I. Call to Order – Chairman Bartlett opened the regular meeting at 7:00 PM.

II. Pledge of Allegiance – The Chair led the Pledge of Allegiance and Board Members introduced themselves to the public.

III. Review/Approval of Minutes

Motion: Ms. Lindamood moved to approve the Planning Board Minutes of October 23, 2019 as written, seconded by Mrs. Stephens. 7 – Ayes (Bartlett, Hoch, Larson, Lindamood, Kelly, Stephens Quinlan), 0 -Nays, 0 - Abstentions. The motion carried.

IV. Citizen’s Forum - None

V. New Submissions – None

VI. Boundary Line Adjustments - None

VII. Hearings

1. Public Hearings – 2020 Proposed Zoning Amendments

Chairman Bartlett stated that this was a Public Hearing for the Proposed Zoning Amendments, noting the first item was to address the height of buildings.

Mr. Larson requested to speak to this proposal, noting he wasn’t present at the prior meetings when this was discussed, adding this was the public hearing and he wished to make comments. Mr. Larson stated that he had spoken with the Fire Chief, questioning the “drivers” of this change. He understood those to be the frequency of the requests for a variance from the existing 32’ height restriction and recognition by the Fire Chief that one of the biggest problems with the way we use that has to do with establishing a way to achieve appropriate egress from a window. Mr. Larson stated the amendment as proposed includes a compromise that allows for a larger height than now, which would have the potential result of having fewer people come to the zoning board for a variance. Also, a reciprocal piece that draws attention to making sure that an emergency escape windowsill height is such that people can be rescued.

Mr. Larson noted his concern regarding the proposed amendment is that the requirements for the allowable height for the emergency escape windowsill limits the height to 20’ and references the NFPA 101 Life Safety Code which is part of the NH Building Code. The requirements for egress windowsills in that code are that the windowsill should be 20’ from the grade. There was a question to the proposed language which is additional language to what the Building Code requirements are. Mr. Larson’s concern is the overlap between our ordinance and the Building Code which is subject to ongoing review and
revision. If the Building Code is amended, we now have in our ordinance a specified amount that someone may seek relief from thought the zoning board.

Mr. Larson suggested that the proposed language to read “the emergency escape windowsill height shall comply with the currently adopted State Building Code with amendments, including the NFPA 101 Life Safety Code”. This would put the applicant on notice that they need to comply with those requirements.

**Motion:** Mr. Larson moved to amend the proposed language to read “the emergency escape windowsill height shall comply with the currently adopted State Building Code with amendments, including the NFPA 101 Life Safety Code”.

There was a discussion about amending the language. Chairman Bartlett stated this was a bit of a surprise as the Fire Chief was involved in the discussion with the Land Use Task Group and helped with the crafting of the proposed language as presented. Members discussed Mr. Larson’s concern and his reasoning for proposing a change to the language as presented.

It was noted that Mr. Larson had made a motion. The Chair called for a second on the Motion, which was seconded by Mrs. Kelly.

Further discussion on the motion. Planner Woodruff noted that the Chairman had not read the proposal into the record as required. Chairman Bartlett then read the proposed language into the record for proposed amendment.

**A. Height of Buildings** - This proposal will amend *Zoning Ordinance Article III, (I) Height of Buildings* (1), *Zoning Ordinance Article IX, Overlay Districts, B. Village Center Overlay District, Table 2, VCOD Dimensional Standards, Zoning Ordinance Article IX, Overlay Districts, C. West Village Overlay District, Table 2, WVOD Dimensional Standards, and Zoning Ordinance Article VI, Commercial Uses, F. Requirements for Commercial Uses, (4) Height of Building* by replacing the current height of thirty-two feet with thirty-four feet, and adding a new section to *Article III, (I) Height of Buildings* (2) Emergency Escape windowsill height shall not exceed twenty (20) feet in vertical height from accessible level ground or a structurally sound deck that provides clear ladder placement area eight (8) feet from the vertical wall. (Ref. NFPA 101 Life Safety Code)

Planner Woodruff noted for the record that if the Board were to approve the motion as made by Mr. Larson and seconded by Mrs. Kelly, it would require a second public hearing. He added that the language as proposed was worked on at several LUTG meetings in which the Fire Chief was part of, and that he did not see a problem with what the language as proposed.

The Chair asked for board comments. Board members agreed with the proposed language as written, and there were no further comments or questions.

Hearing no further comments, the Chair called for a vote on the motion on the floor: 2 – Ayes (Larson, Kelly), 5 -Nays (Bartlett, Hoch, Lindamood, Stephens, Quinlan). The motion failed.

There being no further comments, the Chair called closed the public input for proposed Zoning Amendment #1 and called for a motion as presented.

**Motion:** Mr. Hoch moved that the Board accept the language as presented for proposed Zoning Amendment A and to forward it to the Town Clerk for posting on the ballot. Seconded by Mr. Quinlan, 7 in favor (Bartlett, Hoch, Larson, Lindamood, Kelly, Stephens, Quinlan), 0 abstentions. Motion carried.

The Chair opened the Public Hearing for the second proposal and read the language from the agenda for proposed amendment No. 2 into the record.
B. Amend Zoning Article VII - This proposal will amend Zoning Ordinance Article VII by adding a new section “b.” regarding: Two-Family residential uses on Non-Conforming Lots: C. b. Two-Family residential uses shall not be permitted on a non-conforming lot. An Accessory Dwelling Unit (ADU) may be permitted on nonconforming lots per Zoning Ordinance Article III, M.

The Chair asked for board comments. Board members agreed with the proposed language as written, and there were no further comments or questions.

The Chair opened the public input portion of the hearing and hearing no further comments, the Chair then closed the public input for proposed Zoning Amendment B and called for a motion.

Motion: Mr. Hoch moved that the Board accept the language as presented for proposed Zoning Amendments B as presented and to forward it to the Town Clerk for posting on the ballot. Seconded by Ms. Lindamood, 7 in favor (Bartlett, Hoch, Larson, Lindamood, Kelly, Stephens, Quinlan), 0 abstentions. Motion carried.

2. Public Hearing and possible vote to approve amendments to Site Plan Regulations - The effect of the proposed amendments will be the numerical reformatting and minor wording changes for clarity.

Mr. Bartlett stated that this was the Public Hearing and possible vote to approve amendments to the Site Plan Regulations. The proposed amendments were discussed at prior meetings and on October 9th were moved forward to tonight’s public hearing. Mr. Hoch noted the proposed amendments are for the numerical reformatting of the regulations to facilitate ease of use along with minor wording changes for clarity. In addition, the table of contents and index are easier to use and reference.

Mr. Bartlett opened the hearing for public comment, noting there was none he then closed the hearing to public input. There was no further discussion from the board on the proposed amendments for the Site Plan Regulations.

Motion: Mr. Hoch moved to approve the Site Plan Regulations as written and posted for the public hearing this evening. Seconded by Mrs. Kelly, carried unanimously.

3. Site Plan Review Application

Ms. Whitney prepared a revised site plan application which cleaned up the existing application cover page and minor amendments to go along with the proposed amendments to the site plan regulations. These were minor changes for ease of use. Members reviewed the two-page cover application making a couple of minor changes.

Motion: Mr. Hoch moved to approve the Site Plan Review Application as amended and to begin using the new application, seconded by Ms. Lindamood, carried unanimously

The Chair stated for the record that the public hearings were now closed for the 2020 proposed zoning amendments and site plan regulations brought forth to date.

VIII. Other Business/Correspondence

1. Discussion on language for possible zoning amendments to Article XV: Definitions, Section 1503 General Definitions for Recreation use outdoor-High Impact and Recreational use outdoor-Low-Impact.

As requested at the prior meeting, Planner Woodruff provided members with considerable information with additional definitions from many sources for Recreation use outdoor-High Impact and Recreational use
outdoor-Low-Impact. This was a discussion only and it was noted that any potential or suggested zoning amendment would require a duly notice public hearing.

Planner Woodruff commented that this is a continued discussion from the last meeting regarding the two draft definitions which will fix a substantial problem as the two existing definitions, Recreation use outdoor-High Impact and Recreational use outdoor-Low-Impact were the exact same definition, except for the last sentence. This really needs to be fixed so that there is no confusion or individuals trying to say they’re low impact when it’s high impact or vice-versa. This is a fix that is important.

Planner Woodruff noted at the prior meeting the board struggled with the proposed language and requested that he provide other definitions of outdoor recreational facilities and show examples where they differentiated between high impact and low impact. He referred to his revised draft of October 30, 2019 in which he prepared two lists of recreation definitions, one from NH Towns and one from the American Planning Associations Planning Advisory Service Planners’ Definition compendium. He provided members with all the recreation definitions which have been collected from across the country. Planner Woodruff added that he did not recommend using any of the definitions listed, and recommended approval of the revised definition language they have been working on and provided in his draft of 10/30.

Members reviewed the information provided by Planner Woodruff. There were a few questions regarding a few of the activities included in the definition and others which were not included. Those questioned were disc golf, commercial public/private beaches as well as snowmobile trails.

Discussion ensued regarding the activities included in the proposed definitions with Planner Woodruff noting that the sole purpose for the definitions is for an official in an administerial capacity to say to someone that wants to do these activities, that they’re either high impact or low impact. That’s the sole purpose of the two definitions. Currently there are two uses in the Table of Uses and they’re not defined correctly so that an administrator can show where they fall and these are the steps required, they’re not allowed, or it’s allowed by special exception. Mr. Woodruff stated the Zoning Administrator, or the Code Enforcement Officer must have guidance on what that use is defined as and this is the best language he could come up with for this.

Members agreed, that as definitions, what was provided is okay. There were no questions or discussion from the board regarding the proposed definitions as presented this evening.

**Motion:** Mr. Larson moved to approve the Planner’s recommended language for possible zoning amendments to Article XV: Definitions, Section 1503 General Definitions for Recreation use outdoor-High-Impact and Recreational use outdoor-Low-Impact of the Proposed Zoning Changes and to schedule the Public Hearing for Wednesday, December 11, 2019, and if necessary a second hearing on January 8, 2020, seconded by Mrs. Kelly. Motion carried unanimously.

2. Discussion on Conservation Commission plan for accessway and parking for Moultonborough Falls Conservation Area. Chairman Bartlett stated that this discussion is to determine if the Board feels that they would like to see a full design plan for the proposed parking area for the site.

Planner Woodruff added that the Conservation Commission would like to know whether the board would require the Conservation Commission to come before them for a non-binding review of the final plan for the parking area.

Members were provided with Sheet 1 of 1 for the Moultonborough Falls Parking Area prepared by KV Partners “For Review Only”. There was a brief discussion regarding the parking area, the number of spaces, the proposed curb cut from NH Route 25, winter access/plowing, winter activities (including snowmobiles), and if the existing stonewall is to be removed or replaced. Members questioned if the board requires a non-
binding discussion, would there be an opportunity for public input? It was noted that if yes, there would be. Members felt it would be good to get public input.

It was the consensus of the board that they would like the Conservation Commission to come before the Planning Board with a final plan for a non-binding review of the parking area and to address related questions about the site. Six in favor ((Bartlett, Hoch, Larson, Lindamood, Stephens, Quinlan), 1 abstention (Kelly).

Planner Woodruff will notify the Conservation Commission accordingly.

IX. Committee Reports

1. Heritage Commission – Mr. Larson noted the Heritage Commission has been spending a lot of time trying to work to save the Taylor house. He stated that there is a misunderstanding about town with regards to the stability and durability of the building. There is an opinion of some members of the Selectboard that building cannot be saved due to the need to replace the foundation. The HC has contacted the engineer who the previous interested buyer had hired. In a letter dated November 7, 2019 the engineer states “The foundation appears to be sound. There may be isolated portions of the foundation which will need patching or partial reconstruction. However, we do not reserve [sic] any signs of distress which would cause us to recommend replacement of the entire foundation or any significant portion thereof.”

Mr. Larson went on to give additional information on possible repairs and loads to the existing building structure. He noted the prior planning studies that have been performed on the property previously and most recently the First Impressions Study. He then requested that the board write a letter to Selectmen encouraging them to list the Taylor property with a commercial realtor.

There was a question raised regarding the cost and what would be required for someone to rehab the building if it were to be utilized as a commercial use. The prior buyers had thought that to be one amount and it turned out to be five times greater once the Code Enforcement Officer was involved.

Planner Woodruff replied at the time that the question was asked he does not believe that the CEO had all the facts. He noted that due to historic designations on the structure, it is afforded code flexibility and the CEO was not aware of that. This is something that would need to be flushed out by a perspective buyer. Code flexibility is important in rehabbing and putting to reuse historical buildings. Planner Woodruff went on to offer his opinion for saving the building.

Chairman Bartlett reiterated that the request from the Heritage Commission that the Planning Board write a letter to the Selectmen encouraging them to list the Taylor property with a commercial realtor. Selectmen Quinlan asked that if the board was in favor, that the Planner assist in the crafting of the letter. Chairman Bartlett requested the Board’s permission that he be able to work on the letter with the Planner. This letter should include a list of uses they would like to see, along with an amount to sell it for, and the acreage.

Motion: Mr. Larson moved that the Board correspond with the Board of Selectmen recommending the listing of the Taylor House with a professional real estate agent. Seconded by Mrs. Kelly, 6 – Ayes (Bartlett, Hoch, Larson, Lindamood, Kelly, Stephens), 1 abstention (Quinlan). Motion carried.

X. Projects Updates

XI. Adjournment: Ms. Lindamood made the motion to adjourn at 8:40 PM, Seconded by Mr. Quinlan, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant