

**TOWN OF WOLFEBORO
PLANNING BOARD
January 22, 2019
MINUTES**

Members Present: Kathy Barnard, Chairman, Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative Mike Hodder, Peter Goodwin, Susan Repplier, John Thurston Members.

Members Absent: Dave Alessandroni, Alternate.

Staff Present: Matt Sullivan, Director of Planning and Development, Cathleen LaPierre, Recording Secretary.

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Town Hall Great Hall.

I. Introduction of Board Members

Chairman Barnard introduced the members of the Planning Board and Staff.

II. Public Comment

N/A

III. Public Hearings

Petition Warrant Article; 175-2C. (12) Pine Hill Road Development District, Boundary Amendment

Kathy Barnard read the item into the record and explained the warrant article process.

Victor Drouin stated the petition was put together after speaking with property owners with the purpose to rezone for light commercial uses. He has been to the Planning Board twice and the Economic Development Committee and felt they were headed in the right direction. However, he is now hearing there are some unhappy folks but still feels strongly the businesses co-exist nicely and requested the Board support the Petition Warrant Article.

Peter Goodwin questioned why the southern group of properties are not considered spot zoning.

Matt Sullivan responded the reason is because there is a contiguous connector that exists.

Mike Hodder stated looking at the map, it's hard to justify joining one group of properties to the north to another group of properties to the south by a 100 ft. corridor running along the property of the town along Filter Bed Road in order to connect the two. Thus, resulting in discontinuous groups of properties. He referenced 203-07 and noted it wasn't on the list to be rezoned and if it's not included you have in fact created a northern and southern group with discontinuity in between the two of them.

Victor Drouin stated its not on that strip and is a Varney Road property.

Matt Sullivan stated there is not a gap on both sides; there is a contiguous zone being created.

Kathy Barnard noted letters and emails were received both in favor and not, see attached.

Kathy Barnard opened the public hearing.

Michael Flaherty with Taylor Community, referenced his letter and voiced concerns should the area be rezoned from residential to heavy commercial, see attached.

Kirk Beswick with Taylor Community asked Board members to consider if they owned property how they'd feel about living next to an industry, assembly plant, kennel, storage/boat facility. When the land was purchased it was supposed to be a quiet residential piece for folks who retire. They've invested a great deal and plan to build additional cottages. The owners pay a large amount in taxes (\$61K) and are concerned for the future; what could potentially develop and how it will affect the quality of life of the residents. He believes there is a better way to approach commercial use and would like to work together for resolution.

Meredith Barlow spoke on behalf of Wesley Commons and read a letter from Diane Morgan and Mr. Mansfield, see attached. She asked if Filter Bed road would be extended to 109A.

Kathy Barnard stated she believed it was discussed at one point, however, the town has not taken any steps.

Matt Sullivan confirmed Kathy Barnards statement.

Meredith Barlow questioned if it was a possibility.

Matt Sullivan replied it is; it could happen.

Meredith Barlow questioned the zoning.

Matt Sullivan stated its currently the residential R zone and would become the Pine Hill Road Development District Zone if the warrant article passes.

Mike Hodder asked the planner to compare the lot coverage, frontage and other requirements in the Pine Hill Development District against the general Residential District.

Matt Sullivan referenced copies of documents available on the table at the meeting and compared the 2 zones, see attached.

Marge Heart, owner of Lot 9, purchased the property approximately 2 years ago for her mother stated she had not received any communication regarding anything going on and felt tax payers should be notified.

Kathy Barnard stated all owners should have been notified.

Matt Sullivan clarified all owners were notified with proper notice of this particular hearing tonight, but were not notified of any prior actions because this was a petition warrant article and not an article sponsored by the Planning Board.

Marge Hart reiterated her concern notifying tax payers of anything going on that affects a property owner. She stated her goal is to retire here with her mother and is worried what will happen with a historical home nearby, and feels the master plan being developed should protect it. Seeing neighbors, children riding bikes and folks nearby using the trails and enjoying the current community she feels rezoning it commercial will be detrimental and disruptive to the residents that live in the area. She expressed concern for the intersection near Friend, Filter Bed and Varney Road as cars go much too fast. Due to issues with speeding and large commercial trucks that already frequent the current businesses she feels speed and weight limits should be added and again, is concerned that rezoning will only increase the traffic, noise and large vehicles. She understands the need for commercial land and suggested perhaps 109A would be more appropriate as there is a real charm to the current residential area and would like to see it maintain that charm as the town needs livable space.

Members of the public voiced their concerns regarding the speed on Filter Bed road and stated she loves her residence despite the current trucks that deliver boats and shake her house. She would like to see speed limits set to protect young children, elderly walkers and pets.

Kathy Barnard stated the Planning Board is required to have a public hearing for this; however, are unable to make any changes to this.

Barbara Wood at 41 Taylor Drive, 10 year resident stated it's been a quiet place to live and never complained about the boat storage building despite being told there wouldn't be much traffic when in fact there is quite a bit. That being said, she is concerned regarding the definition of industry as there is no clear definition and is worried anything could go in there. Although not opposed to development and light commercial uses it needs to be defined and she is against industrial property.

Marsha Mackinnon of Wesley Commons, questioned the boat storage area zoning.

Matt Sullivan confirmed it to be zoned commercial and everything south of the Goodhue property is residentially zoned.

Rhonda Alden resides at 30 Varney Road and asked to clarify why all the notices were called rural residential district vs. residential district.

Matt Sullivan suggested the language on the petition is incorrect.

Rhonda Alden voiced concern regarding definition/wording what it will be called, precedence being set, and the inevitable change to the entire neighborhood.

Kathy Barnard noted the community will have an opportunity to weigh in on this and any rezoning on voting day in March.

Suzanne Ryan also voiced her concern regarding the wording and read from her letter, see attached.

Bruce Terkelson resident of Wolfeboro for 22 years stated the following businesses closed or went bankrupt and are empty as they couldn't be sustained: the hardware store on corner of Mill and Bay Street, Wolfeboro Power & Equipment, Wolfeboro Airport, and the gun shop next to Olympia Gym. He spoke of what his neighbors stated sounded like explosions and feels this is not a heavy industrial town but rather a vacation area made to be quiet and charming. Additionally, he is concerned with regard to where the water goes from downtown up to the boat storage as it's a water source and how industrial discharge will impact Lake Winnepesaukee.

James Nupp, member of the Wolfeboro-Tuftonboro Land Bank and a Director on the Wolfeboro Cross Country Ski Association is concerned how the land will be affected in the future. The cross country ski trails are vital to Abenaki which will negatively impact the area with some of the possible permitted uses should this be rezoned commercial.

Edie Desmarais stated her concern is spot zoning and reiterated her concern from the previous public meeting that modest homes are essential to the town; we need these types of homes. Should the zoning be changed, the towns best assets, the lakes and beauty of the area will be negatively impacted. Perhaps look to areas that are more appropriate for expansion and hopes the Board will not recommend this change.

Nate Dickey stated businesses like the hardware store went out due to healthy competition and the property can't be sold due to various issues with the title. The gun shop owner retired and moved the business to his house, the partnership broke up with regard to the auto shop and new business is going in there. Lastly, the owner of the power sports business just decided he didn't want to do it anymore despite it being successful. He feels it's a great area for expanded business.

Member of Taylor Community asked all the folks in the audience to stand up that are against the petition. He stated they really like the area and feels it would be wrong to turn that area into a commercial land. The change might benefit a few people but overall would be of great detriment to the town and a lot of residents living there.

Victor Drouin stated he felt there is a lot of misinformation out there. The reasoning and purpose for rezoning was based on what's currently there for businesses as they are low impacting and none of what folks are thinking are true; we aren't looking to put in large industries. We don't have things to transport goods, no airport, no train etc. it just won't happen. There is no intention of impacting residents or their properties. He thanked the Board for listening and considering the petition.

Magdul Livingston resides in Taylor Community responded to Victor Drouin and stated there are constant trucks coming and going, loud noises and is concerned what else will go in.

Marsha Mackinnon spoke on behalf of Chuck Mansfield and asked why the properties on the corner near his property that are residential, now need to be rezoned commercial.

Kathy Barnard responded this is what is before the Board.

Victor Drouin stated we had an attorney draft this to make it nice, light, contiguous commercial area. We had an attorney that recommended it.

Matt Sullivan stated with regard to consulting with the town and spot zoning, we recommended a 100 ft. connector between the 2 independent areas that was the role the town had in this discussion.

Kathy Barnard clarified he was asked a question and Matt Sullivan answered it. This was a petition and the role of the Board is to hold the public hearings.

There being no questions or comments, Chairman Barnard closed the public hearing.

Mike Hodder stated there is no logic to this change; it does not recognize any facts on the ground.

Peter Goodwin stated his concern for incorrect wording on a legal standpoint and zoning as he considers it spot zoning. He noted there are number of vacant lots on the north side that could be developed. The Land Bank members are recommending against it and perhaps in a year this could be reworded and revisited.

John Thurston discussed the history of the area and stated he had a letter from the owners of Pickering House who support this petition, the Taylor community was able to get that property when another burnt down and feels we need to provide an area for light industry use but is also concerned with the wording and can't support it.

Kathy Barnard stated rezoning needs to be done with great care with input from public at the beginning of the process. EDC should look at the residential area along with sections that were cleaned up. The Board seeks input and asked for folks to consider whether they want to see growth or not see growth and encouraged the public to attend hearings in May and offer input. She believes this petition needs more thought at this time.

Vaune Dugan voiced concern that not all properties involved have been included in the discussion; the petitioner should involve them.

It was moved by Mike Hodder and seconded by Vaune Dugan to not recommend Petition Warrant Article; 175-2C. (12) Pine Hill Road Development District, Boundary Amendment All members voted in favor. The motion passed. 7-0.

Petition Warrant Article; 175-44E(1-2) General Provisions, Signs

Kathy Barnard read the item into the record.

Brad Harriman recused himself.

Jerome Holden gave the history of the sign committee and stated the goal is to fix the one line of the code to offer clarity and resolve the issue surrounding business directional signs.

Peter Goodwin questioned the wording “limit signs to one pair mounted back to back..” and noted, there would be 1 sign post with a pair of signs back to back and you can’t put any other signs on that post which means you could have 10 signs in one area or potentially have multiple signs all over town.

Mike Hodder stated perhaps it was meant to say each business gets one post.

Kathy Barnard discussed the history pertaining to the committee and stated the petition is not consistent with what the Wayfinding Committee had discussed.

Kathy Barnard opened the public hearing.

Roger Murray stated he fully supports the Board and committee; this amendment is not the answer as this allows the business directional signs anywhere in town. He is concerned about the wording, the limit of signs on a post and the fact there is no height limit listed. He hopes the Board does not recommend to approve this amendment.

Jerome Holden stated he tried to do this last year and felt he was closer to coming up with the proper wording and really hopes to find a resolution as individuals aren’t able to find businesses especially on side streets.

John Thurston asked if there is a tax for a post location.

Jerome Holden responded it’s a permit fee not a tax.

There being no questions or comments, Chairman Barnard closed the public hearing.

Kathy Barnard stated she hoped they could wrap up in June 2019 with suggested changes.

John Thurston asked to clarify with regard to the wayfinding sign committee. He stated it was a great group of people and what’s in front of us is what they came up with back when they were going to look into and discuss with the PW Director. However, as things moved on other things were put on our plate and this was put to the side. The Board of Selectmen was supposed to be involved and he feels there is a problem with implementation and would like to see a motion made to sit with the Board of Selectmen to get this done.

Peter Goodwin stated there is some question of cost of installation and who pays for it. There was also some confusion as to who this was for i.e. drivers or pedestrians because the signs are too small for drivers and the original intent was for pedestrians.

Mike Hodder stated this is a complicated sign ordinance and feels the solution presented is flawed.

Vaune Dugan noted she’d like to see the committee sit down with the Board of Selectmen and iron out who does what and how.

It was moved by Mike Hodder and seconded by John Thurston to not recommend Petition Warrant Article; 175-44E(1-2) General Provisions, Signs. Kathy Barnard, Vaune Dugan, Peter Goodwin, and Susan Repplier voted in favor. Brad Harriman abstained. The motion passed. 6-0.

2019 Zoning Amendments

Matt Sullivan reviewed the proposed 2019 Zoning Amendments, see attached.

§ 175-2C. (12) Pine Hill Road Development District, Boundary Amendment

Brad Harriman recused himself.

Kirk Beswick stated Taylor Community is interested in participating in economic development and pointed out that they were not notified of the petition warrant articles. He questioned how non-conforming lot usages when the property changes hands is considered to continue that non-conforming usage.

Matt Sullivan responded speaking in general, when a property is transferred there is no trigger from a zoning side of things that requires our review or ends that non-conformity of the use. They have a 1 year use limit; it's challenging to determine a start and end date.

Kirk Beswick is concerned as zoning is designed to protect from individual random use of properties but by allowing non-conforming to exist, he wondered why the municipality wouldn't try to prevent that from occurring.

Matt Sullivan agreed but stated many municipalities are recognizing it's not reasonable to take an approach to immediately end non-conforming uses which is why the 1 year clause is in place.

Vaune Dugan stated one consideration to rezoning was meant to prevent something less obnoxious from coming in.

Mike Hodder stated non-confirming use is not a mistake, it's a legally allowed use on a property.

Michael Flaherty stated they are not necessarily against further commercial use just concerned for the residents in Taylor Community and what would be put in there for businesses.

Barbara Wood stated her concern is not what's going on now but worries about the lot next door as it's already loud and to allow something else that may have a great deal of noise is concerning.

Elane Hicklind of 91 pine hill road stated she is not in favor. As it is she has a view of a galvanized fence across the street at Winnepesaukee Lumber, listens to the tractor trailer trucks at 3:30am and occasionally has to clean up the plastic wrappings that blow onto her lawn. So to add more businesses is deeply concerning. She asked the Board to please consider the residents living there.

Suzanne Ryan referenced her letter, see attached.

Matt Sullivan noted the Planning Board could choose to withdraw the amendment but not modify it.

There being no questions or comments, Chairman Barnard closed the public hearing.

Kathy Barnard stated as a result of testimonies she would like to see the amendment withdrawn as residential owners haven't been included and would like to reach out more as she feels they are happy with what they have.

Matt Sullivan stated he received a call from the owner of Pine Hill Storage who was concerned regarding his lot coverage as the change would limit his ability to develop the property and was not in favor of the change.

It was moved by Mike Hodder and seconded by Vaune Dugan to withdraw § 175-2C. (12) Pine Hill Road Development District, Boundary Amendment. Kathy Barnard, Peter Goodwin and Susan Repplier voted in favor. Brad Harriman and John Thurston abstained. The motion passed. 5-0-1.

§ 175-2.C.9 Bay Street Limited Business District, Boundary Amendment

Kathy Barnard opened the public hearing.

Suzanne Ryan asked if zoning it, would make it kosher.

Matt Sullivan confirmed yes.

Suzanne Ryan thanked the Board for their patience and truly listening to the public.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move the § 175-2.C.9 Bay Street Limited Business District, Boundary Amendment to the 2019 Town Warrant as amended. All members voted in favor. The motion passed.7-0.

It was moved by Kathy Barnard and seconded by Mike Hodder to support § 175-2.C.9 Bay Street Limited Business District, Boundary Amendment as amended. All members voted in favor. The motion passed.7-0.

§ 175-43 Expansion of Non-Conforming Structures

Kathy Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move the to the § 175-43 Expansion of Non-Conforming Structures to the 2019 Town Warrant as amended. All members voted in favor. The motion passed.7-0.

It was moved by Kathy Barnard and seconded by Mike Hodder to support § 175-43 Expansion of Non-Conforming Structures as amended. All members voted in favor. The motion passed.7-0.

§ 175-175 Terms Defined; Corner Lot

Kathy Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move the § 175-175 Terms Defined; Corner Lot to the 2019 Town Warrant as amended. Kathy Barnard, Peter Goodwin, Brad Harriman and Susan Repplier voted in favor. John Thurston abstained. The motion passed.6-1.

It was moved by Kathy Barnard and seconded by Vaune Dugan to support § 175-175 Terms Defined; Corner Lot as amended. Kathy Barnard, Peter Goodwin, Brad Harriman and Susan Repplier voted in favor. John Thurston abstained. The motion passed.6-1.

§ 175-153 – 175-158 Landscaping, Streetscaping, and Buffering Standards

Kathy Barnard opened the public hearing.

John Thurston questioned the definitions for streetscape, buffering and landscape.

Matt Sullivan replied we have the definition for buffering and streetscaping. If there are changes that need to be made, it's not too late, we can change it.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move § 175-153 – 175-158 Landscaping, Streetscaping, and Buffering Standards to the 2019 Town Warrant as amended. All members voted in favor. The motion passed.7-0.

It was moved by Kathy Barnard and seconded by Mike Hodder to support § 175-153 – 175-158 Landscaping, Streetscaping, and Buffering Standards Expansion of Non-Conforming Structures as amended. All members voted in favor. The motion passed.7-0.

§ 175-27.3 – Overlay District: Affordable Nonprofit Housing for the Elderly and Affordable Nonprofit Workforce Housing, Phasing

Kathy Barnard opened the public hearing.

Kathy Barnard noted this is no longer legal.

Mike Hodder also confirmed it is no longer legal because the state changed the definitions in one of the RSA's.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move § 175-27.3 – Overlay District: Affordable Nonprofit Housing for the Elderly and Affordable Nonprofit Workforce Housing, Phasing to the 2019 Town Warrant as amended. All members voted in favor. The motion passed.7-0.

It was moved by Kathy Barnard and seconded by Vaune Dugan to support § 175-27.3 – Overlay District: Affordable Nonprofit Housing for the Elderly and Affordable Nonprofit Workforce Housing, Phasing as amended. All members voted in favor. The motion passed.7-0.

§ 175-138 Parking Standards, Waivers from Parking Requirements

Kathy Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Vaune Dugan to move § 175-138 Parking Standards, Waivers from Parking Requirements to the 2019 Town Warrant as amended. Kathy Barnard, Peter Goodwin, Brad Harriman and Susan Repplier voted in favor. John Thurston abstained. The motion passed.6-1.

It was moved by Kathy Barnard and seconded by Vaune Dugan to support § 175-138 Parking Standards, Waivers from Parking Requirements as amended. Mike Hodder, Peter Goodwin, Brad Harriman and Susan Repplier voted in favor. John Thurston abstained. The motion passed.6-1.

IV. Action Items

**Lyon Family Revocable Trust
Lot Merger
Tax Map #231-077 and 231-078**

It was moved by John Thurston and seconded by Mike Hodder to approve the Lyon Family Revocable Trust, Lot Merger, Tax Map # Tax Map #231-077 and 231-078. All Members voted in favor. The motion passed.7-0.

Master Plan Purpose Statement

Kathy Barnard noted this will be put off until the second meeting in February.

Matt Sullivan confirmed.

Mike Hodder noted the largest demographic group are retirees and there is nothing noted and would like to see something reflected that includes the specific folks that live here.

Vaune Dugan suggested the Board review all the chapters before finalizing.

Appointment of Members to Future Land Use Committee

- Potential Members that signed up: Kathy Barnard, Joyce Davis, Roger Murray, Ken Perry, Suzanne Ryan,
- Interested/Pending Candidates: Cindy Melanson, Patty Cooke

Matt Sullivan asked the Board to keep this open to the next meeting to allow for others to join.

Mike Hodder agreed and is in favor of keeping it open.

Matt Sullivan noted the paper did not execute the ad in time.

Brad Harriman suggested reaching out to someone in Recreation.

Mike Hodder questioned if anyone reached out to the Conservation Commission.

Matt Sullivan felt that was a good idea.

It was moved by Kathy Barnard and seconded by Vaune Dugan to appoint Joyce Davis, Roger Murray, Ken Perry, Suzanne Ryan, Cindy Melanson, and Patty Cooke to the Future Land Use Committee. All Members voted in favor. The motion passed.7-0.

V. Approval of Minutes

January 8, 2019

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the January 8, 2019 Wolfeboro Planning Board minutes as submitted. Brad Harriman, Kathy Barnard, Susan Repplier and Peter Goodwin voted in favor. John Thurston abstained. The motion passed.6-1.

VI. Communications & Miscellaneous

VII. Work Session

N/A

VIII. New Business

IX. Planning Board Subcommittee Reports

N/A

X. Nonpublic Meeting

N/A

It was moved by Kathy Barnard and seconded by Vaune Dugan to adjourn the January 22, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 10:05 PM.

Respectfully Submitted,

Cathleen LaPierre
Cathy LaPierre

*****Please note these minutes are subject to amendments and approval at a later date. *****