



TOWN OF MOULTONBOROUGH

PLANNING BOARD

MEETING MINUTES

of

November 8, 2023

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

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

Planning Board Staff: Dari Sassan (Town Planner)

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: October 25, 2023

Board Members provided clerical revisions to the minutes and identified that the minutes did not identify that the motion to continue the Suissevale case was unanimously approved.

MOVED by Mr. Connolly to approve the minutes of the October 25, 2023 Planning Board Meeting, as amended, **SECONDED** by Mr. Annaian.

All in favor. **MOTION APPROVED**

Citizen's Forum

Attorney Ethan Wood asked about amending a condition of a previous site plan approval. Planner Sassan said that he and Attorney Wood had been discussing the matter and that they had not concluded that conversation. Planner Sassan encouraged the Board to withhold making any determinations and said that he would review the past approval to determine whether further Board action is required. Planner Sassan said that he would report back to the Board.

Voluntary Merger – The Malcolm D. Downing and Deborah A. Downing Irrevocable Trust (139-16 & 15/901) (251 Bean Road and 241 Bean Road)

Planner Sassan advised that the merger application complies with all state and local requirements and recommended conditional approval following a vote regarding potential regional impact.

MOVED by Mr. Claypoole that the Application of Malcolm D. Downing and Deborah A. Downing Irrevocable Trust (139-16 & 15/901) does not present a potential regional impact as defined in RSA 36:55. **SECONDED** by Mr. Larson.

All in favor. **MOTION APPROVED**

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MOVED by Mr. Connolly to approve the Voluntary Merger Application of Malcolm D. Downing and Deborah A. Downing Irrevocable Trust (139-16 & 15/901) with the following conditions:

1. Applicant shall comply with all requirements of RSA 674:39-a.
2. No more than one unit suitable for use or occupancy as a dwelling unit shall exist on the lot unless necessary approvals, including ZBA relief, are obtained.
3. All uses shall comply with Groundwater Protection Overlay District requirements.
4. The applicant is advised that that this merger will be regarded by the Land Use Office as an overt action on the part of the landowner to treat the entire area of the merged lots as a single lot, thus eliminating the possibility of performing a lot restoration pursuant to RSA 674:39-aa.
5. The applicant is advised that although the resultant lot will be less than 5 acres, the lot will not be exempt from the Wetlands Ordinance because this merger represents the “creation” of a lot after 1/3/2008.

SECONDED by Mr. Annaian.

All in favor. **MOTION APPROVED**

Voluntary Merger – Mark F. Schmittlein & Lynne M. Schmittlein (132/42 & 41/901) (105 Toltec Point Road)

Planner Sassan said that the purpose of this agenda item is to formalize a correction to a previously signed merger document and to grant the Chairman authorization to sign the amended document. Planner Sassan said that the Board has already applied its due scrutiny when it originally approved the merger on February 8, 2023 and that it would therefor not be necessary to rehash the Board’s previous determination regarding potential for regional impact.

MOVED by Mr. Larson to approve the Voluntary Merger Application of Mark F. Schmittlein & Lynne M. Schmittlein (132/42 & 41/901) with the following conditions:

1. Applicant shall comply with all requirements of RSA 674:39-a.
2. No more than one unit suitable for use or occupancy as a dwelling unit shall exist on the lot unless necessary approvals, including ZBA relief, are obtained.
3. All uses shall comply with Groundwater Protection Overlay District requirements.
4. The applicant is advised that that this merger will be regarded by the Land Use Office as an overt action on the part of the landowner to treat the entire area of the merged lots as a single lot, thus eliminating the possibility of performing a lot restoration pursuant to RSA 674:39-aa.

5. The applicant is advised that although the resultant lot will be less than 5 acres, the lot will not be exempt from the Wetlands Ordinance because this merger represents the “creation” of a lot after 1/3/2008.

SECONDED by Mr. Connolly.

All in favor. **MOTION APPROVED**

Discussion of Zoning Amendments

Attendees discussed potential zoning amendments associated with the following topics:

- Overlay District Density
- Accessory Dwelling Units
- Road Standards

When discussing dwelling unit density, the Board focused on wetlands deductions. Board Members identified that it is possible to construct two or more dwelling units within the same impervious footprint as one larger single dwelling unit, but that there could be other additional impacts associated with additional dwelling units other than structure footprint, such as increased requirements for paved areas and increased septage. Acknowledging that septage is mitigated within the WVOD due to the presence of public sewer infrastructure, Board Members identified other potential impacts such as increased impervious percentage that would also have to be mitigated. Planner Sassan said that, despite the appearance of polarity, he believes all Board Members are interested in adopting an ordinance which allows opportunity for density only when said density does not come at a cost to natural resource preservation. He suggested that allowing density to be calculated without deducting wetlands, roads and wellhead areas provides an opportunity and accounting for wetlands, steep slopes, and other features before calculating percent impervious cover accounts for development impacts.

Regarding accessory dwelling units, Board Members expressed unanimous support of written comments provided by Mr. Larson. Planner Sassan said that he would use Mr. Larson’s comments as a guide in drafting amendments to clarify what is included when calculating ADU square footage and what constitutes an acceptable means of “attachment.”

Regarding road standards, Board Members provided confirmation that their preference would be that any accessway serving more than 2 dwelling units shall be required to build to the minimum road standards set forth in the Subdivision Regulations.

Planner Sassan said that he would use the input provided by the Board to draft potential amendments. He commended Board Members for their ability to address difficult, sometimes emotional, topics in a respectful and constructive manner.

Adjournment

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

All in favor. **MOTION APPROVED**

The meeting adjourned at approximately 8:40 PM.