



# TOWN OF MOULTONBOROUGH

## PLANNING BOARD

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### MEETING MINUTES

*of*

August 9, 2023

7:00 PM - Ernest Davis Meeting Room  
Moultonborough Town Hall  
6 Holland Street, Moultonborough, NH 03254

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Planning Board Members in attendance: Sandra Kelly, Peter Claypoole, Scott Bartlett, Kevin Quinlan, Norman Larson, John Annaian, and Allen Hoch (Alternate Member)

Planning Board Staff: Dari Sassan (Town Planner)

Land Use Office Staff: Scott Dvorak (Building Inspector), Clayton Titus (Administrative Assistant)

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At approximately 7:00 PM Chairman Kelly convened this meeting and called upon attendees to recite the Pledge of Allegiance. Board Members introduced themselves.

#### **Review/Approval of Minutes: July 26, 2023**

Mr. Bartlett requested clarification of a statement that had been made by Planner Sassan regarding the authority under which the Land Use Office renders zoning determinations. Mr. Sassan explained that the Board of Selectmen is the body responsible for enforcing the Zoning Ordinance and that the Land Use Office acts as the Selectmen's agent in carrying out that responsibility. Planner Sassan added that whenever a case comes before the Planning Board, the Board has its own opportunity to apply the Zoning Ordinance and Regulations. As an example, Planner Sassan said that if a property owner were directed by the Zoning Administrator to obtain site plan review approval, the Planning Board would then get its turn to apply the Ordinance and Regulations, and potentially require approvals, such as a variance or conditional use permit, that the Land Use Office might not have identified. The Board agreed upon revised language for the minutes that it felt more clearly captured Planner Sassan's point.

**MOVED** by Mr. Bartlett to approve the minutes of the July 26, 2023 Planning Board Meeting, as amended, **SECONDED** by Mr. Claypoole.

All in favor. **MOTION APPROVED**

**Discussion of Zoning Amendments**

Planner Sassan announced that Building Inspector Scott Dvorak and Land Use Administrative Assistant Clayton Titus would be joining the conversation at this meeting.

Setbacks: Planner Sassan explained that there is uncertainty on how the Planning Board intends setback areas to be treated. He indicated that it is evident that the Town has historically allowed certain items to exist in the setbacks, many of which fall under the definition of “structure.” Planner Sassan listed signs, fences, parking areas, roads, patios and retaining walls as items the Town has consistently allowed to be placed in setback areas.

Mr. Larson said that he does not feel that all fences should automatically be allowed directly against a property line. Acknowledging that he was brainstorming, he suggested that it might make sense to establish a variable fence setback of 2 times the height of the fence, such that a 6-foot-high fence must be 12 feet from the property line, while a 5-foot fence must be 10 feet from the property line. When asked about stone walls, which have historically been placed directly upon property lines, Mr. Larson suggested the possibility of allowing fences beneath a certain height to sit directly upon the property line. Mr. Larson added that fences which do not block light and air would be more acceptable near a property line than would be a solid fence.

Mr. Larson suggested that another option might be to allow encroachments into the setback provided the abutting landowner certifies his or her approval. Mr. Sassan said that allowing two property owners to decide on their own that it is appropriate to deviate from the standards the voters decided to place in the Ordinance is problematic.

Mr. Claypoole likened a patio to an outdoor living room and said that he would be in favor of requiring such installations to comply with structure setbacks. Mr. Hoch said that a patio in the side setback is different from a patio in the waterfront setback because there are no abutters on the other side of the lake reference line.

Planner Sassan said that the feedback provided from this discussion was beneficial and that he would incorporate the Board’s comments as he continues to draft Ordinance language.

Approval for more than one dwelling on a lot: Planner Sassan said that the process for approving more than one dwelling unit on a lot is purely technical and that it does not involve the application of discretion. He said that allowing such approvals to be issued administratively would benefit all parties, as the Board would benefit from having such cases removed from its docket and applicants would benefit from avoiding the delay associated with bringing the matter to the Board in accordance with statutory submission and notification timeframes.

The discussion then moved away from the particular matter of simplifying the approval process for multiple dwellings and into the weightier discussion of whether the Board values protection of property values more than it values promotion of socioeconomically diverse neighborhoods. Mr. Larson expressed concern that the installation of a mobile home or camper on a lot has great potential to denigrate the value of properties around it and questioned whether we the Town was under any obligation to allow that on an open-ended basis. Mr. Titus identified that state statute requires that all towns provide

opportunity for manufactured housing. Planner Sassan expressed agreement with Mr. Titus, indicating that according to his recollection, statute requires that towns allow for manufactured housing in at least half of the land area in which residential uses are permitted. Planner Sassan expressed that manufactured housing is an important piece of the affordable housing puzzle. He said that manufactured homes are not inherently a blight on the neighborhood. Mr. Titus and Mr. Dvorak agreed, adding that manufactured housing does not hold a monopoly on poor aesthetics and dilapidation.

Mr. Bartlett asked if soils and slopes information that is required as part of an application to place multiple dwellings on a lot must be provided by a licensed professional. Planner Sassan said that he would add such a requirement to the language of the amendment.

Address conflict between Zoning Article 3.10 and 7.3.1: Planner Sassan proposed that Article 3.10, which states that structures can only be placed on conforming lots, be revised to make clear that nonconforming lots can be used in accordance with Article 7.3.1. Mr. Larson suggested that the entire paragraph might be removed as the proposed revision would essentially say, *“you can’t build on a nonconforming lot, except for the fact that you can.”* Planner Sassan expressed agreement with Mr. Larson’s suggestion and said that he would research whether there might be some reason why the paragraph should remain before moving forward with a proposal to eliminate it.

Accessory Dwelling Units: Planner Sassan expressed understanding that the Board is currently not interested in allowing detached accessory dwelling units or removing the requirement that the property owner occupy either the main unit or the accessory dwelling unit. He said that clarifying what shall be counted when calculating accessory dwelling unit-square footage and what shall be considered an acceptable means of “attachment” would be helpful in administering the Ordinance.

Mr. Larson shared his understanding of how architectural practice defines the calculation of square footage and offered to find that language that it might be used in the ordinance. Mr. Larson also elaborated on what was meant by the term “interior door” with regard to the means of attachment in the ordinance. Planner Sassan asked if he was offering to write some language on that issue for the ordinance.

Driveways: Planner Sassan said that he and Mr. Hoch have been discussing the matter of driveways quite a bit and that he would like to discuss it with the Board. Board Members agreed that it would be better to first receive some background materials and take up the topic at a future work session.

### **Project Updates**

Mr. Bartlett asked about the status of the Koss development. Planner Sassan said that an abutter has appeal at Superior Court the Zoning Board’s decision that none of the points raised within the appeal fall under the jurisdiction of the ZBA, either because they pertain directly to an innovative land use control, or because they do not constitute a challenge of the Planning Board’s interpretation of the Zoning Ordinance.

Mr. Bartlett asked about funding for hiring a consultant to write Master Plan chapters, adding that he had first raised the question 3 meetings ago. Planner Sassan said that there is some money but that more would need to be budgeted for future years. Planner Sassan said that he thought he had obtained

agreement from the Board to focus on zoning amendments. Mr. Bartlett said that it is necessary to keep multiple balls in the air in order to keep up with the timelines the Board has set for accomplishing various goals.

**Adjournment**

**MOVED** by Mr. Quinlan to adjourn this meeting, **SECONDED** by Mr. Annaian.

All in favor. **MOTION APPROVED**

The meeting adjourned at approximately 7:52 PM.