

**MOUNTAIN LAKES DISTRICT
MASTER PLAN COMMITTEE MEETING
District Office
December 20, 2016
*UNAPPROVED***

Call to Order: Chairman Don Dubrule called the meeting to order at 6:00 pm.

Roll Call: Don Dubrule, Mike Roberts, Mark Johanson, Bob Long, Ken King, Laraine King, and Tara Bamford from North Country Council were present.

Approval of Minutes – The minutes of November 29, 2016 were approved as presented by motion of Dubrule/Roberts.

Agenda - The agenda was reviewed and approved by motion of Dubrule/Johanson. Latest draft item discussion was changed to land use discussion at Tara's request.

Land use discussion-

Tara handed out a list of questions to guide the discussion.

Don offered to send her the covenants on which some of the existing zoning is based. He explained that they cover all but one lot.

It was agreed that it would be really helpful to have the documents in hand that established the district and its powers. The district powers were expanded to include zoning after it was established. Bob offered to research that the Secretary of State's office. It was noted that the establishment of the district will include the boundaries and provide background on the lot formerly owned by the town that was in dispute regarding whether it was inside or outside of the District.

Laraine provided background on the homeowners association. It disbanded over ten years ago with the approval of the Secretary of State's office. It was felt that there were no issues requiring enforcement relative to the covenants, and that any future issues would be taken care of by the District once there was zoning. She offered to see if there are any records from the dissolution in the District files. Tara explained that in her opinion some of the things from the covenants that are now in the zoning would be more appropriate being dealt with by a homeowners association vs zoning as they are less clearly within the zoning powers enabled in state law.

Tara asked if any of the town roads were roads that aren't constructed yet. Bob showed her that the unconstructed roads are shown on the map on the wall in a dashed line and she noted that several of them are shown on the town's road map as town roads. Several are private road rights of way. However there seems to be some confusion about who owns the rights of way. It was agreed that some research is needed into this question, as well as what the status is relative to RSA 674:41 regarding the issuance of permits to build on these roads that were approved by the Planning Board but not constructed, e.g. do they have to be allowed? Should they be allowed but with a waiver of liability? Should they be allowed only if the applicant constructs them to current specifications? In the cases that the permits don't have to be issued but it is instead discretionary, Tara recommended a policy to articulate the

conditions under which a permit may be issued. Tara said she planned to spend a couple hours at the Registry of Deeds to look at the plans that were recorded. It was also agreed that Bernie Waugh should be asked if he has had occasion to do any research on the question of the road status and the vesting of the approval of the various phases of the development in the past. Tara offered to attend his meeting with the District Commissioners at 6 PM on January 9th if she is not scheduled to be at another meeting.

The relationship between the MLD zoning and Haverhill subdivision regulations was discussed. MLD does not seem to have the authority to review subdivisions, lot lone adjustments or mergers. Although , the MLD zoning ordinances does have language related to subdivision review by the Planning Board, the specific authority given to Mountain Lakes by the state legislators needs to be researched to identify the full extent of that responsibility.

The use of variances vs special exceptions or conditional use permits was discussed relative to things like construction in setbacks on small lots. It was agreed that zoning changes should not make any lots unbuildable that can comply with state statutes, but that if it possible to do so without causing that to occur, the zoning should be more protective of water quality. It was noted that the survey results were strongly in support of this. It was agreed that most residents are very aware of the importance of the lakes to quality of life and property values. Potential land use approaches were discussed to provide water quality protection measures through acquisition, merger, and other developmental means. No consensus was reached as to its effectiveness on water quality.

It was discussed how many residents enjoy the relative quiet and privacy afforded by the many undeveloped lots. There was consensus that there would not be support for MLD ownership of more land because it would take it out of the tax base. However some feel that more lot mergers would be beneficial.

Tara will plan to send out a working draft of the land use section about a week before the next meeting.

Facilities:

Draft information has been received by email from Mike Roberts and Mark Johanson. Recreation info was handed out. Laraine indicated that she would like to review the Recreation handout for any needed changes or amendments. Tara explained that her next step would be to email back some additional questions. She agreed to let Don know as soon as possible if they will be ready to meet with individuals to discuss these further at the January meeting or whether the drafts will still be in progress.

Next meeting:

Next meetings were scheduled for January 24 and February 28.

The meeting adjourned at 7:50 PM.

Respectfully Submitted,
Tara Bamford