

Wolfeboro Planning Board

Regular Meeting

May 18, 2021

Minutes

The Planning Board members met in person, allowing the public to access and participate in the meeting via in-person attendance at the Wolfeboro Town Hall or via GoToMeeting through the login information: <https://global.gotomeeting.com/join/918242429>. Please call 603-569-5970 or email planningdiretor@wolfeboronh.us if you have questions or concerns about in person attendance.

I. Call to Order

Kathy Barnard called the meeting to order at 7:00pm at the Great Hall in Wolfeboro Town Hall. A quorum was present. The Board was introduced. The Rules of Conduct for the meeting and hearings were reviewed.

II. Introduction of Planning Board Members:

Members Present: Kathy Barnard, Chairman; Mike Hodder , Vice Chairman; Brad Harriman, Member, Selectmen Representative; John Thurston – Member; Peter Goodwin, Member; Susan Repplier, Member; Julie Jacobs, Alternate Member (voting member in Vaune Dugan’s absence).

Members Absent: Vaune Dugan, Member – excused.

Staff Present: Tavis Austin, Director of Planning & Zoning; Mary Jane Shelton, Recording Assistant.

III. Public Hearings:

Proposed Amendment to the Site Plan Review Regulations Concerning Off-Street Parking Regulation – in furtherance of affirmative vote on related zoning amendments at 2021 Town Meeting.

Mike Hodder noted a minor change which needed to be made in the numbering of three references made in 173-20.2 (changing §175.35 to

§175.36) which the Board agreed was non-substantive and could be made during this hearing.

Attached hereto is a copy of the additions to be made to the Site Plan Regulations. Kathy Barnard noted that this change to the Site Plan Regulations is supported by the Master Plan.

Kathy Barnard opened the public hearing. There being no comments, the public hearing was closed.

Mike Hodder made a motion, which was seconded by Peter Goodwin, to accept and move the above referenced regulations, with corrections noted, from Road Construction Regulations to the Site Plan Review Regulations. Board members voted unanimously to approve.

IV. Public Meeting:

Committee Reports:

Stormwater Regulation – Kathy Barnard reported that they are working with the Wolfeboro Waters Committee and Conservation Commission.

Drive Thru Restaurants – Mike Hodder reported that the 6/11/21 and 7/2/21 Granite State News notices have been discussed with Tavis Austin, and the committee is on track with the 6/14/21 deadline for publicity. John Thurston commented that there seems to be public concern about plans for a specific franchise coming to town and he wanted to reassure the public that is not the case and they should attend and participate in the public forum to review the issue. Mike Hodder seconded that sentiment.

Filter Bed Road – Mike Hodder reported that the subcommittee last met on 5/13/21 and the subcommittee reviewed the possible actions: 1) doing nothing while acknowledging that there is a need for change; 2) moving Pine Hill Road Development District south to incorporate the area between Varney Road, Filter Bed Road and the current boundary of Bay Street Limited Business District; 3) bring Bay Street Limited Business District west to cover the properties abutting Filter Bed Road and north to the boundary of the Taylor Home property, incorporating the Kimball

property. After discussion, the subcommittee voted unanimously to recommend to the Board that the Bay Street Limited Business District be moved west to cover the current residential properties on the east side of Filter Bed Road and properties abutting Filter Bed Road on the western side of that line, with the exclusion of the condo property (Tax Map Lot 7) and reaching up to include the Kimball property on the northwest corner. The final boundary would be the northern boundary of the Taylor Home property; across the street the northern boundary of the Kimball property; and running down to Varney Road on both sides of Filter Bed Road with the exception of the condo property near the corner of Varney and Filter Bed Roads – bringing it into Bay Street Limited Business District. The subcommittee felt the easement issue needs to be dealt with by legal counsel and a proper deed search. With the subcommittee completing its assigned task, the subcommittee was dissolved and Mike Hodder asked for the Planning Board's recognition of such dissolution.

Lighting – John Thurston advised there was nothing new to report at this time.

Short Term Rental – Susan Repplier reported that the Short Term Rental subcommittee has met several times and has been gathering extensive feedback from various sources on the issue. The synopsis on that feedback at this point is 50% positive from owners' experiences as short term renters; and 50% negative from renters and abutters. That said the subcommittee realizes that individuals are more likely to voice complaints than positives. Susan shared her belief that the majority of short term rentals occurring in Wolfeboro are occurring without issue. However, there are some serious situations occurring in specific neighborhoods – i.e. Port Wedlyn and Whitten Neck HOA's – and two letters, copies attached, were presented which outlined the issues of concern and asking for the Town's assistance in addressing the problems. Susan advised the Board that the State Legislature has not yet made recommendations on Short Term Rentals and the subcommittee would like the Planning Board to weigh in on their recommendations.

The issues are:

- 1) Owners renting their homes are not registering as businesses nor paying the appropriate lodging taxes;

- 2) The absentee owners do not have consideration for their neighbors, nor the neighborhood shared resources;
- 3) The tenants feel entitled to use the property they paid for as they wish;

Brad Harriman suggested the STR property owners could create/hire an in-town management group/team that could address reported issues.

Discussion ensued as to whether a property manager versus increased police involvement would help in reducing the issues through fines to repeat offenders, whether it be owners or tenants.

Some of the properties causing repetitive issues are owned by LLC's or businesses, and are falsely advertising the property and allowing renters in excess of the approved septic. Further discussion regarding not only nuisance, but fire and safety, issues ensued.

Susan Repplier provided information on the actions/policies being taken by other NH towns to address this situation, ranging from conditional use permits to total prohibition. All of these towns are dealing with the administrative staffing and cost issues in implementing such.

Mike Hodder recommended not rushing into instituting any regulations as they will be trumped by whatever regulations the State approves. His recommendations are:

Long Term 1) wait to see what the State issues as regulations and; 2) watch what law suits, etc. are filed against other towns current STR regulations.

Short Term 1) Board of Selectmen should meet with Police Commissioners to identify repeat/problem STR offenders and request strict enforcement of current regulations.

Susan Repplier stressed that the fines, etc. need to be levied upon the owners versus the tenants.

Mike Hodder mentioned that HOA's are not able to get the required majority of votes to regulate or abolish STR within their neighborhoods and to litigate pushback.

The Planning Board does not have the enforcement powers that the Board of Selectmen have available.

Wolfeboro Viewsheds:

Peter Goodwin presented a brochure which he designed for interested persons regarding Wolfeboro Viewsheds. The intent is to educate and make suggestions for individuals building a home or even renovating. Susan Repplier suggested titling the brochure to target and gain the attention of residents building new homes. Peter also suggested placing publicity pieces in the local newspapers to educate the public about ways to preserve viewsheds. John Thurston also suggested appealing to the readers' sense of community by including language similar to, "In this beautiful community we live in, there are a few neighborly things to think about...."

Tavis will work on finalizing the format of the Viewshed brochure.

V. Public Comment: – None

VI. Other Business:

Tavis Austin provided an update:

- The next ZBA agenda will include Eastern Propane's appeal of the Planning Board motion to determine their application as incomplete as the use was not permitted in the subject zone.
- Eastern Propane has also applied for a variance, so that if the appeal finds in favor of the Planning Board, they will move forward for a variance for the use which was not permitted (which was the suggestion of the Planning Board).
- Town legal counsel is determining if they can represent both the ZBA and Planning Board with respect to this issue.

Mike Hodder requested that upcoming work schedule include revisiting the permitted uses in the Pine Hill Road District as well as the C2 District to correct the problem which caused this issue with Eastern Propane.

Draft Minutes – 5/4/21 Meeting

Mike Hodder had the following additions: Paragraph 4, Public Meeting – CIP Appointments – after "Kathy Barnard stated" insert "The Planning

Board voted unanimously to appoint Linda Murray as the Board of Selectmen's Representative to the Capital Improvements Program Committee. Brad Harriman stated the BOS appointed Brian Deshaies as Alternate Representative. Mr. Hodder noted Mr. Deshaies will be welcome to sit with the public and can address the CIP during public comment."

Mike Hodder made a motion, which was seconded by Susan Repplier, to accept the 5/4/21 Planning Board minutes with the noted changes. Minutes, as amended, were approved unanimously with John Thurston abstaining.

Adjournment:

Peter Goodwin made a motion, which was seconded by Mike Hodder, to adjourn the meeting. Meeting was adjourned at 8:17 pm by unanimous vote.

Respectfully submitted,
Mary Jane Shelton
Recording Assistant