

**TOWN OF WOLFEBORO  
PLANNING BOARD  
June 18, 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**

N/A

**V. Communications & Miscellaneous**

**June 24<sup>th</sup>, 2019 Bay Street Sidewalk Stakeholder Meeting**

Matt Sullivan stated the meeting will take place on June 24<sup>th</sup> at 6:30 PM. This will be an informational forum and also context-sensitive solutions; an interactive session. There will be a presentation on the Bay Street Sidewalk project, the challenges involved with the project, and then head into a couple of breakout sessions to discuss the needs, problems that exist and possibly get into some solutions. This will be the 1<sup>st</sup> of 2 public input sessions. Currently there is an issue with the right of way as it's limited in width resulting in utility poles and infrastructure that would need to be relocated and require easements from property owners.

Kathy Barnard asked if notices were sent to business owners.

Matt Sullivan confirmed notices were sent to all business owners.

Kathy Barnard questioned if Lucas Roasting Company had been notified.

Matt Sullivan replied one on one outreach was implemented, personal business outreach to those who have businesses but are not the owners of the property is scheduled and he will double check the list.

Vaune Dugan suggested signs on the road.

Matt Sullivan stated he will verify with Dave Ford on signs.

**Reminder: Planning Board Meeting July 9<sup>th</sup>, 2019**

## **VI. Work Session**

### **Wolfeboro Falls Limited Business District Boundary Review**

Kathy Barnard noted this came to fruition from a business owners request.

Matt Sullivan referenced the map provided and noted tax map #204-68 to be the property in question. The parcels adjacent to this parcel and those south of it are the focus as those are commercial uses. Parcels 65, 66, and 67 are missing. Parcels 66 and 67 are established residential uses; single family homes. Parcel 65 has a barn structure and has been a mix of (commercial) uses throughout the history of the property. It's unclear if the commercial use has lapsed.

John Thurston stated he views those as home occupation.

Vaune Dugan questioned parcel 10.

Matt Sullivan confirmed parcel 10 to be a house (residential property). The question is, does it make sense to consider an extension of the Wolfeboro Falls Limited Business District based on the uses seen whether existing or approved in this zone.

Vaune Dugan questioned how far.

Matt Sullivan replied to the extent of parcel 68.

John Thurston noted concern for the sharp corner.

Mike Hodder noted it be a non-contiguous section.

John Thurston stated he'd prefer to see it come back before Ohm and go across.

Mike Hodder questioned why the Board is conducting this exercise.

Kathy Barnard replied because the owner got in touch with the Board.

Mike Hodder stated she got in touch with the Board, no one else did; there is no other impetus towards this change. Looking at properties from #2 south down to #65 and includes #73, there are around fifteen properties. Ten of the properties being looked at are residential while only five are commercial. The Board would be zoning a considerably large residential area to accommodate one commercial use which is in there by variance. He suggested Gayle Washington obtain a variance for expansion as opposed to asking the town rezone a series of properties which are residential into commercial unless the Board has a hearing and residential owners determine that's favorable.

Kathy Barnard noted the Master Plan states residential zones should not be intruded upon.

John Thurston stated this is more spot zoning and would prefer to see efforts put towards a creation of an area.

Mike Hodder noted the safety pertaining to Elm Street and the sharp corner.

Peter Goodwin agreed and stated it to be inappropriate due to spot zoning and safety in that area.

Susan Repplier questioned if she could expand by variance.

Matt Sullivan confirmed she could and will get in touch with Gayle Washington.

**South Wolfeboro Limited Business District Boundary Review**

Matt Sullivan noted the only two commercial existing businesses to be #66 and #78.

John Thurston questioned #77 as they are cottages.

Matt Sullivan confirmed.

Vaune Dugan noted it would be continuous to both ends of that and #66.

Matt Sullivan asked if commercial uses that aren't in the commercial zone, is it worth looking at expanding the commercial zoning to potentially assist in their development.

Mike Hodder asked for clarification if the Board is looking at extending the red into #s 66, 77, and 78.

John Thurston stated it would go from Mr. Bradley's property all the way up through Weston Auto Body and the old store.

Peter Goodwin questioned what that would do to #s 69, 70 and 73.

Vaune Dugan questioned if there were houses on those lots.

Matt Sullivan stated there are homes on those parcels.

John Thurston stated this would not affect those homes.

Vaune Dugan stated 250 ft. of that is already shore front residential.

Matt Sullivan recommended this would bring non-conforming into conformity with zoning.

Mike Hodder suggested reaching out to the business owners.

The Board agreed to notice the following lots: 3, 64, 65, 66, 69, 70, 73, 77, 78, 81, 80 and consider adding restaurants as a permitted use.

Matt Sullivan noted he will provide the Board with a list of all the properties with their approvals if any.

Vaune Dugan requested the shoreland be included on the map.

Matt Sullivan confirmed he will include.

**Review of Lot Coverages in Pine Hill Road Development District**

Matt Sullivan referenced the map provided and stated the question is whether or not to change the 40% impervious surface threshold. Adjacent to this there is a 60% impervious coverage limit in the Bay Street Limited Business District. The lots that aren't currently developed one might question what would 40% vs. 60% coverage look like on those lots.

John Thurston asked if there could be acreage threshold.

Matt Sullivan recommended keeping the 40%.

Mike Hodder noted there hasn't been an issue as of yet.

John Thurston agreed the 40% is adequate as there are very few viable lots.

### **Review of Criteria and Definitions in Wetlands Conservation Overlay District Ordinance**

Kathy Barnard noted concern for the last application submitted and felt applicants need to be clearer.

Matt Sullivan stated he will inform the applicant the format submitted will no longer be accepted.

Kathy Barnard stated the importance of understanding what's being impacted.

Matt Sullivan noted site visits will be implemented and informed members the Board could hire a wetlands scientist.

Vaune Dugan questioned who would cover the cost.

Mike Hodder replied the applicant.

John Thurston stated if on site visits are completed that wouldn't be necessary.

Mike Hodder noted the cost associated with hiring a wetlands scientist could be considered punitive.

Kathy Barnard questioned the 1,800 SF portion of the ordinance.

Matt Sullivan referenced page 8 and stated the critical language pertaining to the 1,800 SF is "within the setback or buffer zone".

Kathy Barnard asked if that applied to the Johnson house.

Matt Sullivan replied yes, and stated where it differs is if a sliver of your property or the development that's going to be in the buffer, the rest of the contiguous uplands soil wouldn't be limited to 1,800 SF. Therefore, you could place a 5,000 SF home as long as the final impact is not greater than 1,800 SF in the buffer, setback or wetland area.

Mike Hodder referenced page 4, top of the page, last 2 sentences, and stated the Conservation Commission doesn't have any determinative power. The Planning Board should make the final determination of a wetlands limit.

Matt Sullivan replied this is specifically under the boundaries dispute power for the Conservation Commissions part of the ordinance.

Mike Hodder asked if the Conservation Commission has the power.

Matt Sullivan replied although it might not be a statutory power it reads that the Planning Board grants the power to the Conservation Commission.

Mike Hodder replied we are in consultation with "the Board shall determine" and stated the Board has not delegated that power and recommended council review.

Matt Sullivan will have council review.

Mike Hodder referenced page 5, D (c) and asked if this is in fact permitted as it contradicts § 175-9.K.

Matt Sullivan will review and amend.

Mike Hodder suggested adding this to the work project.

### **Review Revised Pine Hill Road Development District Amendments**

Matt Sullivan reviewed the following changes made:

- *Printing Plant and Community Services* was removed
- *Assembly Operations* was incorporated into a comprehensive industrial definition and was removed
- *Storage and Use of Heavy Industrial Mechanical Equipment and Metal Shops* was removed and incorporated into the industry definition
- *Laundries and Cleaning Establishments* was removed
- *Laundromats* was added as a special exception use
- *Storage Facilities, Self-Storage, Storage of Equipment; Storage of Equipment* was moved into a broader storage use
- One of two conversions of permitted uses have been removed
- *Business Services* has been added with a definition
- *Contractors Yard, Light* as a permitted use has been added
- *Kennels* was removed
- *Light Industry* was edited

John Thurston noted nothing was being excluded by removing *Storage and Use of Heavy Industrial Mechanical Equipment and Metal Shops*.

Matt Sullivan noted *Contractors Yard, Light* are the same.

Kathy Barnard noted they are currently only permitted on Rte. 28; however, are expanding.

John Thurston noted with a setback.

Matt Sullivan confirmed the setback to be 25 ft.

Kathy Barnard questioned retail use.

Matt Sullivan replied *Retail* use is limited and recommended the Board consider.

The Board agreed to include *Retail*.

Vaune Dugan stated *I* should be *Retail* and *O* the last thing should be the conversion of a permitted use to another permitted use.

Mike Hodder recommended the following changes to *Light Industry*: add *Public*, second line after the word “products” remove the comma, and on the 5<sup>th</sup> line add “as indicated below” after “significant external effects”.

Matt Sullivan noted to move *Laundromats* to *Personal Service*.

Kathy Barnard questioned the next step.

Matt Sullivan stated revisions will be made and reviewed again in zoning season.

Kathy Barnard suggested a public information session in September.

Matt Sullivan confirmed.

### **Review of Table of Dimensional Requirements**

The dimensional regulation table will be added to the website and the lot coverage will be corrected to reflect 60%.

**Building Code Zoning Amendment Review**

Matt Sullivan noted to amend this to reference the most recent version of the state building code. If adopting stricter standards in the future the Board would need to codify that within this section of the ordinance.

**Architectural Standards Committee**

Kathy Barnard stated the last meeting went well and felt things were close to being done.

Matt Sullivan stated the review exercise in April went very well, they went through 7-8 drawings/designs and compared them to existing standards. Upon reconvening last Friday, some minor changes were proposed, i.e. what documents will be required, expectations for applicants, and some minor wording changes to simply make it clearer. Those amendments along with changes to the purpose/introduction need to be made and the new draft then sent to the subcommittee and will return to a public hearing to move forward in July.

John Thurston noted Maggie Steer crafted a nice intro that was well laid out.

Mike Hodder asked if the Board will be permitted to deliberate over it prior to the Public Hearing.

Matt Sullivan confirmed yes.

Peter Goodwin asked when the meeting will be.

Matt Sullivan confirmed July 16<sup>th</sup> and to hold a Public Hearing at a later date once the Board is comfortable and noted the goal is not to add costs to the applicant.

Kathy Barnard noted she spoke with Joyce Davis, who was the Chairman of the Planning Board when the voluntary standards were adopted and stated she would attend as well.

**ADA Exemption in Wetlands Ordinance Plan Review Regulations**

Matt Sullivan noted he is currently working on this with council.

John Thurston noted concern for what happens to the building when the individual is no longer occupying the property.

Mike Hodder stated the building is removed.

Kathy Barnard questioned what the RSA for the ZBA says.

Matt Sullivan replied the RSA gives the ZBA the authority to waive the 5<sup>th</sup> criteria in their analysis and to establish reasonable time limits.

Mike Hodder stated there is no hardship required, but they also have to show spirit of the ordinance and substantial justice.

Kathy Barnard questioned if that RSA for the ZBA has a time limit.

Matt Sullivan replied no; it allows the ZBA to have a time limit on.

Mike Hodder stated for an ADA applicant the variance doesn't run with the land, it runs with the lifetime of the individual who has the disability. If the disability goes away, the variance goes away.

John Thurston stated so doesn't the building.

Vaune Dugan stated that's an issue for the Building Department because now ramps need to be tracked and removed.

Matt Sullivan stated he is concerned for buildings.

Mike Hodder stated the law won't allow for someone to build a building; it allows for a building to be placed partially inside the setback for ADA purposes.

Matt Sullivan recommended councils advice and reviewing at a later date.

#### **New Business**

##### **Meeting on Rumble Strips**

Matt Sullivan stated a hearing has been scheduled on July 17<sup>th</sup> at 6:30 PM to discuss the rumble strips in Alton on Rte. 28 and the crosswalks in town.

John Thurston referenced the block crosswalk by the museum and noted the state redid that area; added the crosswalk when the bridge was put in.

Mike Hodder asked if anyone other than a publicity person from DOT will be present; will the engineer from District 3 be attending.

Matt Sullivan replied he was not certain but local folks who have worked on the project will most likely attend.

Brad Harriman stated he met with DOT earlier in the day and believed Michael Dugas, PE, State Highway Safety Engineer would be present.

Mike Hodder asked if the conversation will be open to other parts of town that will be affected by the rumble strips.

Matt Sullivan confirmed yes, in fact both conversations are town wide.

Brad Harriman stated the DOT meeting will be a stand-alone meeting.

#### **VII. Approval of Minutes**

N/A

#### **VIII. Planning Board Subcommittee Reports**

N/A

**It was moved by Kathy Barnard and seconded by John Thurston to adjourn the June 18, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed. 7-0.**

There being no further business, the meeting adjourned at 8:53 PM.

Respectfully Submitted,

***Cathleen LaPierre***

Cathy LaPierre

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