TOWN OF WOLFEBORO

PLANNING BOARD

**October 19, 2021**

**DRAFT MINUTES**

1. **Call to Order:** *Chair* *Kathy Barnard opened the meeting at 7:00 PM at the Great Hall.*
2. **Introduction of Planning Board Members**

**Members Present:** Kathy Barnard, Chair, Brad Harriman, Selectmen’s Representative, Vaune Dugan, Peter Goodwin, Susan Repplier, John Thurston, Members, Julie Jacobs, Alternate.

**Member Absent:** Mike Hodder, Vice-Chair.

**Staff Present:** Tavis Austin, Director of Planning and Development, Lee Ann Hendrickson, Recording Assistant.

*Kathy Barnard appointed Julie Jacobs, Alternate, to sit in for Mike Hodder, Member.*

1. **Public Hearing**

**2022-2031 Capital Improvements Program**

Kathy Barnard reviewed the members of the CIP Committee and the process of the CIP.

Tavis Austin reviewed the CIP Narrative and accompanying spreadsheets.

Susan Repplier questioned the solar project in 2023 and renewable energy for 2025 and stated she feels it’s a long time to wait to spend money on renewable energy.

Tavis Austin stated the solar project is a self-funded project. He stated the renewable energy project was placed in 2025 due to the size of the system that is proposed to be installed and anticipated price at that time. He stated the project was a recognition of the Energy Commission to have the project in the CIP.

Susan Repplier asked if the project is the EV stations.

Tavis Austin replied no, it is a solar farm for the Town.

Susan Repplier asked how the EV stations are being funded.

Brad Harriman stated the funds are being donated to the Town.

Susan Repplier asked when they would be live.

Brad Harriman stated they would be up and running by spring and noted the conduit is in.

Susan Repplier requested clarification of the 2025 project.

Tavis Austin stated the project is a solar array for the Town’s energy source.

Susan Repplier asked if it will be live and used in 2025.

Tavis Austin stated he can’t speak to such.

Susan Repplier requested more emphasis be placed on the project.

Vaune Dugan asked if the numbers include grants and private funds.

Tavis Austin stated the spreadsheets reflect the cost of the projects.

John Thurston questioned the lighting replacement project.

Tavis Austin stated dark sky compliant lighting fixtures were submitted based on what was expected would be needed in that area and based on that light the pricing for such is depicted.

John Thurston asked how far along the path is the project proposed for.

Kathy Barnard replied from the Railroad Station to Center Street.

John Thurston questioned the style and theme and whether it matches other lighting in the Town.

Tavis Austin stated he could request a presentation to the Board.

*Chairman Barnard opened the public hearing.*

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

***It was moved by John Thurston and seconded by Vaune Dugan to approve the 2022-2031 Capital Improvements Program. All members voted in favor. The motion passed.***

Kathy Barnard stated the CIP would be presented to the BOS on 10/20/21 and to the Budget Committee in November.

1. **Public Meetings**

Kathy Barnard stated a person approached her concerned about the title “Public Meetings” on the agenda and recommended “Other Items.”

Tavis Austin stated it is his understanding that the term “Public Meetings” is to make it clear that the Planning Board doesn’t anticipate public comment on those items.

1. **Wetlands Conservation Overlay District Amendment - Trails**

Tavis Austin reviewed his memo regarding such, see attached. He stated a permit for a footpath or bridge is not required by NH DES. He stated either the exemption needs to be waived or footpaths need to be eliminated.

Vaune Dugan questioned limiting the size of footpaths.

Tavis Austin stated a 6’ footpath is allowed in the Shorefront Residential District.

John Thurston stated the previous practice of the Board should be maintained. He stated each situation is unique and should be reviewed.

Peter Goodwin asked if the change has been reviewed by the Conservation Commission and other various wetland committees.

Tavis Austin stated he spoke to Lenore Clark, Conservation Commission Chair, who noted there shouldn’t be an issue with such and noted that if the change is approved by the Planning Board, he would forward the change to the Commission for full review and comment. He stated the Board is holding trails to a higher standard and driveways are not applicable.

Kathy Barnard agreed that the Conservation Commission should review the amendment and asked Staff to forward it to the Commission.

The Board agreed to the following;

* Forward amendment to the Conservation Commission – request thoughts on eliminating footpaths requiring a Special Use Permit and driveway exemption

Vaune Dugan stated footpath standards could be developed.

1. **CBD, WFLBD, BSLBD Zones and Housing Opportunity Zones Update**

Tavis Austin stated the Board was supported of the information provided by Mike Hodder relative to Housing Opportunity Zones and subsequent to such, it was found that Housing Opportunity Zones are a function of the BOS. He stated Ms. Barnard prepared a memo to the BOS requesting the adoption of NH RSA 79-E 4 (b) and looking at furthering it in the Downtown area to include the Central Business District (CBD), Wolfeboro Fall Limited Business District (WFLBD) and Bay Street Limited Business District (BSLBD). He noted that multi-family is not currently permitted in the WFLBD or BSLBD and in order to move proactively between now and 2022 Town Meeting he felt the CBD should be reviewed. He reviewed his memo, see attached.

Peter Goodwin asked if the goal of the change is to have workforce and affordable housing.

Tavis Austin stated he wants to hear from the Board the direction they want to take.

Kathy Barnard stated the Short-Term Rental Committee suggested including affordable housing only if the Board were to move forward with the amendment.

Vaune Dugan stated there is a big difference between 6 units/acre and 30 units and would like to know what a 30-unit project would look like. She expressed concern regarding the density.

Susan Repplier asked if 15-20 units would be considered.

Tavis Austin questioned the incentive from the Town under 79-E 4 (b). He recommended transitioning density from CBD to WFLBD and BSLBD.

The Board discussed density and parking.

Susan Repplier questioned whether the Town could provide opportunities for housing that has a cap on rent but is not considered affordable.

Tavis Austin stated he doesn’t know if such is possible and noted the difference between affordable housing and subsidized housing.

Referencing her memo to the BOS, she questioned whether WFLBD and BSLBD should be included in her statement that a warrant article will be submitted addressing the density in those districts.

Tavis Austin stated the memo could be revised to reflect a warrant article for the CBD in 2022 and a warrant article to address the WFLBD and BSLBD in 2023.

Vaune Dugan expressed more concern for the CBD and the number of cars since parking is not required.

Following further discussion, the Board agreed to the following;

* Review 15, 20 and 30 units per acre
* Review Brewster’s dorms and acreage
* Visual presentation of units per acre/more information as to what the structures would look like

The Board agreed to forward Kathy Barnard’s memo to the BOS regarding the adoption of 79-E 4 (b) as written.

1. **Public Comment**

Craig Sutherland, 103 North Main Street, stated there is a lot of land in the Town and doesn’t understand why the Board is trying to shoehorn 30-unit zoning into half acres in the CBD, WFLBD and BSLBD because there is a parking problem. He stated he is concerned as a resident that zoning is protected.

Susan Repplier stated urban sprawl is a concern.

Craig Sutherland asked why urban sprawl is a concern.

Susan Repplier stated it’s not good for the environment. She confirmed that Mr. Sutherland is more comfortable if the Board focuses on the WFLBD and BSLBD.

1. **Other Business/Discussion**

Charrette scheduled for October 22nd and 23rd.

1. **Approval of Minutes**

**October 5, 2021**

***It was moved by Vaune Dugan and seconded by Kathy Barnard to approve the October 5, 2021 Planning Board minutes as submitted. All members voted in favor. The motion passed.***

***It was moved by John Thurston and seconded by Susan Repplier to adjourn the October 19, 2021 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.***

There being no further business, the meeting adjourned at 8:33 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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**DATE:** October 15, 2021

**TO:** Planning Board

**FROM:** Tavis Austin, AICP, Director of Planning and Development

**RE:** Consideration Amendment to increase density in Commercial Districts

In furtherance of the Board’s recent discussions on Housing Opportunity Zones, working to support affordable, workforce, and elderly housing opportunities, one clear area of the regulations that works counter to such development is the density limitations of several key zoning districts. For now, let’s discuss Central Business District—Commercial (C1-CBD), Wolfeboro Falls Limited Business District (WFLBD), and the Bay Street Limited Business District (BSLBD).

For example:

From the C1-CBD:

§ 175-89 Dimensional controls.

A.  Minimum lot area:

[(1)](https://ecode360.com/10187584#10187584) Commercial: none required.

[(2)](https://ecode360.com/10187585#10187585) Single-family/duplex: 21,780 square feet (Town sewer and water required).

[(3)](https://ecode360.com/10187586#10187586) Multifamily: 6 units per acre (Town sewer and water required).

Such low density allowances makes it impractical—in fact, almost impossible—to create residential housing units. Again, §175-89 is the C1-CBD; arguably one of the more likely zoning districts in Town that could support affordable housing units.

Similarly, the BSLBD and WFLBD each permit “Elderly Housing” by Special Exception, with a related *lot coverage* increase of 15%. What neither BSLBD nor WFLBD address, however, is a density limitation. The only reference is each zone’s restrictive single family/duplex permission. One then is left to question how elderly housing is permitted when duplex (2 units/AC) is the maximum density.

To address these apparent inconsistencies, my recommendation is for the Board to consider increasing the residential density, not lot coverage, in those areas served by Town water and sewer to thereby allow projects that promote and establish affordable, workforce, and elderly housing opportunities. Discussions with DPW have affirmed that there is adequate water and sewer capacity for approximately 1,500 residential units/bedrooms (based on daily septic flows/bedroom). Coupling the existing infrastructure capacity with the Master Plan and known need for housing opportunities, it’s clear the only limitation in the regulations is the permitted density.

Further, within the past 6 months, I have been approached by two separate developers/investors looking to create affordable workforce housing projects within the CBD; both were perplexed and discouraged by the 6 unit/AC limitation—primarily as the parcels they were interested in were only ½ to ¾ AC in size. Physically they could pursue 10-24 units, however the density held them to 3 and 5 units respectively. Accordingly, as the Site Plan Regulations, stormwater regulations, and other relevant regulations can be satisfied but for density limitations, it appears the regulations are working against the Town and its Master Plan if they are left unchanged. Recall, all other regulations apply—lot coverage, parking, setbacks, etc. For a discussion starter, my recommendation is to permit a density increase in the CBD to 30 Units/AC as follows:

§ 175-89 Dimensional controls.

A.  Minimum lot area:

[(1)](https://ecode360.com/10187584#10187584) Commercial: none required.

[(2)](https://ecode360.com/10187585#10187585) Single-family/duplex: 21,780 square feet (Town sewer and water required).

[(3)](https://ecode360.com/10187586#10187586) Multifamily: ~~6~~*30* units per acre (Town sewer and water required).

This recommendation is made, again, in support of the Board’s prior discussions of supporting the adoption of 79-E as well as the 2019 Master Plan.

Happy to discussion any questions the Board may have.

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Respectfully submitted,

**Tavis J. Austin, AICP**

**Director of Planning and Development**

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

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Description automatically generated**PLANNING DIRECTOR REVIEW**

**DATE:** October 15, 2021

**TO:** Planning Board

**FROM:** Tavis Austin, AICP, Director of Planning and Development

**RE:** Consideration Amendment to Wetland Conservation Overlay District—pathways

One element of the Wetland Conservation Overlay District that has raised questions this year is its treatment of pathways, or trails. §175-10 C (3) requires “footpaths” to receive a Special Use Permit; by extension trails are required to obtain a Special Use Permit if located within a wetland setback, despite the earlier section §175-8 *Permitted Uses* permitting by right “*passive recreation such as hiking, fishing, hunting on foot, non motorized boating”* (§175-8 B (1)).

For consistency within the regulation, it is my recommendation that the word ‘footpaths’ be removed from §175-10 C (3) as shown here:

(3)  The construction, repair, or maintenance of streets, roads, and other accessways, including driveways, *~~footpaths,~~* bridges, and utility right-of-way easements, including power lines and pipelines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to avoid or minimize any detrimental impact upon the wetlands and consistent with state-recommended design standards (see Fish and Game Department 2008), and only if no viable alternative location outside the wetlands setback or buffer zone or which has less detrimental impact on a wetland is feasible.

While I do not have formal comments back from the Conservation Commission on this change, I have discussed this with Lenore who did not have any initial concerns with the amendment.

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Respectfully submitted,

**Tavis J. Austin, AICP**

**Director of Planning and Development**