

**TOWN OF WOLFEBORO  
PLANNING BOARD  
December 17, 2019  
MINUTES**

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

**Members Absent:** Dave Alessandroni, Alternate.

**Staff Present:** Matt Sullivan, Director of Planning and Development.

*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. Scheduled Appointments / Public Hearings / Public Forum**

N/A

**III. Public Comment**

N/A

**IV. Action Items**

**Paul H. Holmes**

**Voluntary Merger**

**Tax Map 154-003 and 154-002**

Matt Sullivan stated merging the lots on Cotton Mountain Road will bring conformity.

John Thurston noted concern pertaining to work force housing; taking 2 lots and making them into 1 takes from the possibility of housing.

**It was moved by Mike Hodder and seconded by Vaune Dugan to approve the Voluntary Lot Merger for Paul H. Holmes, Tax Map 154-003 and 154-002. All members voted in favor. The motion passed. 7-0.**

**Plan NH Charrette Letter of Support**

Kathy Barnard stated the suggestion was made to have a charrette down by the Railroad Ave area and include Lechner Street. A charrette is an opportunity for the public to get together with professionals to have discussions about how areas could be developed or improved.

Matt Sullivan referenced the letter provided to the Board. This isn't intended to undermine any folks; it's a chance to look at the areas/projects and how they can come together. No specific recommendations will be made, it's just an opportunity to take a look at how and whether the area could be developed or not. He seeks a letter of support from the Board.

Kathy Barnard explained how this evolved.

Mike Hodder asked if the Board of Selectman are in support.

Matt Sullivan replied the Board of Selectmen have already approved a letter of support.

Kathy Barnard noted the Housing Collation supports this as well.

Mike Hodder inquired as to whether this was more than just brainstorming.

Matt Sullivan stated there are properties that are appropriate to take action on and believes having some professionals come in, offer ideas as to what to do and how to proceed will be beneficial. The 2 days will involve meeting with the Planning Board and others like the Board to gather data.

Mike Hodder asked if those 2 days will be worth the \$25,000-\$80,000 worth of billing.

Matt Sullivan replied yes.

Mike Hodder asked if it's realistic to get \$80,000 worth of consulting out of the charrette.

Matt Sullivan replied it's nonprofit, he participated in a charrette previously, and there was a great deal of preparation prior to the 2 days along with after as documents and reports were completed. He anticipated \$6,000 not \$80,000.

Mike Hodder asked if Matt Sullivan felt it was worth it for the town to spend \$6,000 on this.

Matt Sullivan confirmed he did as it could provide critical guidance on a few timely sites. This will also allow the chance to get some things on record about what to do with that site.

Kathy Barnard noted it would be helpful to get some different age groups involved i.e. the Girl Scouts.

Peter Goodwin stated we could invent the wheel with how to deal with these properties but if you get people who have dealt with this before it could get us going in the right direction.

John Thurston referred to the map and stated the focus area should be in one area where nothing is going on. Money has already been spent on resources completing studies.

Vaune Dugan stated it would be nice to have a comprehensive look at some of these parcels.

Mike Hodder stated there is a large diversity in this area and to complete all of what's expected in a 2 day charrette is extending Board members. This might be too large.

Matt Sullivan suggested they avoid specific sites as this is not a study of a specific site or building. We are not coordinated on what we are doing. For instance, the Municipal Electric Department and Parks & Recreation Department who are managing that facility are on one lot. The Parks & Recreation Department is using their facility but the Electric Department is not using nor has a plan. The Railroad Ave layout project was already approved but nothing has been done. There is a vacant space at Railroad Station that no one knows what to do with. We have all these groups and not a lot of coordination. This might be a good way to help make some of these things happen.

Mike Hodder noted this to be an ambitious project to complete in 2 days.

Matt Sullivan stated there has been investment, operational investment, and departments looking at these things all the time but no one is talking to the other about what things will look like in the future and is hoping this will point folks in a direction.

John Thurston stated he wants things to move forward but without wasting money.

Kathy Barnard stated this seemed like a good opportunity for people to communicate and coordinate on the different projects. This would be a jumpstart.

Matt Sullivan stated the important thing is to get people speaking to one another; to coordinate.

Peter Goodwin stated it's a good starting point.

Matt Sullivan stated if there are concerns he is available to speak to members.

**It was moved by Mike Hodder and seconded by Vaune Dugan to support the Board of Selectman/Planning Board draft a letter of support for the Town of Wolfeboro's 2019/2020 Plan NH Charrette application for the Railroad Avenue/Lehner Street/ Foss Field area, conditional upon voter approval of the 2020 Town of Wolfeboro operating budget. All members voted in favor. The motion passed. 7-0.**

#### **V. Work Session**

Kathy Barnard stated there were a number of amendments to the zoning ordinances scheduled and felt it best to hold the public hearing but not act on them. She suggested holding them open until January 7<sup>th</sup> to allow for public comment due to the weather conditions this evening.

Matt Sullivan noted he received legal comments from council.

Kathy Barnard stated she will proceed as follows: read each item into the record, turn it over to Matt Sullivan who will go through the details of the amendment, then open up for public comment, close the hearing to allow Planning Board members to comment, and continue the item until January 7<sup>th</sup>.

Matt Sullivan asked for confirmation that would be the 1<sup>st</sup> meeting in January.

Kathy Barnard confirmed and proceeded to review the following:

#### **Personal Wireless Facilities**

Matt Sullivan stated he wanted to address the provisions of RSA 675:7 and stated several folks in the audience may have received individual property notice and the reason for that is the modifications proposed to the personal wireless facilities ordinance were viewed as a substantial change to a permitted use. Therefore, under the state law the Board was required to send individual verified mail to property owners if they're located within 100 ft. of the proposed new district area. He noted the presentation this evening is lengthy and will begin with Attorney Steve Grill who worked on the project. See attached presentation.

Attorney Steve Grill stated he took a look at the existing ordinance in light of some changes to the law which affect modification in reference to an existing facility (usually a tower or building mounted antenna). There was a change to the federal law; the wireless facilities have a special protection under federal law which limits to some extent the ability municipalities have to regulate them. In essence, if someone comes in and says there is an existing tower and wishes to raise it no more than 20 ft. all that is required is a building permit. They won't be required to go through the normal permitting process. Because that law changed, the state of NH passed an amendment regulation to its wireless facilities which followed the federal law and was vague. The FCC then put its own requirements on the law. The federal laws are now supreme which governs the limits on the town's ability to say no to modifications. The proposed change in the amendment allows for an eligible facilities request to take place that is not a substantial modification and requires a building permit. The Board then looks at the permit within 45 days and if they fail to act it's deemed to be agreed upon. There are some exceptions to which the Board has the right to ask for additional information which may extend the process out. In most cases the concern is the height.

Matt Sullivan stated one of the things maintained from the existing ordinance to the new ordinance is that any new facility will be subject to a special exception and site plan review by both the Zoning and Planning Board.

Therefore, that portion of the ordinance has not been modified in any way. The code location has been altered in order to be certain the right process is being followed internally.

Attorney Steve Grill stated code location refers to when you have an existing structure (typically a tower) and there is an empty slot that someone would like to use. That is one of the eligible requests that has to be granted provided they meet all the requirements.

Matt Sullivan stated some minor administrative amendments were also made to the ordinance which was reviewed by council as there was some unclear information. For instance, the fall zone and the statement that all towers be painted gray (some are made of galvanized steel), and changed some of the references for the appropriate FCC guidelines. They also removed a portion of the ordinance which placed time restrictions on the special exceptions and site plan reviews. Section 175-161 has been opened up, he referred to the presentation which showed the removal of some of the zones as they do not exist today.

Peter Goodwin asked if the tower can be raised 20 ft. and then raised another 20 ft. 5 years later.

Attorney Steve Grill replied no, because one of the definitions is based on the original tower height or as of the date the law changed in 2012.

John Thurston referred to location, 5G, and the ordinance, and questioned if something is in a wetland, does the Board have to abide by those zoning rules for something larger or are we going to allow for what they call antennas to be mounted on poles in the wetland areas.

Matt Sullivan replied if the mounting to the pole does not impact the wetland in any way then it would not be subject to the wetland ordinance. However, if a new pole or anything of the like would disturb land, the jurisdiction would still be with the town to require a special use permit for any locally based ordinance that governs wetlands.

John Thurston asked if when going to 5G those will be on small poles.

Attorney Steve Grill stated it's difficult to know exactly what the carriers are planning but they are working on smaller and lower facilities. However, is uncertain if they are planning on going on telephone poles etc. Probably not a reason for great concern at this time that a lot of these will be popping up as its many years out.

Matt Sullivan stated the ordinance is clear that if a new facility came in within the wetland and it had a dredge and fill permit from the state of NH the town would have the authority to deny that request. If it was located in the wetland buffer and was subject to a special use permit, the Board has the authority to grant that special use permit but would depend on whether it's a code location or new installation as to whether it triggers that ordinance or not.

John Thurston noted last time the Board discussed allowing all areas but the shorefront; however, looking at the maps, all the red spots for allowed locations show near the lake. He noted concern for boats/accidents and questioned whether these should be camouflaged etc. as there wasn't a great deal of discussion.

Matt Sullivan replied that's a good question, one thing that lends itself to coverage is that typography around the lake tends to be sloping down. Therefore, the coverage is better but the map contradicts that, i.e. Winter Harbor is one of the areas most challenged. It's something to consider and the Board would need to decide on tonight.

*Chairman Kathy Barnard opened the public hearing for comments.*

A member from the public stated one of the key drivers of this discussion is, what constitutes camouflaged.

Matt Sullivan replied, it's a personal wireless facility that is disguised, hidden, or is part of an existing or proposed structure. It would include something that is hidden within trees; the dimensional standards limit the height of a mono-pine. You'd still be required to get a variance if proposing to go above the average AGL or surrounding trees. The existing ordinance technically does allow new non-camouflaged facilities in a variety of locations but the proof of burden is on the applicant to explain to the Planning Board why it's not able to be camouflaged.

Suzanne Ryan questioned the areas where non-camouflaged were allowed and not allowed on the map presented.

Matt Sullivan referred to the map and stated the pink areas are where they are allowed versus the blue where they are not permitted. This was in the prior existing ordinance.

Suzanne Ryan asked if that does not apply now.

Matt Sullivan replied it would not apply if this proposal passes. If this proposal passes the limitations would only be around the shorefront residential district.

Suzanne Ryan asked why that was changed.

Matt Sullivan stated the reason it was changed was because the selection of zoning districts before was somewhat arbitrary in that dimensional requirements would create the level of regulation the Planning Board felt it needed to make sure the facilities didn't compromise the character of the neighborhood. Basically they felt the dimensional standards would restrict development to the extent necessary rather than the actual zoning district it's placed.

Suzanne Ryan stated she is disappointed those areas were removed. Cotton Mountain area and thereabouts are some of the most likely places that somebody would want to locate because of the elevation. She questioned why the shorefront was an area selected to protect versus the historical area.

Matt Sullivan replied this is why the Board holds the meetings, to obtain the public's input; the Board listens to any suggested amendments as it hasn't been decided on which is another reason to hold 2 public hearings.

Suzanne Ryan stated when you read some of the federal regulations and the cases, it's still being commented on. She noted concern that the elevated areas for which there is a visible view from the lake as it spoils the esthetic value and asked the Board to reconsider.

Vaune Dugan asked if the historic district is 300 ft. off the road.

Matt Sullivan confirmed it to be 350 ft.

Matt Sullivan stated he is hearing a tremendous amount of concern from the community about the availability of wireless coverage. In his initial discussions to the Board, he questioned whether it was up to the Planning Board to decide where or where not coverage is needed and to decide where or where not new facilities are needed to provide that coverage. He also questioned how the Board also balances that along with the esthetic and environmental concern.

Mike Hodder noted Matt Sullivan had covered what he had intended to say as well. He also questioned if the Board should try to limit the placement of towers based upon zoning districts. The problem was, striking a balance between the convenience to the citizens of having cell phone access to where they want and need it and internet access at their homes, with the need to protect the aesthetic parts of the town principally the ones that are the economic power houses of the town. For instance, the shorefront residential district where people come in off the lake where the stores are etc. Protecting those areas from cell phone towers without doing damage to the convenience of the people there who want to use their cell phones when they want to, yet allow cell phones elsewhere in town to provide convenience to the citizens who live there seems to be the best compromise. In

other words, prohibit in the shorefront, allow everywhere else. As the town grows and 5G roles in, people will want the service. If the Board prohibits the service in various parts of town we will run into a road block and not be doing a service to the citizens.

John Thurston noted the Camp Birchmont tower is giant sequoia tree, and is barely visible. Therefore, do not understand why these can't be camouflaged to be esthetically pleasing so everyone's needs are met.

Kirk Beswick stated since talking about the strategic plan; the 5 year long term plan for what the growth of the community is going to look like, there's been a lot of public commentary i.e. light industrial, rezoning, and expansion of Bay Street Limited etc. He asked if the ramifications were considered regarding long term strategic planning/growth of the community along with the balancing act. Specifically, the abutters and co-mingling of residential communities that are already being impacted by the expansion of somewhat industrial commercial retail applications in those areas.

Matt Sullivan replied yes, and one of the biggest consumers of the broad band style deployment is cell phone users, senior citizens being one of those. Regarding the balance of commercial and residential use, Bay Street Limited Business District, Wolfeboro Falls, and downtown have been identified as focus areas where economic and other development will occur and believe broadband is a critical piece of that. These towers are not the only solution, wireless is going to increase and the only way to effectively do that is with the structures being discussed about permitting here. He believes the benefit to the public outweighs the impact to the potential property owners so long as that development is done respectfully.

Kirk Beswick stated he hasn't seen a lot of really well camouflaged cell towers and his concern is what happens if a property sells nearby and a cell tower goes up.

Matt Sullivan stated he understood his concern, that reality however, has existed for a period of 20 years.

Kirk Beswick stated he was surprised to see that every zoning district would have been opened up based on the conversations and what he saw on the strategic plan.

Suzanne Ryan asked about an overlay to the map provided of what is currently being received for coverage.

Matt Sullivan stated the point data is accurate to a certain extent but do not have a full map of what the town looks like from a service perspective.

Mike Hodder stated we know where the cell towers are and of the 6 in Wolfeboro, 3 of them are very close to the shorefront and the other 3 are scattered out. He noted cell towers are placed where there are customers.

John Thurston asked if there was a cell phone tower near the town hall.

Matt Sullivan replied yes.

John Thurston asked how it is displayed.

Matt Sullivan replied as a chimney on a building.

Peter Goodwin noted the historic district scenic roads would allow a cell tower to be 300 ft. off that road; therefore, it isn't really effected and none of these areas are really going to change how people are going to view things.

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

Kathy Barnard reiterated if there are more comments they can be heard at the January 7<sup>th</sup> public hearing.

Matt Sullivan noted his concern for the January 7<sup>th</sup> meeting, particularly because there will not be an opportunity to discuss amendments before that public hearing. He stated there is enough time to have a second public hearing at the mid-January meeting. If there are any amendments this evening he wanted to be sure there was time to review them.

Kathy Barnard asked Matt Sullivan for clarification.

Matt Sullivan replied if the hearing is continued to January 7<sup>th</sup> he will not have an opportunity to meet and discuss changes, if any, based on the public hearing this evening before that public hearing night.

Kathy Barnard asked the Board if there were any changes they would like to see.

John Thurston referred to Section 175-168, at the end, where it states "slight line" it should read "site line".

#### **§ 175-175 - Terms Defined**

Kathy Barnard noted the change involves removing "bathrooms, toilet rooms" and adding "toilet rooms on the first floor only" under Habitable Space. This came about as the code officer had some concerns; he felt the definition of habitable space needed to be clearer due to discovering more and more dwellings in accessory buildings. The Planning Board still wanted to allow toilet rooms in detached garages.

Matt Sullivan stated the amendment is a way to correct the issue being seen. Accessory structures are not permitted to have any living space. Therefore, this will permit a toilet in a shop but prevent a full bathroom from being installed and a toilet being placed on a second floor.

Kathy Barnard asked to clarify, a toilet room could include a sink.

Matt Sullivan confirmed, yes a sink is permitted but not a shower.

*Chairman Kathy Barnard opened the public hearing for comments.*

Suzanne Ryan asked to clarify the procedure pertaining to the continuation i.e. will the Board have time to make amendments prior to the next meeting.

Matt Sullivan replied the Board will still have the opportunity to make amendments, he was suggesting he wouldn't have an opportunity to meet prior and make any amendments the Board wanted to make based on the public comment from this evening. There will be time to make changes. The Board could also decide to continue the public hearings if needed.

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

#### **§ 175-47 – Building Codes**

Kathy Barnard noted the change involved removing the references to specific 2003 and 2002 codes and replace with a broad reference to the current adopted state building code under RSA 155-A and RSA 155-A:10. This is to update the building codes in place now with a new ordinance change.

Matt Sullivan added, the 2009 codes were being used, the ordinance references the 2003 and 2002 code. Therefore, are suggesting an amendment that simply refers directly to the state statute as it relates to building codes and removing the need to update this as an ongoing basis as the state codes are adopted. In the event that the municipality decides to adopt a more stringent code, we would go back to this to make that amendment.

*Chairman Kathy Barnard opened the public hearing for comments.*

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

#### **§ 175-44(E) – General Provisions, Signs, Placement of Signs**

Kathy Barnard stated this was to replace the language with that which prohibits all signage from the public right-of-way with the exception of off premises building directional signage which is required to be placed within the public right-of-way. Such business directional signage may now only be placed in the right-of-way where it does not pose a public safety hazard and only on approved town owned posts, at intersections within the Bay Street Limited Business District, Wolfeboro Falls Limited Business District, Central Business District and at designated locations. Business directional signs shall be limited to a maximum of 2 within the town per business, only 1 post per intersection shall be permitted. Signs and sign posts shall be uniform in size and shall conform to this ordinance's restrictions. Signage in existence as of April 1, 2019 which does not conform to the requirements of this section shall be designated as lawfully existing non-conforming sign both on private and public property with the exception of those that present a hazard to public health and safety. Preexisting non-conforming signage shall expire at the time the business ceases operation, at such time the sign may not be reestablished for a new business.

Brad Harriman recused himself.

Kathy Barnard stated this began in 2011 when an amendment was approved that allowed the placement of business directional signs within the public right-of-way. An ordinance was developed at the request of some downtown business owners in order to provide wayfinding signs to direct pedestrians in the greater downtown area; the walking area. In 2014 some of these were found to be a hazard so the Planning Board appointed a committee that has been looking at this and has suggested some changes.

Matt Sullivan noted a copy has been provided and is available online as well. The objective is to replace the existing content contained in the business directional sign section of the ordinance under 175-44(E). This will prohibit all signage from the public right-of-way with the exception of the specific business directional sign. This mimics the existing ordinance today, but have added this provision that provides a mechanism that allows for the placement of signs in the future. Businesses will be allowed to design their own signage. He noted the committee has recommended that all current signage be grandfathered in on 4/1/2019.

Kathy Barnard stated members of the committee included: John Thurston, Peter Goodwin, Roger Murray, Paul Zimmerman, Mary DeVries, Julie Jacobs, and herself. She asked that folks keep in mind these signs are in addition to the signs that are already allowed on a specific property for a business. Lastly, the signs were meant to be for the walking public.

*Chairman Kathy Barnard opened the public hearing for comments.*

Troy Lucas, owner of Lucas Roasting Company located in Back Bay, asked to clarify if he required a directional sign, and obtained a single placard on a post with 2 sides of that sign, would that constitute his 2 signs for directions.

Matt Sullivan confirmed that was correct.

Troy Lucas stated he disagreed as it's challenging for folks who are not familiar with the area to locate his business due to its location. They chose not to locate downtown in order to avoid changing the area as some may enjoy the smell of the beans being roasted while others may not. He disagrees with being limited to only 2 back to back signs as that is not a proper amount to point folks in the direction of his business along with others who are also near him.

Peter Goodwin asked how most people find his business because these signs are in fact designed for people walking.

Troy Lucas replied he moved here 3 years ago, did not know the area and relied on many of those signs not just while walking but as driving slowly by to locate businesses. He feels they are more than just walking directional signs.



John Thurston asked what the name of business is and where it's located.

Troy Lucas replied, Lucas Roasting Company and is located behind Needham Electric. When you're not on Main Street in this community where people can drive and use a landmark to find you, it's a challenge to be found. He simply wishes for as many people as possible to find them and preferred more signage be allowed to be fair.

John Thurston stated before 2011 there was an ordinance and at some point around that timeframe permits were no longer issued. Too much time passed since 2011-2019 where no one received signs. Being on the Board he felt it unacceptable for them to continue to do nothing. For all the people out there, who just moved to the town, this is something for them. They want to be inclusive, and at this point in time aren't sure how this will work out but wanted to open it up to as many people as possible. Opening up meant, including all the signs that were not permitted, and yet were permitted (a gray area). They walked down to areas while noting some were tight and confined i.e. Bay Street \ corner post. They were outlined and the committee was very thorough. All new ideas are welcomed; however, feel at this time they've got something and need to try it.

Mike Hodder seconded that and stated he has lived in town for 35 years and for as long as he's lived here, signs have been a problem. In his opinion this is the best compromised solution he's seen.

Martha Cummings, Executive Director of the Boat Museum stated she agreed with Troy Lucas, 2 back to back signs seems limited. Bay Street is the new developed business area, and although the state designates signs for the Museum she agrees with Troy Lucas, that other signs promote their businesses. She questioned what is being done at the other end of Bay Street on 109A. She questioned, when turning on Mill Street, aren't certain as to where you are going or where that business might be on Bay Street, how would someone know to continue walking/driving that way towards one of the businesses on Bay Street. She stated she appreciated all the work that has been done as signage is not easy. Having come from Maine, the signs are a huge help in locating businesses. She asked the Board to reconsider the maximum of 2 business directional signs and consider 4 as the minimum.

Jerome Holden asked to be shown where the town approved permitted on town property posts are located.

Matt Sullivan referred to a map.

Jerome Holden asked if there was a map that showed where the posts are now.

Matt Sullivan replied he did not have that available.

Jerome Holden questioned if Troy Lucas wants 2 signs whether he can get them on 2 existing posts after this ordinance is approved.

Matt Sullivan questioned if he meant on posts that were permitted or posts that were not permitted.

Jerome Holden stated there are permitted signs on both posts but that's not what you were saying.

Matt Sullivan replied if Mr. Lucas is adding a sign to a post that is on private property, he would not be permitted to do that at all. He would be permitted to add 2 signs on something that exists that meets the standards of the ordinance or a new sign post that meets the standards of the ordinance in the public right-of-way.

Jerome Holden stated John Thurston said there was 6 inches of space to the left of the sidewalk in front of Mr. Kent's property where the post exists now and asked if that post needed to be moved so the sidewalk plow hits it.

John Thurston replied as in the ordinance it's all the discretion of whether or not it's safe enough for the criteria.

Jerome Holden questioned if the one at the corner of the old hardware store is in the public right-of-way.

Matt Sullivan replied he didn't believe that post was in the public right-of-way but there is public right-of-way there and may have to discuss moving that post. That post is one of the posts that was permitted at that location but will have to discuss it further.

Mike Hodder suggested staying with the proposed ordinance itself rather than getting into the weeds of the application to particular posts in town.

Jerome Holden stated the problem with this as it is written, there are existing posts in locations where businesses needed them and then there are no posts in places the committee has proposed. This means no business ever really needed one there which means there's no reason to put one there after you approve this ordinance.

Matt Sullivan referred to a map and replied there are two allowances in the proposed ordinance, 4 suggested locations and also the allowance in the 3 zoning districts which are the Bay Street Limited Business District, Wolfeboro Falls Limited Business District, and the downtown core.

Jerome Holden stated he would like to see the one that is presently located at the intersection of 109 and Center Street be on the list of authorized posts along with adding a post at the corner of 109A and Bay Street.

Matt Sullivan replied potentially there won't be any granting of posts or permits this evening but there is right-of-way there.

Jerome Holden asked if a post and public right-of-way could also be located at Meredith Village Savings Bank on opposite corner of Mr. Kent's property.

Matt Sullivan stated he wasn't able to provide an answer as to whether or not there was a right-of-way there.

Kathy Barnard asked if he was looking at 3 areas.

Jerome Holden replied yes; he is trying to get people to Bay Street legally.

Vaune Dugan questioned the clause where it lists the 3 districts and states "and at designated locations".

Matt Sullivan replied those are the designated locations just above in the ordinance.

Kathy Barnard stated they are on town property, one is on Foss Field, and another is out in front of the town hall.

Matt Sullivan stated it depends on the width of the right-a-way but it's possible one could be placed by Meredith Village Savings Bank.

Jerome Holden referred to the post by the town hall and noted if it's moved people will enter the town hall to ask where the businesses are located. He referred to a post on Center Street at the intersection of the Bridge Falls Path; if someone didn't have a sign there and applied for a sign, folks would be sent down the path. Lastly, the one in the Glendon Street/Foss Field parking lot; he did not see anyone wanting to have a sign on those posts.

Roger Murray noted there are a limited amount of places no matter what you do. They tried to make them available to as many people as possible. Under the current ordinance you're allowed 2 signs per business. When looking at the two sides of a sign, many of the places looked at, there wasn't a way to put up 2 signs and be able to see both sides. For instance, only one side of the sign can be seen in the Glendon Street parking lot, and one on the Mill Street sign by Mr. Kent's. So in reality, only one sign would be placed in these locations. In terms of location, at one point they considered designating, then thought it would be best not to as it would be better

to allow anyone that could come up with a good location to come forward. This has been worked on for a long time and feels it's the best solution.

Mary DeVries stated she wanted to echo the comments by other committee members while respecting commentary from the public. She noted there wasn't a comment made tonight that the committee didn't spend a substantial amount of time on. This ordinance allows the existing signage to remain while encouraging others to come and apply for a new post location. Leaving it open allows business owners to apply for any potential areas that might have been missed.

Jerome Holden questioned the state right-of-way versus the town right-of-way, can the signs be in the state right-of-way if already permitted.

Matt Sullivan replied the language of the ordinance states that the only place where off premise business directional signage is permitted is in the municipal right-of-way. Therefore, despite the states rules regarding signage, this ordinance allows signage only in town right-of-way. It does not include state right-of-way.

Jerome Holden asked if any place along Center Street will be allowed to have a sign post.

Matt Sullivan confirmed.

Jerome Holden noted his concern for new business growth.

Roger Murray asked if a sign could be placed on Pine or Grove Street in the town right-of-way to give direction off of Center Street.

Matt Sullivan replied provided it's in the town right-of-way, yes.

Troy Lucas questioned if the street signs are now in a right-of-way and if a post is put in the ground in the right-of-way, couldn't directional signs be posted.

Matt Sullivan replied we would assume the signs are in the public right-of-way and would guess 98% are, while the rest might not be due to the age of those right-of-ways/when they were created. The Public Works and the Select Board most likely would not support the attachment of business signage adjacent to signage intended to be public safety oriented. It would diminish the message and potentially make it so that the street sign is no longer doing its job.

Steve Durgin commended the committee for all their hard work as it's been a complicated and long process. He noted Troy Lucas's comments were viable and perhaps some areas such as Bay Street has specific needs which aren't adequately covered in the proposal. He urged the Board to consider some of the comments made this evening as means to avoid facing changes down the road and make a very good document maybe just a little bit better to address the needs.

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

#### **§ 175-175 – Light Industry Definition**

Kathy Barnard stated this change amends the definition portion of the ordinance to add a new definition for industry light. It includes manufacturing an assembly of products predominantly for previously prepared materials, adds accessory permitted uses within industry light, and defines prohibited activities such as those that pose significant external effects and risks to public health safety and welfare. She asked Matt Sullivan if there were a couple of words missing from that and stated this will be allowed in the Pine Hill Road Development District. Industry is currently allowed if a special exception is granted; however, has now been changed to light industry with a clearer definition pertaining to uses.

Matt Sullivan stated we are addressing an issue where a permitted use in the ordinance has no definition that is assigned to it; therefore, potentially opens that use category up to a lot of things. This will narrow the allowance for industry and define uses that are not impactful exterior to the site.

*Chairman Kathy Barnard opened the public hearing for comments.*

Kirk Beswick thanked the Board for defining what is meant by industry but would like to add traffic to this as a specific nuisance.

Matt Sullivan stated in order to receive a special exception to do light industry, one of the criteria that you have to prove to the Zoning Board of Adjustment and discuss with the Planning Board is that there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic including the location and design of access ways and off street parking. Specifically traffic congestion and circulation.

Suzanne Ryan stated there was a great deal of concern about the allowed uses and requested light industry not be allowed in that area. She felt it wouldn't come to this town and there are plenty of other uses allowed. All the homes on Elm Street heading up to Pine Hill are kept up nicely and didn't know why light industry would be allowed; what the benefit would be.

Matt Sullivan clarified the current ordinance allows for any industry. The proposed language now only allows for light industry and is more clearly defined.

Suzanne Ryan replied she understood and would like to see it completely removed.

Anne Blodget stated she was horrified upon traveling down Filter Bed Road and would like to see the wording "other public safety and nuisance" added as it's not safe.

John Thurston stated he travels down Filter Bed road to do business, cross country ski/walk and recalls when there was nothing but garbage on that road. Folks have done a nice job cleaning up that area. The old Kimball place could be a nice inn, or a nice home business. We need to be able to find places for people to put things and allow a town to grow. There are wetlands back there and it's our job to protect them which has happened.

Jerome Holden echoed John Thurston. He runs back there, has never seen a tractor trailer, and reiterated growth needs to take place.

Mike Hodder stated if you look at the uses permitted currently in the Pine Hill Road District, they include a printing plant, community services, storage and use of heavy industrial and mechanical equipment, metal shops, laundries/cleaning establishments, and kennels. Some of them are by permit and others are by special exception. What we are trying to do is change that and have light industry defined as we have it there, he believes this makes it better, not worse.

Suzanne Ryan stated the neighborhood has improved because the housing has improved not because of the businesses. To allow this will make it go the other way but perhaps Wolfeboro won't attract that.

Matt Sullivan stated Wolfeboro has attracted that as the town currently has light manufacturing in many locations around town which doesn't negatively impact the community.

Suzanne Ryan noted there are a large number of empty buildings/commercial buildings.

**Article XXA: Cotton Mountain Historic-Agricultural District**

Kathy Barnard stated this amendment adds dimensional requirements, set back/height requirements, permitted/special exception uses in order to establish reasonable restrictions that align with adjacent residential agricultural districts where none were pre-established.

Matt Sullivan noted this was originally a petition warrant article that was intended as an overlay zone over the underlying residential agricultural zoning in this district. The intent was to increase the minimum lot size for the lots that were in the 250 ft. of the center line of the roads identified here. The Board is proposing to keep the existing zoning district that's defined, but then define the same use standards and dimensional standards that exist in the residential agricultural district directly adjacent to it with one exception. They have proposed to remove the special exception uses of churches and contractors yards.

*Chairman Kathy Barnard opened the public hearing for comments.*

Roger Murray asked how the Board will determine in 3 years, what the contiguous land of the land owners is.

Matt Sullivan encouraged Mr. Murray to attend the public hearing in a couple of weeks as the Board received the same comment from legal council today.

Suzanne Ryan asked for clarification regarding churches.

Matt Sullivan stated he believed the Board determined it was not in the interest of this historic district to have a church or contractor yard created anew within the zone.

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

#### **§ 175-96 & 175-96.1 Pine Hill Road Development District Permitted Uses and Special Exception Uses**

Kathy Barnard referred to the presentation and stated upon review, the Board felt some of the uses were not consistent with the purpose of this zone and were removed. They added retail and business services along with contractors yard light and light industry.

Brad Harriman recused himself.

Matt Sullivan stated there is a different buffer standard than what's proposed; however, in the definitions section of the ordinance contractors yard light only includes vehicles which are under 33,000 lbs. whereas a contractors yard can have vehicles larger in size.

*Chairman Kathy Barnard opened the public hearing for comments.*

Elaine Hazeltine resident on Pine Hill Road asked the Board to consider the comingling in that district. She does not want to see any more businesses in that area. Ms. Hazeltine enjoys returning home after leaving work and would prefer not to have more businesses surround her. Changing this will open it up to more uses which effects the homes that are sold within the area and what they have to deal with. For instance, does not want to see another lumber yard across from her house etc. She would like the Board to consider the residential area around her.

Kirk Beswick noted concern for economic growth and locations. He questioned leaving light industry in as it's not clear if it's appropriate for the area. Mr. Beswick suggested a large portion of large land that may be better suited to a subsection that wouldn't be negatively impacted (see pink map). He asked where the contractors are coming from and what the driving motivation is.

Matt Sullivan replied building/site and land work as well as those are our primary drivers.

Kirk Beswick suggested vacant commercial buildings be used. He questioned the 5 ft. buffer and recommended that be reviewed (i.e. height depth requirements) along with the noise ordinance. Contractor's yard light should also be limited; limit the size of the vehicles to 1-ton trucks to avoid having to deal with back up beeping etc.

Suzanne Ryan questioned if assembly light and manufacturing light will not be included in this zone.

Matt Sullivan replied that's correct.

Suzanne Ryan questioned storage of equipment.

Matt Sullivan replied it could be rental equipment for contractors, possibly larger equipment provided it's exclusively for storage.

Suzanne Ryan asked if that includes a weight requirement.

Matt Sullivan replied it would not.

Suzanne Ryan stated what the Board took out, they added back in, in another way.

Mike Hodder strongly disagreed and stated what was taken out far outweighs what was put in. They put in a small allowance for people who want to do business in that area and removed a bunch of obnoxious stuff. He noted this was a good change and as such, must adapt to an economic changing time.

Suzanne Ryan stated she was commending the Board for what they removed. However, is not accustomed to seeing contractor's yards and light industry in that area as she views it as a residential area. She has not heard of a need or anyone requesting this but has heard folks who live on the road saying they don't want it and asked the Board not proceed with it.

Jerome Holden stated this is where expansion is needed.

Suzanne Ryan stated they obtained a variance.

John Thurston stated he'd like to respond regarding light contractors yard, specifically regarding the addition of a provision pertaining to vehicles with back up beepers. This could apply to anyone's vehicle; therefore, cannot be regulated.

Judith Morrison resides across from the lumber yard and down the road from a contractor's yard. The large trucks due to the industries already there, are currently an issue. For instance, 40 ft. diesel trucks park on her front lawn at 4:00 am. She stated there needs to be some strong involvement in dealing with the issue of the heavy traffic and noise levels it produces.

Kirk Beswick questioned how one might feel should a contractor's yard abut their property with 20 vehicles backing up and beeping on a daily basis; this could be disturbing and would need to be regulated. He agreed with the notion the town needs room for expansion and stated Taylor Community is planning on such, i.e. purchasing more land near them, at roughly \$30 million. However, would need to be reconsidered as one would not want to retire and live near contractor's yards. He asked that these points be taken into account.

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

**It was moved by Kathy Barnard and seconded by John Thurston to continue the public hearing for the 7 amendments until January 7, 2019. Kathy Barnard, Vaune Dugan, Peter Goodwin, and Susan Repplier voted in favor. The motion passed. 6-0.**

**VI. New Business**

N/A

**VII. Approval of Minutes**

November 19, 2019

Corrections: Page 7, last paragraph, add "Falls" after Wolfeboro

Page 7, in between paragraph 7 and 8, include the following motion:

It was moved by Kathy Barnard and seconded by Mike Hodder to present the amendment to Section 175-161, location requirements for new non-camouflaged exterior facilities, with the exception of the Shorefront Residential District. All members voted in favor. The motion passed. 7-0.

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the November 19, 2019 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed. 7-0.

VIII. Planning Board Subcommittee Reports

N/A

It was moved by Kathy Barnard and seconded by Vaune Dugan to adjourn the December 17, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:52 PM.

Respectfully Submitted,

*Cathleen LaPierre*

Cathy LaPierre

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

- **\*ARTICLE XXVI, PERSONAL WIRELESS SERVICE FACILITIES AMENDMENT**
- **§ 175-175 - TERMS DEFINED, HABITABLE SPACE AMENDMENT**
- **§ 175-47 - BUILDING CODES AMENDMENT**
- **175-44(E) GENERAL PROVISIONS, SIGNS, PLACEMENT OF SIGNS AMENDMENT**
- **§ 175-175 - TERMS DEFINED, LIGHT INDUSTRY AMENDMENT**
- **ARTICLE XXA COTTON MOUNTAIN HISTORIC-AGRICULTURAL DISTRICT**
- **\*§ 175-96 AND 175-96.1 - PINE HILL ROAD DEVELOPMENT DISTRICT, PERMITTED USES AND SPECIAL EXCEPTION USES**

# **2020 PROPOSED ZONING AMENDMENT**

## **PUBLIC HEARING #1**

**12.17.2019**



# **PUBLIC HEARING PROCEDURE**

- Copies of all amendments available at front of Great Hall
- Amendments will be reviewed per posted agenda
- Amendments will be briefly presented by Planning Director
- Chair will open the public hearing for each amendment individually
- Chair will close the public hearing following all comments
- Planning Board will discuss modifications to amendment (if any)
- After the public hearing for each amendment, the Board will vote in one of the following manners:
  1. To continue the public hearing for the amendment to a date, time, and location certain in January.
  2. To recommend the amendment and post to the Town warrant.
  3. To NOT recommend the amendment for posting to the Town warrant.

## **\*RSA 675:7 I-A**

*If a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. **If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district.** Notice by mail shall be sent to the address used for mailing local property tax bills, provided that a good faith effort and substantial compliance shall satisfy the notice by mail requirements of this paragraph.*

**All property owners within 100 feet of the proposed new district area are defined as the “affected” properties.**

# ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES

## Objectives:

- Bring ordinance into compliance with NH RSA 12:K AND US 47 U.S.C. 1455 and 47 C.F.R. 1.6100.

- Define Collocation

*The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.*

- Define process for “Eligible Facilities Requests”

*Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:*

- *(i) Collocation of new transmission equipment;*
- *(ii) Removal of transmission equipment; or*
- *(iii) Replacement of transmission equipment.*

# ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES

## Objectives (cont.):

- **Define Substantial Modification (Summary)**
- Increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet
- Increase the height of eligible support structure by more than 10% or more than ten feet, whichever is greater
- Adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance
- For support structures, adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet
- Includes installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets
- Involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other Includes any excavation or deployment outside the current site
- Defeats the concealment elements of the eligible support structure
- It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment

## **ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES**

- **Define Process for Review of Eligible Facilities Requests**
- **All requests must be either approved or denied by the Planning Department within forty-five (45) days of receipt, unless extended**
- **Shall notify the Applicant in writing within fifteen (15) days of receipt of the Application, whether or not the Application is complete**
- **Upon receipt of a timely written notice that a Request is deficient, the Applicant shall have fifteen (15) calendar days from its receipt of such notice to supply the missing documents or information.**
- **Following a supplemental submission, the Planning Department will have 10 days to notify the Applicant that the supplemental submission did not provide all of the documents or information identified in the original notice delineating missing information.**
- **Failure to act. In the event the Planning Department fails to approve or deny a Request within the timeframe for review (including any extensions), the Request shall be deemed granted.**

# **ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES**

## **Objectives:**

- **Minor Administrative Amendments**
  - **Addition of catastrophic failure to fall zone section**
  - **Clarify allowance of galvanized steel rather than gray painting ONLY**
  - **Clarify compliance requirements with FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and remove incorrect references**
  - **Removal of §175-173, Terms, which included illegal restriction of special exception and site plan approval terms**

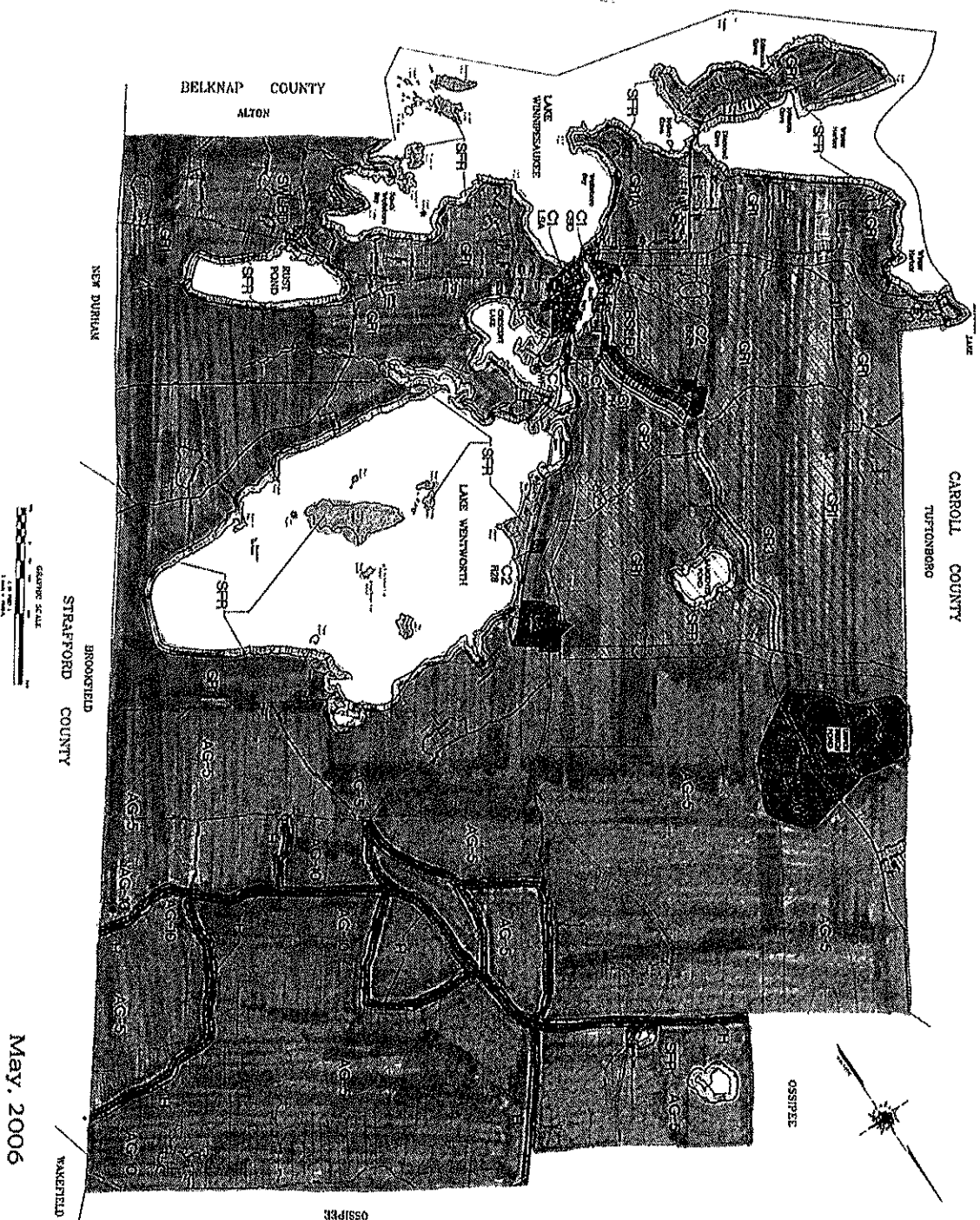
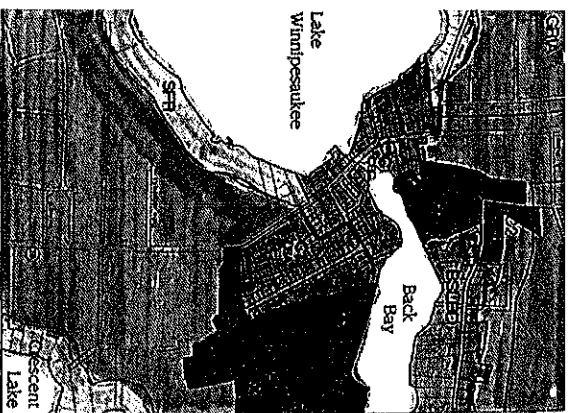
## ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES

~~§ 175-161 Location requirements for new non-camouflaged exterior facilities.~~

~~New non-camouflaged personal wireless service facilities shall be permitted in the following Zoning Districts:~~

- ~~▪ A. Commercial C2, Wolfeboro Center, Pine Hill Road, and Route 28.~~
- ~~▪ B. General Residential GR1 (outside those areas serviced by Town sewer and or water).~~
- ~~▪ C. General Residential GR2.~~
- ~~▪ D. General Residential GR3.~~
- ~~▪ E. Agricultural AG.~~

# ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES





## **ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES**

**§ 175-161. Location requirements for new non-camouflaged exterior facilities.**

**New non-camouflaged personal wireless service facilities shall be permitted by Special Exception in all Zoning Districts with the exception of the Shorefront Residential District, where they are prohibited.**

## **ARTICLE XXVI PERSONAL WIRELESS SERVICE FACILITIES**

- **Adds the following zoning districts:**
  - **Municipal Watershed District**
  - **Bay Street Limited Business District**
  - **C1 Central Business District**
  - **Cotton Mountain Historic District**
  - ***Eastern portion of Pine Hill Road***

# PUBLIC HEARING

# § 175-175 HABITABLE SPACE DEFINITION

## Existing Language

### HABITABLE SPACE

A space in a building suitable for living, sleeping, eating or cooking. ~~Bathrooms, toilet rooms, closets, halls, storage or utility spaces and~~ similar areas are not considered habitable spaces.

## Proposed Language

### HABITABLE SPACE

A space in a building suitable for living, sleeping, eating or cooking. Closets, halls, storage, toilet rooms on the first floor only, or utility spaces and similar areas are not considered habitable spaces.

## Why?

- Installation of full bathrooms in accessory structures potentially leading to conversion of accessory structures to dwelling units or living spaces
- By removing full bathrooms and restricting to floor one, will allow for 'shop' bathrooms, while discouraging conversion to habitable space

# PUBLIC HEARING

# **§ 175-47 – BUILDING CODES**

## **Existing Language**

**A. All construction in the Town of Wolfeboro shall conform to:**

- (1) 2003 International Residential Code, as recommended and maintained by the Council of American Building Officials.**
- (2) 2003 International Building Code as recommended and maintained by the Building Officials and Code Administrators International, Inc.**
- (3) 2003 International Energy Conservation Code, as recommend and maintained by the Building Official and Code Administrators International, Inc.**
- (4) 2003 Life Safety Code, NFPA 101, as adopted by the National Fire Protection Associates, Inc., and approved by the American National Standard Institute.**
- (5) 2002 National Electrical Code, ANSI/NFPA 70, as adopted by the National Fire Protection Association, Inc., and approved by the American National Standards Institute.**
- (6) 2003 International Plumbing Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.**
- (7) 2003 International Mechanical Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.**
- (8) Applicable state law and codes, and current Town ordinances and construction requirements.**

## **§ 175-47 – BUILDING CODES**

### **Proposed Language**

***A. All construction in the Town of Wolfeboro shall conform to the most recent codes as referred to as the “State Building Code” or “New Hampshire Building Codes” under Hampshire RSA 155-A and as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.***

### **Why?**

- Existing references are outdated
- Currently regulated by State Building Code and do not anticipate changes to this status

# PUBLIC HEARING



# 175-44(E) GENERAL PROVISIONS, SIGNS, PLACEMENT OF SIGNS AMENDMENT

## A History:

- 2011 - An amendment to the Town of Wolfeboro Zoning Ordinance was approved that allowed the placement of “Business Directional Signs” within the public right-of-way
- The Planning Board developed the ordinance language at the request of downtown business owners in order to provide wayfinding signs for pedestrians in the greater downtown area.
- 2014 - Public Works Director brought to the attention of the Planning Board that signs were being installed on public and private property without approvals and, in some cases, were creating a hazard and safety issues
- 2015 - Planning Board appoints Wayfinding Sign Subcommittee to focus on developing a plan for pedestrian wayfinding signage
- Committee Members: Kathy Barnard, John Thurston, Peter Goodwin, Paul Zimmermann, Roger Murray, Mary DeVries, and Julie Jacobs
- Fall 2016 - Committee met regularly until project needed to be put “on hold” due to staff transition
- Later 2017 – Committee reconvened and developed draft ordinance after site visits and detailed review of existing signage

# 175-44(E) GENERAL PROVISIONS, SIGNS, PLACEMENT OF SIGNS AMENDMENT

## Existing Language

### E. Placement of signs.

- (1) All signs, except for business directional signs, shall be prohibited within the public right-of-way. Signs shall be permitted within the setback area provided its placement does not cause a safety hazard or impede the sight distance associated with the entrance/exit to the site or to the traveling public.
- (2) Business directional signs shall be limited to one at each intersection where travelers must change direction from one public way to another to reach a particular business, to a maximum of two within the Town for the business. Such signs shall be uniform in size and shall conform to the following specifications:

Sign Element	Specification
Width	36 inches
Height	6 inches
Letter height	Maximum of 4 inches
Material	1/2-inch to 3/4-inch wood board or equivalent

- (a) Directional information, including one arrow figure only, shall be provided on each sign.
- (b) The Town may remove a sign if it is not properly maintained or if business operations cease. The location of all business directional sign posts shall be approved by the Director of Public Works, and the posts shall be pressure treated, four inches by four inches, post painted white or Public Works approved alternative.
- (3) No sign shall be so designed or so placed as to endanger, obscure, confuse or otherwise create a hazardous condition to motor vehicles or pedestrians.
- (4) No sign shall project above the roofline of the building to which it is affixed.

# 175-44(E) GENERAL PROVISIONS, SIGNS, PLACEMENT OF SIGNS AMENDMENT

## Proposed Language Summary

- To repeal and replace the existing language within 174-44(E).
- Prohibits all signage from the public right-of-way, with the exception of off-premise business directional signage.
- Business Directional signage allowed ONLY within the public right-of-way.
- May be place on approved, permitted, Town-owned posts at intersections, within the Bay Street Limited Business District, Wolfeboro Falls Limited Business District, and Central Business District and at designated locations.
- Maximum of two (2) business directional signs within the town per business.
- Only one (1) post per intersection shall be permitted.
- Signs and sign posts shall be uniform in size and shall conform to this ordinance's restrictions.
- Signage in existence as of 04/01/2019, which does not conform to the requirements of this section, shall be designated as lawfully existing non-conforming sign, both on private and public property, with the exception of those that present a hazard to public health and safety.
- Pre-existing non-conforming signage shall expire at the time that the business ceases operation. At such time, the sign may not be re-established for a new business.

# **175-44(E) GENERAL PROVISIONS, SIGNS, PLACEMENT OF SIGNS AMENDMENT**

## **Why?**

- Interest in allowing additional business directional signage through permitting process
- Significant concern for safety and obstructions created as a result of business directional signage
- Definition of appropriate areas by Planning and Development Department
- Ensure consistency in post construction and sign construction
- Need to acknowledge existing legally and illegally nonconforming signage that has been in place for many, many years on both public AND private property

# PUBLIC HEARING

# **§ 175-175 LIGHT INDUSTRY DEFINITION**

## **Proposed Language**

*Light Industry is the manufacturing, production, processing, fabrication, assembly, repair, or packaging of products predominantly from previously prepared or refined materials. The storage, warehousing, distribution, or wholesaling of finished products shall be considered accessory to and therefore a permitted use within light industry. Light industry does not include uses with significant external effects, as indicated below or which pose significant risks to public health, safety, and welfare including, but not limited to: chemical storage, poisons, pesticides, explosives, or other hazardous or toxic materials. Further, light industrial uses shall not create excessive smoke, noise, dust, soot, vibration, odor, or other public nuisance.*

## **Why?**

- Currently no definition of “Industry” despite being Special Exception permitted use in PHRDD
- Related to 2020 PHRDD amendment that allows “Light Industry” but removes “Industry” use

# PUBLIC HEARING

# ARTICLE XXA: COTTON MOUNTAIN HISTORIC- AGRICULTURAL DISTRICT

## Existing Language

(15) Cotton Mountain Historic-Agricultural District: The area of this district is restricted to a setback of 250 feet from the center line on each side of the following roads as they are shown on the Zoning Map:

- (a) Stoneham Road from the Brookfield Town line to Stoddard Road, excluding that area already included in the North Wolfeboro Historic District.
- (b) Jenness Farm Road from Stoneham Road to Cotton Valley Road excluding Tax Map 18, Block 9, Lots 2, 3, and 4 (New Tax Map 137, Lots 4, 3, and 2). (Note: This subsection was amended by the Board of Selectmen 4-25-2007 to change "Dallas Road" to "Jenness Farm Road.")
- (c) The North Wakefield Road from Stoneham Road to the Wakefield Town line.



# **ARTICLE XXA: COTTON MOUNTAIN HISTORIC- AGRICULTURAL DISTRICT**

## **Existing Language**

### **§ 175-126.1 Purpose and intent.**

**The Cotton Mountain Historic-Agricultural District Zone is amended to increase lot size from five to 10 acres, including all contiguous land of the present landowners and continuing the preservation of natural resources of forest, field and open space of the Agricultural District in furthering the Town's rural character.**

# ARTICLE XXA: COTTON MOUNTAIN HISTORIC- AGRICULTURAL DISTRICT

## § 175-126.2 Dimensional controls.

*Dimensional controls shall be as follows:*

*A. Minimum lot area: 435,600 square feet.*

*B. Minimum lot frontage: 400 feet.*

## § 175-126.3 Setback requirements; height requirements.

### *A. Setback requirements.*

- (1) Front yard (street): 30 feet.*
- (2) Side yard: 25 feet.*
- (3) Rear yard: 25 feet.*

*B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures; provided, however, that no such structure shall exceed a maximum footprint of 144 square feet.*

*C. No building shall be closer than 20 feet to any other building on the same lot, except for private garages.*

# ARTICLE XXA: COTTON MOUNTAIN HISTORIC- AGRICULTURAL DISTRICT

## § 175-126.4 Permitted uses.

- A. One of the following dwelling unit structures is permitted per lot:
  - (1) One single detached dwelling per lot.
  - (2) One single detached dwelling per lot with one accessory dwelling unit.
- B. Accessory structures.
- C. Accessory uses.
- D. The seasonal, outside storage of items of personal property on residential lots, provided that such items must be placed on the lot to the side or rear of the dwelling, but their use for living and/or business while so stored is prohibited.
- E. One home occupation, occupying up to 500 square feet of the single-family dwelling (requires TRC approval).
- F. The keeping or harboring of all livestock in accordance with the New Hampshire Department of Agriculture's Best Management Practices.
- G. Farm, agriculture, farming.
- H. Veterinarians, animal hospitals.
- I. No more than two signs per business, including add-on signs, each not over 16 square feet in area.
- J. Accessory uses.
- K. Horticultural establishments.

## § 175-126.5 Special Exception uses.

- A. Conversion of a single-family dwelling unit existing as of March 10, 1987, into a bed-and-breakfast, subject to sign provisions.<sup>1</sup>
- B. Recreational use.<sup>1</sup>
- C. Public utility lines, substations, radio or television transmission facilities and the like.<sup>1</sup>
- D. Cemeteries for human beings.

# ARTICLE XXA: COTTON MOUNTAIN HISTORIC- AGRICULTURAL DISTRICT

## Why?

- Original 2005 Article #6 intended as overlay zoning district to Residential Agricultural (RA) District
- Not codified in this manner, but instead drafted as standalone district without dimensional standards OR permitted uses
- The proposal is to incorporate all dimensional controls and all Permitted and Special Exception uses with the exception of Churches, and Contractor's yards.

# PUBLIC HEARING

# **§ 175-96 AND 175-96.1 - PINE HILL ROAD DEVELOPMENT DISTRICT, USES AMENDMENTS**

- Proposed Language Summary
  - Amend the Permitted Uses within the Pine Hill Road Development District to ADD:
    - Retail
    - Business Services
    - Contractors Yard, Light (with specific conditions required)
  - Amend the Permitted Uses within the Pine Hill Road Development District to REMOVE:
    - Printing plant,
    - Community services
    - Assembly operations
    - Storage and use of heavy industrial and mechanical equipment
    - Metal shops
    - Laundries and cleaning establishments
  - To amend the uses permitted by Special Exception within the Pine Hill Road Development District by ADDING Light Industry as permitted and REMOVING Kennels as a permitted uses.

# PUBLIC HEARING

# **NEXT PUBLIC HEARING SCHEDULING**