

PRESS RELEASE: FOR IMMEDIATE RELEASE

From Daniel J. Merhalski, Town Planner
Town of Moultonborough Land Use Department

The Moultonborough Planning Board is working on a number of proposed Zoning Ordinance Amendments for Town Meeting this year. Continuing the work begun last year and adding to their work plan for 2010, the Board is scheduling a Public Hearing for seven proposed changes to the Zoning Ordinance.

A number of small changes are proposed, including adding a Table of Permitted Uses to the Ordinance. This would simply be a re-formatting of the existing uses, and would not change any from their existing levels of permissibility. The intent of the table is to help relay the information in the ordinance in a more clear and concise manner, and to help avoid confusion of which uses are permitted in which zones.

Another minor change for this year is the changing of wording to ensure that easements and walkways will be required to be included in the Village Zone's 65 percent impervious surface analysis, as approved by voters at Town Meeting in 2010. This is simply a revision of the wording of the ordinance for clarity, and will have no effect on development requirements as they have been enforced over the past year.

A significant item for discussion will be the Board's revision of the thresholds for development requiring Site Plan Review. Currently, the zoning ordinance requires that any change of any commercial use of land be required to receive Site Plan approval prior to the use being permitted. This includes such changes as a new use renting out space in an existing commercial building, where no new construction is required. The Board, in trying to be more business friendly while still protecting the public from adverse impacts and allowing mitigation of such potential impacts, is proposing a threshold above which Site Plan review will continue to be required, but below which, no permit will be needed. The amendment will exclude from permitting all commercial uses on lots under 1 acre that develop under 200 sq.ft. of area, or for lots over 1 acre, development under 500 sq.ft. in area. All commercial development over these thresholds will continue to require Site Plan Review. To ensure that the public is protected from small, but intensive use development, there is also a requirement that any use generating over 100 vehicle trips per day, or which involve a use that may have a substantial impact on Town services or infrastructure as determined by the Code Enforcement Officer, will be required to receive Site Plan approval. Such uses could include high-volume drive-thru establishments with small building footprints, or in existing structures.

Returning to the public for discussion this year is a revised version of the Steep Slopes Protection Ordinance, which is designed to reduce damage to streams and lakes from excessive erosion, stormwater runoff and flooding, and preserve natural drainage patterns and topography. This will help to ensure protection of the Town's drinking water supply from contamination through untreated, or uncontrolled, stormwater runoff caused by developments in areas with slopes of 15 percent or greater. The terms of the ordinance are triggered for applications for a Building Permit, Subdivision and Site Plan Review, only if a development is both disturbing over 20,000 square feet of land in the aggregate and is on a slope of over 15 percent. If a development is 19,900 square feet on 15 percent or greater slopes, or over 20,000 square feet on slopes that are under 15 percent, the terms of the ordinance would not apply. If triggered, the development is not prohibited, unless it is on slopes over 25 percent, but will be required to obtain a Conditional Use Permit from the Planning Board when applying for their development

permits. If required to obtain a permit under this section, performance standards, including a hydrology, drainage, and flooding analysis for the site must indicate that water quality and Ground Water Recharge rates will not be negatively impacted by the project when compared to pre-development levels. In response to public concerns from last year, certain requirements, such as the prohibition of driveways over 10 percent grade, have been removed from the current proposal. If approved by voters in March, this ordinance would not take effect until June 30, 2011.

Additional amendments include removing the current allowance for expansion into a setback for an existing primary structure, which allows an intrusion to expand by up to 100 percent of the existing area if intrusion. If approved, all such intrusions would require a Variance to proceed. The existing sign ordinance is also proposed to be amended by allowing other types of real estate signs, mainly rental or lease, to be placed on lots without the need for a permit, and would include signs for auctions as well.

The last proposal is to amend the requirements for development outside of a commercial zone that requires a Special Exception. These requirements would attempt to mitigate the potential negative impacts of commercial uses in residential districts and include requiring screening of such uses, ensuring that no additional burden on town infrastructure is generated by the use, and requiring fire protection for such facilities.

The Planning Board will conduct Public Hearings on these proposed amendments on Wednesday, January 12th at 7:00 pm, following the regular Planning Board meeting which has been rescheduled for earlier in the evening, and again on Wednesday, January 26th. Both Public Hearings will be held at Town Hall and are open to the public. Residents are encouraged to attend and share their thoughts about these amendments to the Town's Zoning Ordinance. Those with questions are encouraged to contact Daniel Merhalski, Town Planner, at 476-2347, and copies of the proposed amendments can be found on the Town's web site and are available for review at Town Hall.