

MOUNTAIN LAKES DISTRICT
3rd PUBLIC HEARING on ZONING ORDINANCE REVISION and
PLANNING BOARD REGULAR MEETING
January 17, 2019
UNAPPROVED

Call to Order: Chair Mark Johanson called the meeting to order at 6:02 pm.

Roll Call: Mark Johanson, Robert Roudebush, Mike Roberts, and Don Dubrule were present; Mark Johanson declared a quorum. Walter Hunt was absent and excused. Zoning Officer Finnegan and Community Planning Consultant Tara Bamford were present.

Public Present: Laraine King, Ken King, Bill Harris, Jim Fallon, Marcia Selent and David Selent.

Public Hearing: Mark Johanson opened the public hearing at 6:03 pm. He gave a brief presentation to highlight the three latest changes made to the proposed zoning ordinance. Bill Harris questioned Amendment #4 regarding the requirement that hazard warning luminaires be red, noting police and fire often have blue lights and many utilities use yellow emergency lights. The Board agreed to consider changing that requirement. David and Marcia Selent questioned Amendment #8 noting the new setbacks would make a lot they own unbuildable when combined with the required distance from the water. Mark Johanson said the revision's purpose is not to make lots unbuildable, but to standardize setbacks and the method used to measure them. Robert Roudebush noted the ZBA can grant special exceptions for cases like the Selents – as long as other special exception conditions are met, a structure only needs to meet setbacks “to the fullest extent practicable” rather than the entire distance.

Robert Roudebush moved to close the public hearing; Don Dubrule seconded, and the motion passed. Mark Johanson closed the public comments portion of the meeting at 6:30 pm and thanked attendees for their interest and participation.

After discussion, Robert Roudebush moved to amend Amendment #4 under “Exceptions” section D. to remove the words “must be red and” so that the phrase reads “... all luminaires used ~~must be red and~~ must be shown to be as close as possible to the federally required minimum lumen output ...” Mike Roberts seconded and the motion passed. Robert Roudebush moved to recommend the proposed zoning ordinance revisions, with the above amendment and any non-substantive editorial corrections needed, for consideration at the 2019 Annual Meeting. Mike Roberts seconded and the motion passed.

Approval of Minutes

- **December 20, 2018:** Robert Roudebush moved to approve; Mike Roberts seconded, and motion passed.

Approval of Agenda: Robert Roudebush moved to approve the agenda; Mike Roberts seconded, and the motion passed.

Zoning Permit Applications:

- **Bower – Dock (Replacement):** ZO Report: Homeowner sent Notification info to NH DES on 1/16/19, no response yet. Remained tabled.

Review of Zoning Permits Report:

- **Krull – Addition:** ZO Report: file reviewed, ZCC completed. The Board agreed to remove from tracking report.
- **Correnti – Entry Overhang:** ZO Report: No exterior progress. Continue to monitor.
- **Meddaugh – Entryway:** Office Report: Sent permit extension request letter with SASE to homeowner on 1/4/19 and received back on 1/11/19. ZO Report: Homeowner not present; no exterior progress. The Board approved the extension request with a new expiration date of Feb. 28, 2020. Continue to monitor.
- **Gilbertson – Deck:** ZO Report: No one present at home. Continue to monitor.
- **Smith – New Home:** ZO Report: 1/6/19: Windows installed and insulation on structure; pending siding. 1/13/19: No one present at work site; permit extension received 12/20/18. Continue to monitor.
- **Bower – Dock:** See above. Tabled pending receipt of DES Notification.
- **Bower – Shed:** ZO Report: No exterior progress on shed. The Board noted permit dates not on tracking sheet – ***Kristi Garofalo will update for next meeting.*** Continue to monitor.
- **Hunt – Shed:** ZO Report: No exterior progress. Continue to monitor.

- **Johanson – Garage:** (Mark Johanson recused himself). ZO Report: Roof complete, majority of siding on structure. Continue to monitor. (Mark Johanson returned to the Board).
- **Hetherton – Garage:** ZO Report: 1/13/19 Majority of siding on structure, roughly 80%. Continue to monitor.

Review of Incident Report:

- **Weeks – Shed:** ZO Report: No change to shed exterior. After discussion, the Board agreed **ZO Finnegan will draft a statement of Board actions taken in this incident and get photos of the scene by the end of January. Mark Johanson will contact District legal counsel regarding having a 2nd NOV “lawyer letter” sent.**
- **Foldeak/Schmead – Yard Debris:** ZO Report: Some progress in debris removal. Continue to monitor.
- **Jock – Yard/Debris/Trash:** ZO Report: 1/6/19 No one present, ZO letter posted on door. Office Report 1/7/19 ZO letter mailed. ZO Report: 1/13/19 No one present. Mark Johanson reported dumpster has been emptied and yard cleaned up. The Board agreed to remove the incident from the tracking report.

Old Business: NONE

New Business:

- **Fiore Correspondence:** The Board reviewed a letter from Fiore Builders stating required foundation work on the Hetherton house has been completed, and directed **Kristi Garofalo to file the letter in the homeowner’s file.**
- **Survey Maps:** Mark Johanson said he contacted Cartographics in Littleton and was told they could provide 24” x 36” copies of each of the District’s four maps at a cost of \$2.70 each. They would be up-to-date as of 2018 or we could wait until May 2019 for more recent updates. After discussion, the Board agreed to wait for the March Annual Meeting vote on the zoning ordinance revisions, then contact Cartographics for updated maps. The Board also agreed slope overlay and wetlands overlays would be useful and will continue to investigate getting those maps.
- **Zoning Violation Procedures:** The Board reviewed a memo from Robert Roudebush on procedures to deal with ordinance violations along with an email from alternate member David Martella regarding his agreement with the statement that a key element to any procedure should be the question “How well can I make this case in court?” The Board agreed a definite procedure was needed, with maximum days for each step noted. After discussion, the Board agreed on the following steps:
 1. The possible violation is reported using an Observation & Incident Report (OIR) which is sent to the Office, recorded on the tracking sheet, and forwarded to the zoning officer.
 2. **Within 10 days,** the zoning officer verifies the violation, determines the urgency (urgent incidents require a special Board meeting), and notifies the office and the Chair of his findings.
 3. The zoning officer attempts to make personal contact with homeowner before the next Board meeting.
 4. At their next meeting, the Board decides to send a courtesy letter with SASE and space for the homeowner to acknowledge and respond to the courtesy letter. **Steps 1 to 4 to happen within 60 days.**
 5. The incident is monitored and if not corrected, the Board will direct a Notice of Violation be sent via certified mail and posted on the property. **Steps 4 to 5 to happen within 60 days.**
 6. The incident is monitored and if not corrected, the Board will direct a step-by-step incident action report be created for District legal counsel and a 2nd NOV “lawyer’s letter” sent via certified mail. **Steps 5 to 6 to happen with 60 days, making a total of 180 days for the entire process.**
 7. Cases not resolved with Step 6 will be considered for legal action after consultation with legal counsel.

Comments of the Zoning Officer: NONE

Comments of the Board: Robert Roudebush asked Board members to verify they want to increase the budget requests for the two Planning Board Capital Reserve Funds from \$500 to \$1,500 each. The Board agreed that was correct, and agreed **Mike Roberts will propose the increases at the Feb. 11 Budget Hearing.**

Comments of the Public: NONE

Next Meeting Dates: Next meeting to be Thursday, Feb. 21 at 6:00PM at the District Office.

Adjournment: Mark Johanson moved to adjourn; Mike Roberts seconded. The meeting adjourned at 7:55 pm.

Respectfully submitted,
Kristi Garofalo