

MOUNTAIN LAKES DISTRICT
PLANNING BOARD MINUTES
Thursday, November 6, 2008
District Office 7:00 P.M.

- 1) **Call to order** – Janice Neubauer called the meeting to order at 7:00 P.M.
- 2) **Roll call** - Janice Neubauer (Vice Chair acting as Chair in Sandy Schmid's absence), Chris Demers (Ex Officio), Carol Modrell (Regular), Tom Eighmy (Regular), Beverly Hasbrouck (Alternate).
Absent – Sandy Schmid (Chair), Florence Hartmann (Alternate).
Visitors – Karl Schmid (Commissioner) and Stan Borkowski (Zoning Officer).
- 3) **Agenda Approval / Additions** – At Karl Schmid's request Zoning Enforcement was added to section 9. *Other*. Neubauer added a letter from DES to section 5. *Correspondence*. Demers moved to approve the agenda as amended, seconded by Modrell. Motion passed.
- 4) **Minutes of Previous Meeting (10.09.08) Changes and Approval** – Eighmy questioned who is paying for the lawyer mentioned in section 7.C. *Haverhill Planning Board / Select Board*. Karl Schmid responded that we talked with our lawyer to protect ourselves. If we incur additional legal fees for speaking with our lawyer the costs would be paid by David Long. Neubauer stated that 7.C. is accurate as stated in the meeting. Hasbrouck moved to accept the minutes as written, seconded by Demers. Motion passed.
- 5) **Correspondence** – Neubauer summarized a letter that announced a DES Public Hearing on the proposed shoreland protection rules. The Public Hearing will be held at Hazen Drive, Concord, NH on November 14th from 1:30 pm to 3:00 pm.
- 6) **Zoning Permit Applications**
 - a. **James & Lauren Dufficy [MAP 203 LOT 195]** – The Planning Board reviewed the Dufficy application to build a 2 bedroom log home with Jim Elliott of Coventry acting as their agent. Demers stated that the plan meets all setback requirements. Borkowski stated that a site review resolved the initial concern about the contours of the lot. Modrell moved to accept the Zoning Officer's recommendation and approve the Dufficy application for MAP 203 LOT 195, seconded by Demers. Motion passed.
 - b. **Todd Danis [MAP 204 LOT 247]** – Demers stated that Danis sent a letter requesting a nine month extension due to the two month delay caused by the septic design error. Danis intends to resume building in the spring. Demers moved to approve the request for a nine month extension expiring on July 31, 2009, seconded by Modrell. Motion passed.
- 7) **Pending Business**
 - a. **Master Plan / Governance** – The Master Plan Sub-Committee is still working. Regarding Governance, Karl Schmid stated that we need to be thinking very carefully about our zoning ordinances. Time is running out and the warrant articles need to be written before the end of the year. Neubauer would like to see an ordinance that makes it clear that the owners, not the tenants, are responsible for any violations. Demers said that is already true and we don't need an ordinance. Karl Schmid suggested sending a letter to property owners regarding the new DES regulations. Neubauer said she has drafted a letter and DES has a pamphlet that explains it very well. Zoning ordinance 406.7, which addresses keeping property in an orderly manner, was proposed for revision. Borkowski stated that most property ordinances specifically state what must be kept in order. Borkowski has some examples of wording for the ordinance that he will make available to the Planning Board next week. Neubauer requested that if anyone else has an ordinance they recommend for revision please bring a written draft to the next meeting. Hasbrouck

submitted the following list of ordinances for possible revision:

403.2 applies to Bazzell
403.3
308 trailers
404 septic system for more occupants or permanent residence
406.3 approved exterior materials
406.7 keep property in orderly manner

406.8 no trailers
406.9 business – add computer etc
406.10 define household pets
901 zoning permit – up to date
903 enforcement
Pg 25 – septic systems [article 3 says 4 years, article 3 says 3 years]

- b. **Zoning Officer / District Office** – The Planning Board reviewed and discussed the Zoning Officer’s status and incident reports. Karl Schmid explained that once a project has been completed it must remain on the status report with the status ‘done’ at least once before being removed. Neubauer raised concerns regarding the clean up of the Bazzell property and that they have not gone to DES. Karl Schmid stated that they cleaned up the lot and foundation from the burnt structure and have not violated any of our zoning ordinances but have violated DES. There’s been some discussion about the Bazzell’s interest to build an apartment in the existing garage and run a water line to it. Demers stated that you can’t habitat in a garage and Hasbrouck said if you put an apartment in a garage it changes the type of structure. Karl Schmid stated that the square footage rule is for a residence, what defines a residence?

Discussion of Status and Incident Reports

DANIS – Borkowski will notify them in writing that their extension has been approved.

GREET – There’s 51 feet to continuous foundation but not to the porch or steps. They are finished building so they should apply for a variance.

LAMPERT – Permit has expired. Borkowski will write a letter stating that property must be cleaned up before project will be considered completed.

FAUGHNAN – Permit is expired. Karl Schmid stated that in order to do anything about this issue it would have to be taken to superior court, which is costly.

O’MALLEY – They applied to build a deck in the same footprint as the old deck, however, they didn’t follow the original footprint. Demers recommends sending a letter.

STEIGER / BROWN – They used wood siding, not vinyl as stated on application.

WAUBY – Karl Schmid stated that if you change the house you have to have a septic design review. It used to be that you had to get one only if you were adding bedrooms.

- c. **Board Information / Education** – Shoreland Protection Act Public Hearing on November 14th [see 5. Correspondence for additional details].
- d. **Budget** – Karl Schmid stated that it costs \$500.00 for our lawyer to review our zoning ordinances. Another budget issue is the septic violations. We have a dozen septic violations, and we can fine them, but to collect we would have to take each case separately to superior court at an approximate cost of \$10,000.00 plus lawyer fees per case. Schmid said that the budget for legal fees has gone down three years in and row and is currently at \$8,000.00, which is just enough to run the district. Karl Schmid recommends amending the budget for an additional \$10,000.00 and suggested that the Planning Board write a letter to the Commissioners and the Budget Committee to increase the budget for legal fees so septic violations can be dealt with. Eighthmy stated that enforcement of septic system building codes and other violations of zoning ordinance has been a recurring theme apparent in the 2006 survey and a

consistent theme of each of the Planning Board meetings over the last three years. It is the Planning Board's strong and unanimous position that an amount not less than \$10,000.00 be added to the budget to secure pending enforcement issues that will require action. Eighmy moved to have the Planning Board write a letter to the Commissioners and the Budget Committee that includes the above statement, seconded by Hasbrouck. Motion passed.

- e. **Zoning Ordinance** – Amendments / Dates for Public Hearing(s) – Specific dates for Public Hearings not discussed, however, Sandy Schmid and Neubauer will meet with Renee Cota to establish dates.

8) **New Business** - None

9) **Other** – Zoning Enforcement covered in section 7.d. Budget.

10) **Adjournment** – There was no further business and the meeting adjourned at 8:45 P.M. The next meeting will be on Thursday, December 11, 2008 at 7:00 P.M. at the District Office.

Respectfully submitted,

Michelle G. Chamberlain