

MOUNTAIN LAKES DISTRICT  
PLANNING BOARD MINUTES  
Thursday, June 12, 2008  
District Office, 7 p.m.

1. **Call to Order** - The meeting was called to order at 7:05 p.m.
2. **Roll Call** - Sandy Schmid (Chair), Janice Neubauer (Vice Chair), Chris Demers (Ex-Officio), Beverly Hasbrouck, Florence Hartmann, (Alternates).  
**Absent** – Tom Eighmy, Carol Modrell (both excused).  
**Visitors** – None  
The chair designated the alternates to act for the two absent regular members.
3. **Agenda Approval / Additions** – Beverly moved that the agenda be approved as written. Chris seconded. Motion to accept was approved.
4. **Minutes of Previous Meeting (Thursday, May 8, 2008) Changes and Approval** – Sandy reported a change to the minutes. Tom Eighmy had been present at the meeting and his name needs to be added to the roll call and we should note that Beverly Hasbrouck was absent. Florence moved that the minutes be approved as amended. Chris seconded. So voted.
5. **Correspondence** – There was no correspondence.
6. **Zoning Permit Applications** – The Board reviewed the following applications:

**Don and Margaret Waudby (Map 203, Lots 131 and 130)** – The application is for an addition, and contained a letter explaining that the original house floor plan had 2 bedrooms and a den which opens into the living room and had been used as an extra bedroom. Their plans are to return that space to the living room and add a private bedroom off of the original den. With the addition, the house will have 3 bedrooms and an expanded living room. One question that arose was whether the septic system was adequate for an added bedroom. Sandy reported that they already have a Haverhill building permit, which they shouldn't have yet according to our procedures. After some discussion, Chris moved that we approve the application of the Waudbys with the stipulation that they provide us with a septic system approval letter that the septic system is adequate for 3 bedrooms. Hasbrouck seconded. Motion for conditional approval was passed with no negative votes. Chris said that the state should have the original septic approval even if our office does not.

**Howard and Maureen Harris (Map 203, Lot 047)** – Their application for a porch had been disapproved at the meeting of May 8 because it did not have an approval signature of the zoning officer, but had been signed instead by Renee Cota, evidently at the request of the zoning officer. The planning board stated at their May meeting that the signature on the application had to be that of the zoning officer and that he could not authorize anyone to sign for him. The board had also been concerned because the plan seemed to be outdated. The application presented this month to the board was the same application as before except that the zoning officer had signed it. He also stated that the measurements on the plan were accurate. Sandy gave her opinion that the application should have been redone and that it will be awkward to sign our approval on the same form since it already said that the planning board had not approved. She also reported that the zoning officer signed it this time only because she had talked to him and insisted that he sign. He did confirm that he had instructed Renee to sign it. Chris

said that it would not be fair to the applicants to disapprove the application again simply because our zoning officer had not done his job. The board agreed. Beverly suggested a way we could state the wording for our approval of the now-properly signed application. Chris said it would not be fair to hold up the applicants just because the zoning officer did not do his job. Chris moved that we approve the Harris zoning permit as resubmitted. Florence seconded. Passed unanimously.

## 7. Pending Business

- a. **Master Plan/ Governance** – The chair reported that the Master Plan was moving along nicely and that the committee is taking one section at a time. Sections have been outlined and each member is presenting his or her section which is then discussed by the other members. The goal is to have it done by the end of November. The section to be discussed at the next Master Plan meeting is Section II.
- b. **Zoning Officer/District Office** – Sandy expressed her frustration with the system that is now in place and stated that is not working. To set the background, Sandy reminded the board that we had been requested to develop some form letters for use with zoning violations. The board did that several months ago. The board also had been asked by the zoning officer (ZO) to clarify the Rodney Thompson violation. The ZO evidently had questioned it. The board remembered looking up the ordinance, deciding that parking a truck of that size and empty weight anywhere in Mt. Lakes, even if only overnight, is a clear violation of our zoning ordinances. The board also devised a particular letter for Doris Faughnan, the woman who hasn't finished her garage.

After our meeting 2 months ago, Sandy said she had written a letter to Renee Cota (district manager) and left it on her desk before leaving on vacation. Sandy reported that in the letter she wrote on May 9, she

- (1) gave specific information on the dispositions of the 3 applications the board had reviewed.
- (2) informed her that the date for the Faughnan letter should be changed to May 12 and the 2 months' deadline to July 12 and that Bev (Jacobs) and Chris (Demers) could sign the letter at the Commissioners' meeting. She and Karl (Schmid) would sign on Monday.
- (3) Indicated that Steve was to send a letter to Rodney Thompson that parking his truck, whose empty weight is at least 10,000 pounds is not permitted (zoning ordinance #308.1B) The next time he does violate this zoning, he can be fined by the commissioners up to \$275 per day, amount to be determined by the commissioners. We would not expect the fine to be that high. Sandy continued. "After you have written a letter, please have Karl and Chris read it before it is sent out. They need to know the history of Rodney's violations, how many violation letters has he received, and when. That will determine what he should be fined."

Sandy said that nothing had been done about any of these. She reported that when looking through the zoning material she found the letter which should have been sent out. Commissioner Chris Demers signed it; Commissioner Bev Jacobs signed it, Commissioner Karl Schmid signed it and Sandy had signed it for the planning board. It was dated May 12. It was never mailed. She said she had

personally written a number of incident reports about Rodney's truck. He is in clear violation of our zoning violations.

She expressed her concern that because of their friendships with Rodney Thompson, Bev (Commissioner Jacobs) and the Zoning officer may be reluctant to enforce the violations against him.

Various board members said that we had set up a system as requested with form letters which should be in the office computer and that we were under the impression the commissioners had accepted it. If so, at the point where incident reports and violations have triggered the system, it should be automatic.

Sandy pointed out that there isn't even anything on the zoning officer's report that mentions the letter about the Faughnan garage and Rodney's violations.

Janice asked if the planning board secretary could be writing these form letters, since she is also District clerk and has legal status as such. After some discussion of what authority the PB has, we recognize that by law, the authority for enforcement is the legal responsibility of the commissioners or their appointed zoning officer, and the letters therefore sent out by Renee because she is the commissioners' district manager.

Beverly stated that the zoning officer has to decide whether or not he is willing to do the job he signed on to do, and that the commissioners have to be willing to be "the bad guys", as enforcers, as that is the job they were elected to do.

Florence mentioned that the letters on the septic systems have gone out, which is one good thing she has observed that is happening on a regular basis. The board agreed that this procedure is working as it should be and important to protect our lakes.

An extensive discussion followed about the planning board's role in making the system work as far as enforcement of zoning regulations. The board has created the form letters. These letters should be on the computer and sent out in a timely way. Chris stated that we have to have documentation. We as a board should be able to look up the status of a violation on a chart that the ZO has filled out.

The board agreed that we have the authority and obligation to go to the commissioners' meeting Saturday and tell them we are frustrated and this system is not working. It has not been working for years. Residents have stated that they want their zoning regulations enforced.

Beverly said that we're doing our part and we have to convince the commissioners to do theirs. Chris said he cares about the documentation forms more than anything and in this age of computers it's easy to create a chart that tells you what you need to know. All agreed that we have to treat everybody the same, and the only way to do that is with procedures and a system has to be followed for everyone, with a well-documented paper trail.

Chris made the point that if there isn't a tracking system, then every violation is treated like a first violation and no fines are ever charged.

The board decided that Janice should present the planning board opinion and our plea for them to enforce the zoning regulations. A lengthy discussion followed on proper wording and what message we wanted to convey.

The board then reviewed the zoning officer's report. Going paragraph by paragraph, board members remarked that the report was especially uninformative this month about what, if any, actions he has taken, and inexcusable that the many incident reports of Rodney Thompson's violations were not even mentioned.

Janice agreed to make the presentation, but asked for a motion so that the entire committee be on record. Beverly moved that we present before the commissioners Saturday the planning board's concern with documentation and enforcement of zoning. Florence seconded. Passed unanimously.

- c. **Haverhill Planning Board / Selectboard**—Karl and Sandy are on a subcommittee dealing with the subdivision regulations that Haverhill is redoing because they have a lot of people that are not following any rules. They are working with the town of Haverhill in a very cooperative and sharing way. Another 15 lots are going on the auction block June 23.
  - d. **DES fencing grant** – Posts are going up for the fence going around the wellhead. He's coming Saturday to put fence in with 14 ft gates. There could be a slightly higher charge for problem that showed up. There is a fabulous potential trail right at the edge.
  - e. **Board Information/ Education** – None that PB members know about.
7. **New Business**—There was no new business.
8. **Other** – Watershed to Wildlife will probably be here within the month to start doing the wetlands.
- Janice asked that Michelle be reminded to get her minutes to the office within the 7 days stipulated. Sandy explained that because of the changes to the minutes there was a misunderstanding and Michelle did not send the minutes to the office.
9. **Adjournment:** 8:20 p.m. Next Meeting Thursday, July 10, 2008, at 7pm, Office.

In the absence (excused) of the Planning Board Clerk,  
Recorded by:

Janice Neubauer, Vice-chair