

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

Work Session

October 29, 2014

Minutes

Present: Members: Scott Bartlett, Ed Charest, Joanne Farnham; Russ Wakefield (Selectmen's Representative); Josh Bartlett (arrived at 5:40), Kevin Quinlan (arrived at 6:45), Rich Kumpf (arrived at 6:55)
Alternate: Tom Howard, Kathi Margeson
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance – not recited.

II. Other Business/Correspondence

1. Discussion on language for possible zoning amendments identified at 10-08-14 meeting

The meeting was called to order at 5:35 PM by the Planner. He stated that this was a work shop session. There are five (5) proposed amendments for the Zoning Ordinance. The Board has approved four for posting for public hearing. However, members have requested further clarification of proposed amendment #2 and they need to discuss proposed amendment #5.

The Planner went over each proposed amendment (#5 and #2) briefly, along with an explanation as to the reason for the change.

Mr. Bartlett arrived at this time.

Members then discussed the changes to proposed amendment #2 with a question raised if there were any restrictions by the Bay Sewer District and a question previously raised relative to determining the "original structure's habitable floor space".

At this time the Chair appointed Tom Howard and Kathi Margeson to sit on the board with full voting privileges in place of Rich Kumpf and Kevin Quinlan.

The Board then continued with the Chair asking who was able to attend the watershed presentation that was held last evening. He stated there was a concern that had been brought up at the prior Planning Board meeting that proposed amendment #5 was specifically targeting waterfront properties with older septic systems and would not be fair. Mr. Howard briefly commented on the presentation held last evening. It was a kick off meeting identifying some of the waterfront issues and the process that they will be undertaking in conducting their study. One issue referenced was fertilizer, but it was a much broader presentation. They are looking for as much participation as possible so they can identify some of the problems that neighborhoods may be experiencing.

Mr. Woodruff added that it was clear that there are about five factors involved in why the lake gets a lot of phosphorus, which grows stuff that is not good for the water quality or clarity. Septic systems, lawn fertilizers, water fowl droppings, agricultural fertilizers (the runoff from that) and direct pipes to the lake were some of things that contribute. He commented that amendment #5 is just warrant article to help with the quality of the lake. There still is a lot of work that needs to be done. He stated that people that own waterfront properties that are not used as rentals are around their homes and care for them. In seasonal waterfront homes the owner is not around they lose control. He feels this amendment is an important piece for discussion.

The Chair noted the Board was in receipt of a letter from Eric Taussig in support of this proposed amendment, which had been forwarded the members on Tuesday.

There followed a short discussion whether this language belonged in the definition section or was it a regulation. Mr. Woodruff stated that there wasn't any other section in the zoning ordinance to tie into. Mr. Wakefield commented this (rentals) is something that should be done. It is an important item with problems with the lake. He went on to say that he thought a lot of the concerns raised at the last meeting, whether this amendment would put a damper on real estate rentals in this community, while some may choose not to rent their home because they can't have 20 people at the home, but that doesn't occur that much. We are not trying to hurt some ones livelihood. We are trying to save the lake as long as we can. This is one piece of the big puzzle. Members were in agreement that this is important. It will help protect the lake and is a place to start. Members felt that the proposed language was sufficient put forward for public hearing. There was a discussion regarding what the maximum number of occupancy should be and how that was to be determined. It had been mentioned tying it to a maximum number of three occupants per bedroom based on the number of bedrooms on the assessing cards. If the home owner had an argument with that they could consult with the assessor, which could then lead into an approved DES septic approval with a certain number of bedrooms. There was concern with the discrepancy of the number of bedrooms on the assessing cards verses the number of bedrooms approved by DES. The discussion continued at length with the same questions being raised regarding enforcement, maximum number of occupants, where to insert the language in the ordinance, making it a policy or a regulation. There were a few minor changes made for clarification regarding nonconforming uses, striking a portion of D.(1), deleting the language referring to "original structure's" and adding "as of the effective date of this provision.

Motion: Mr. S. Bartlett moved that the Board set the maximum occupancy at 12, seconded by Mr. Howard.

The Chair opened the meeting for public input. Attorney Christopher Boldt commented that he was in support of proposed amendment #2, noting that in his opinion, the most recent proposal tonight did not require an effect date, as adding the language "as of the effective date of this provision" covers that. He then spoke to proposed amendment #5 offering language for clarification purposes suggesting inserting "for dwellings that have received such NH DES approval" in place of "under these circumstances" and inserting "seasonal, recreational or occasional use dwelling in place of "uses" in the last sentence. After further discussion it was the consensus of the Board to amend the Motion to include proposed language as suggested by Attorney Boldt.

Motion: Mr. S. Bartlett moved to approve the changes, as presented, for proposed Amendment #5, Seconded by Mr. Howard, carried unanimously.

The Chair stated the Board needed a vote to move the two amendments to public hearing. It was noted the motion should include date(s) for the public hearing, and that they should include all five of the proposed amendments in the motion. The Chair called for a motion.

Mark Borrin of Preferred Vacation Rentals arrived during the time that the Board was discussing possible date(s) for the public hearing which would include snow dates and dates for a second hearing if necessary. Mr. Borrin respectfully asked that the Board allowed public input at this time. It was the consensus of the Board to allow Mr. Borrin a few moments to address the Board. Mr. Borrin reiterated much of his concerns he voiced at the prior meeting. He feels that there are flaws in the proposed language, questioning what occupancy is. Is it daytime or nighttime? He spoke with other real estate brokers who feel that this proposal will change property values. He had heard from six homeowners that are renting their homes properly for 16+ that are concerned about this proposed amendment. He feels that this proposal would be ineffective and incremental at solving the issue. If the issue is septic there are DES regulations. If it is noise situation, we have the police, parking, and the police. If it is a true issue of septic he thinks they should do some public outreach so it touches everyone and not just a certain segment

of our economy in town. He asked that they rethink and not do it. Look for other ways to improve the water quality of the lake. He would like the Board to nix this proposed amendment.

Motion: Mrs. Farnham moved to approve proposed amendments one through five and to schedule the Public Hearings for proposed Zoning Amendments one through five, for Wednesday, December 17, 2014, with a snow date of Monday, December 22, 2014 and the dates for a final Public Hearing, if necessary, to be Wednesday, January 14, 2015, with a snow date of Monday, January 19, 2015. All Public Hearings will begin at 7:00 PM. Seconded by Mr. S. Bartlett carried unanimously.

It was noted for the record that the Board is aware that Monday, January 19th is Martin Luther King, Jr. Day. However, Town Hall is open for business that day, and it is a snow date only if necessary.

Mr. J. Bartlett noted the Board was in receipt of an invitation from the Conservation Commission inviting members to attend their kick off campaign to protect Lee's Pond Preserve on Saturday, November 8th. There will be a walk through the site beginning at 9 AM, with a public forum scheduled for 11 AM, in the Town Library at 4 Holland Street.

III. Adjournment: Mrs. Farnham made the motion to adjourn at 7:05 PM, seconded by Ms. Margeson, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant