarding this proposal. Mr. Borrin asked that the board reconsider their previous approval with a

maximum occupancy of 12. He suggested that the seek input from stakeholders who may be able to assist the board with creating language that would address the issues raised by the Code Enforcement Officer. Mr. Borrin and Mr. Wichland stated that they represent a large number of rental properties in Moultonborough and are also concerned with the quality of the lake. They too feel that this could be addressed by monitoring septic systems and requiring them to be inspected. Mr. Borrin commented that he wouldn't want this proposal to appear as if the Board or the Town was anti-business or anti-vacation. He noted that there are many smaller properties on the lake whose septic is only a 55 gallon drum. Mr. Borrin was asked if his rental agency asks how many occupants will be in a rental property. He stated that they have a rental contract and the number of occupants is entered, and that they have the option to sign or not sign the contract. A circular discussion by the Board and the public ensued. Mr. Howard commented that he felt that the Board has done a good job on working on this and would hate to table this at this time. He had questions for Mr. Borrin, asking if there are limits to the number of occupancies, how many of the rental properties do not set a limit, and how many properties have occupancy greater than 12. The discussion continued at length with Mr. Howard suggesting the following

Motion: Mr. Howard moved to table this issue (Proposed Amendment 5) for further discussion to the Board's work session to be held on October 29th, giving staff time to prepare the final draft language and to Retract and un-post the language approved for public hearing on September 24th, Seconded by Mrs. Farnham

Mr. Borrin asked about homes on the Bay Sewer District, and also asked if the board would consider increasing the limit of 12, suggesting a maximum of 15 occupants. Mr. Wakefield commented that the board had discussed a range of maximums between 12 and 16, and they had chosen 12, noting that that number could be changed during the public hearing.

The Chair called for a vote on the motion on the floor, which carried unanimously.

Mr. Howard responded to a comment made by Mr. Borrin regarding the Board or Town appearing anti-business or anti-vacation. He noted that was not the sentiment of the board.

The next item discussed was proposed Amendment 3, relating to Temporary Use under Article XI.H. Members were provided with draft language prepared by 2 of the 3 sub-committee members. The proposed changes were shown in red. Mr. Woodruff commented that the sub-committee was assigned the task of drafting language that was a solution to an issue that was brought to the board by the Town Administrator, more specifically language addressing the restriction of Temporary Uses up to a maximum of three (3) consecutive days over a 30 day period may be permitted upon application to and approval by the Board of Selectmen. The TA has asked that Planning Board consider revising this allowing a once a year extension of the time limit on the Temporary Use Permits to coincide with the so-called "Bike Week". He noted the language provided by the sub-committee exceeded that issue. He stated that the first section (A.) shown in red was not in the purview of the Planning Board, but the Code Enforcement Office and Health Officer. There were many suggested changes to Section H, which were not addressing Temporary Uses. Mr. Woodruff commented that he had provided members with draft language for their review at the meeting of September 10th. He stated that is was up to the Board if they wished to address all of the changes suggested by the sub-committee, or keeping it simple with language he provided earlier. A brief discussion ensued with Mr. Wakefield making the following motion:

Motion: Mr. Wakefield moved to approve proposed Amendment 3 as prepared by the Town Planner and vote to hold the required Public Hearing on the change as presented, to be included on the Ballot, seconded by Mr. Quinlan. Motion passed 6 to 1, with Mrs. Farnham opposing.

Mr. Woodruff next asked that the Board revisit proposed Amendment 2, relating to "D Nonconforming uses." There was a misunderstanding of what the town voted on in terms of allowing single-family

structures to be expanded up to twenty (20) percent in the case of a non-conforming structure. The intent was that you could still expand into any conforming area. He had suggested language at the meeting on the 24th in which the members were in agreement with. He noted that by adding the wording “***not including***” in the proposed language, it came to light in a consultation with local surveyors and with review of several NH DES permits, there are a lot of folks that have old cottages that could not expand at all. He provided additional language that includes a minimum setback to the reference line, rather than excluding them altogether. Members reviewed this new draft language with the question being raised as to how many times would a property be able to come back for 20%? Could they come back this year for 20%, then again the next year and so on? It was noted that the language states . . . “shall not exceed a calculation of 20% of the original structure’s habitable floor space. Therefore this would be the benchmark. It was noted that for clarification purposes that this should have an effective date. Proposed Amendment 2 will be tabled and continued at the board’s work session on October 29th.

2. Discussion on draft Land use Chapter of Mater Plan – Not taken up this evening.

VIII. Other Business/Correspondence

IX. Committee Reports

1. Broadband – Mr. Kumpf briefly updated the Board noting the study has concluded and that they have identified five areas of town that either don’t have service or adequate service. They are putting together a summary report for future presentation to the Board of Selectmen.

2. Village Vision – Mr. J. Bartlett briefly updated the Board noting that they’re holding off on the distribution of their study at this time as the UNH Moultonborough Recreation Facilities & Property Study is out at this time. They are getting a more clear definition of the village. While they would like to increase density in the village it is clear that you would need public water and sewer. They are also closer to finishing design guidelines or incentives for the village zone, noting that these are not restrictions. He stated they do not want cookie cutter guidelines, or over regulation either.

X. Adjournment: Mrs. Farnham made the motion to adjourn at 8:37 PM, seconded by Mr. Kumpf, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant