

**TOWN OF WOLFEBORO  
PLANNING BOARD  
May 19, 2020  
MINUTES**

**Members Present:** Roll call: Kathy Barnard – yes (acknowledged there is no one present with her), Peter Goodwin – yes (acknowledged there is one present with him), Brad Harriman – yes (acknowledged there is no one present with him), Susan Repplier – yes (acknowledged there is no one present with her), Mike Hodder – yes (acknowledged there is no one present with him).

**Members Absent:** John Thurston, Vaune Dugan, Members.

**Staff Present:** Matt Sullivan, Director of Planning and Development, Lee Ann Hendrickson, Administrative Secretary.

*Chairman Barnard opened the virtual meeting at 7:00 PM.*

Kathy Barnard read the following script:

Good evening and welcome to the May 19<sup>th</sup> meeting of the Wolfeboro Planning Board.

As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

***a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;***

We are utilizing the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through **dialing the following phone #+1 (646) 749-3122 followed by the audio access code 918-242-429, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.**

***b) Providing public notice of the necessary information for accessing the meeting;***

We previously gave notice to the public of how to access the meeting using GoToMeeting, and instructions are provided on the Town of Wolfeboro website at [wolfeboroh.us](http://wolfeboroh.us) on the Virtual Town Meeting Login Information page.

***c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;***

If anybody has a problem accessing the meeting via phone or computer, please immediately call 603-391-8489 OR email [planningdirector@wolfeboroh.us](mailto:planningdirector@wolfeboroh.us)

***d) Adjourning the meeting if the public is unable to access the meeting.***

In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

#### **e) Meeting Notes**

Members of the Board will be unmuted for the entirety of the meeting. Members of the public will be muted for the meeting with the exception of public comment portions or public hearings.

I'd like to start the meeting with a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Thank you.

*Matt Sullivan requested the public mute their microphones and turn off their web cameras unless providing public input.*

#### **I. Scheduled Appointments/Public Hearings**

##### **Huggins Hospital**

**Site Plan Review; Primary Care Center Renovations (parking lot & salt shed construction)**

**Agent: Jim Rines, White Mountain Survey & Engineering**

**Tax Map #231-90-E, Case #2020-14**

Kathy Barnard recused herself; noting she is a Board of Trustee for Huggins Hospital. She stated Mike Hodder would chair the meeting for this application.

Matt Sullivan stated the applicant has requested a continuance of the application to June 2, 2020.

Mike Hodder reopened the public hearing.

**It was moved by Mike Hodder and seconded by Peter Goodwin to continue the Huggins Hospital Site Plan Review application and public hearing, Tax Map 231-90-E, to June 2, 2020. Roll call vote: Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes, Susan Repplier - yes. All members voted in favor. The motion passed (4-0).**

#### **II. Action Items**

##### **a. Rules of Procedure Amendment**

Matt Sullivan reviewed the proposed amendments to the Planning Board's Rules of Procedure; noting the Rules of Procedure did not reflect statutory terms or process. He stated the Rules of Procedure were revised to be compliant with the statute and the Board's current procedures.

**It was moved by Mike Hodder and seconded by Susan Repplier to adopt the Planning Board Rules of Procedure as amended, effective immediately. Roll call vote: Kathy Barnard – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes, Susan Repplier - yes. All members voted in favor. The motion passed (5-0).**

##### **b. Impact Fee Waiver Request; James Kulage, TM #72-1**

Matt Sullivan stated he spoke to Mr. Kulage regarding the Board's previous discussion and recommendations at its 5/5/20 meeting. He recommended the following motion;

**"Motion pursuant to Wolfeboro Zoning Ordinance Section 175-173.8 Assessment and collection of impact fees, to establish the following alternate schedule of impact fee payment:**

- 1. The impact Fee payment shall be total of \$4,184, in accordance with the Planning Board's adopted impact fee schedule.**

2. A \$400 per year payment shall be made, for a ten (10) year period, with the 11<sup>th</sup> year payment being \$184.
3. The first payment will be due 5 years after the date the Certificate of Occupancy is granted. Delete the balance of this sentence.
4. A lien to the benefit of the Town of Wolfeboro for the full amount due, \$4,184, will be placed on the property at the time the Certificate of Occupancy is granted.”

Mike Hodder asked if Mr. Kulage understands that if the impact fee is cancelled that he would still be responsible to make his payments.

Matt Sullivan replied yes.

Mike Hodder asked if the revocation of the impact fee ordinance is on the Board’s 2020 work program.

Matt Sullivan replied yes.

**It was moved by Mike Hodder and seconded by Susan Repplier to establish the following alternate schedule of impact fee payment for James Kulage, Tax Map 72-1, pursuant to Wolfeboro Zoning Ordinance Section 175-173.8 Assessment and collection of impact fees,:**

1. **The impact Fee payment shall be total of \$4,184, in accordance with the Planning Board’s adopted impact fee schedule.**
2. **A \$400 per year payment shall be made, for a ten (10) year period, with the 11<sup>th</sup> year payment being \$184.**
3. **The first payment will be due 5 years after the date the Certificate of Occupancy is granted. Delete the balance of this sentence.**
4. **A lien to the benefit of the Town of Wolfeboro for the full amount due, \$4,184, will be placed on the property at the time the Certificate of Occupancy is granted.**

**Roll call vote: Kathy Barnard – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes, Susan Repplier - yes. All members voted in favor. The motion passed (5-0).**

**c. Voluntary Lot Merger, Brian & Charlene Allen, TM #267-36 & 37**

Matt Sullivan stated the lot merger will relieve an existing nonconformity; noting the existing shed is nonconforming due to a setback encroachment. He stated the proposed lot is also compliant with the Standardized Lot Shape provision of the ordinance.

Kathy Barnard confirmed the road frontage would be conforming.

Matt Sullivan stated the acreage doesn’t become conforming however, the road frontage does.

**It was moved by Kathy Barnard and seconded by Mike Hodder to approve the Brian and Charlene Allen Lot Merger, Tax Map #267-36 & 37. Roll call vote: Kathy Barnard – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes, Susan Repplier - yes. All members voted in favor. The motion passed (5-0).**

**III. Public Comment**

Matt Sullivan stated there is no public present online nor has he received public comment via email.

**IV. Other Business**

**a. Discussion of Drive-thru Restaurants**

Kathy Barnard stated the voters have spoken twice on the issue; noting the vote was overwhelmingly against drive-thru restaurants. She noted that quite a bit of people signed the petitions.

Mike Hodder stated he drafted a note (on behalf of the Board) to Paul Zimmerman. He stated the Petition Warrant Article has been overwhelmingly voted down twice. He stated the articles were placed on the ballot by the BOS. He stated the only action the Planning Board took on each Petition Warrant Article was holding public hearing on such and voted not to recommend the articles. He stated the Planning Board did not deprive the citizens of the Town.

Kathy Barnard stated the Planning Board left the door open to re-evaluate the matter in the future. She noted the Petition Warrant Article was defeated in 2017 and 2020.

Mike Hodder stated the agency of deprivation is not the Planning Board rather, it is the citizens.

Peter Goodwin stated he wanted to discuss the issue to put on record the Planning Board's review and show that the decision was made by the voters of the Town.

Susan Replier agreed with Mr. Goodwin and Mr. Hodder. She asked if the matter will be further reviewed.

Kathy Barnard stated it could be if the Board is presented with another petition warrant article.

Susan Replier asked if there is a period of time before the matter is considered again.

Matt Sullivan replied no.

Brad Harriman stated he agrees with the comments made by the Board; noting the Town has voted consistently.

Susan Replier asked if there is a limit to the number of times the same person can submit the request.

Kathy Barnard replied no.

Matt Sullivan stated the person who submitted the petition warrant article had the opportunity to attend the public hearings and did not.

Mike Hodder read the following draft letter to Mr. Zimmerman;  
Dear Paul:

In the past five years the Town has twice thought about and debated a petitioned warrant article written to allow drive through restaurants as a use in the Central Business District in town. Both times the Town voted overwhelmingly in the negative on that issue. In 2017 the vote was 271 in favor, 636 opposed. In March, 2020 the vote was 401 in favor, 855 opposed. It should be clear from these two results that an overwhelming majority of the Town's voters does not support drive through restaurants as a use in the CBD.

The Planning Board serves at the will of the voters who elect its members. Based upon that clearly expressed will it would be imprudent for the Board to craft an ordinance allowing a use the voters have twice rejected as inappropriate.

With regards,  
Kathy Barnard, Chairperson  
Planning Board  
Town of Wolfeboro, NH

*It was the consensus of the Planning Board to send the above letter to Paul Zimmerman.*

**b. Parking Ordinance and Site Plan Review Regulations Amendments (first review)**

Kathy Barnard stated Mike Hodder, Matt Sullivan and she reviewed the parking ordinance. She stated the Board has previously discussed moving the parking standards to the Site Plan Review Regulations.

Matt Sullivan stated currently parking standards are in the Zoning Ordinance and the consensus of the Board was to make the regulations more flexible. He reviewed the proposed changes.

Mike Hodder stated 175-130.A.(3) is unenforceable.

Kathy Barnard stated she feels strongly that the parking ordinance controls development; noting such is very important in this Town.

Peter Goodwin stated he doesn't know how to address the claiming of 500' from an establishment when the entire Downtown area is not very large. He questioned whether such needs to be justified or modified.

Matt Sullivan stated parking is a problem during peak demand times in Wolfeboro. He stated he feels the Downtown is controlled enough that he doesn't think there will be a change in the future. He stated an analysis of the Downtown parking has not been reviewed.

Mike Hodder agreed with Mr. Goodwin relative to the 500' allowance; noting something is fundamentally off with that part of the ordinance however, it works. He stated the number of businesses Downtown are finite and limited by the number of establishments that are already built. He recommended resurrecting the previous parking study and reviewing such.

Kathy Barnard agreed with Mr. Hodder with regard to the parking study; noting she would like to revise and update the study. She stated many people feel there is insufficient parking in the Downtown area.

Matt Sullivan stated enforcement is the largest barrier to having an effective parking system in the Downtown area. He questioned the actual demand of the Downtown businesses based on the existing square footage and how does the availability of parking actually match up with such.

Mike Hodder stated 175-38 is disorganized and asked Staff to restructure such.

Brad Harriman agreed with all previous comments.

Kathy Barnard stated the Board would revisit the matter in September.

**c. Temporary Outdoor Restaurant Seating/Dining Area Expansion**

Based on the Governor's Order relative to expansion of eateries outdoors for dining and service, Matt Sullivan stated the Town wanted to promote the businesses to be able to collect revenue by creating a simple review process to expand on their private property provided it can be done safely. He stated such is being done through the authority provided by the Board to Staff in 2018 to allow for outdoor expansion without Planning Board site plan review. He noted that only a few restaurants in the Town are able to expand outdoors.

Peter Goodwin stated it is important that when this circumstance is over that the temporary expansion of outdoor dining ceases as well and that there is no change to the original site plan. He stated the Town is being responsive to the need.

Susan Repplier asked if space heaters are allowed and part of the permitting process.

Matt Sullivan stated the businesses are required to submit information relative to heating and is being reviewed administratively, including review by the Fire Department. He stated the businesses are required to comply with all life safety, building and ADA codes. He stated lighting and tents are also being addressed.

Mike Hodder asked how the restaurateurs know that the expansion regulation/permitting is in effect.

Matt Sullivan stated he has reached out the businesses personally and by letter, not including those businesses that are unable to expand.

**d. EDC**

Matt Sullivan stated the EDC has appointed Kathy Eaton as Chair of the Committee.

**e. Task Force**

Matt Sullivan stated there are six BOS task force committees working on various aspects of COVID-19 and public health; noting the Social Distancing Task Force is working on a comprehensive plan for public outdoor seating and take-out in various Downtown locations. He noted such is outside of the Planning Board's jurisdiction. He stated the Town will be providing picnic tables within the community and 10 to 11 take-out parking and curbside pickup parking only spaces within the Downtown. He noted parking policy has not yet been implemented. He noted parking spaces in front of Bailey's Bubble will be blocked off.

**f. Planning Board Meeting Schedule**

Kathy Barnard stated various Town committees are beginning to meet and recommended the Planning Board Subcommittee also begin meeting (Short Term Rentals and Water Quality Chapter Committees).

**g. Planning Board Alternate Positions**

Matt Sullivan stated there have not been any requests for the Board's open alternate positions.

**h. CIPC**

Mike Hodder asked if Governor Wentworth Regional School District has designated a representative to the CIP Committee.

Matt Sullivan replied no. He noted the CIP Guidelines will be reviewed by the BOS on 6/3/20.

Lee Ann Hendrickson informed the Board that the Budget Committee will be meeting within the month and the agenda would include the appointment of a Budget Committee representative to the CIP Committee.

**V. Approval of Minutes**

N/A

**It was moved by Kathy Barnard and seconded by Peter Goodwin to adjourn the May 19, 2020 Wolfeboro Planning Board meeting. Roll call vote: Kathy Barnard – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes, Susan Repplier - yes. All members voted in favor. The motion passed (5-0).**

There being no further business, the meeting adjourned at 8:20 PM.

Respectfully Submitted,  
*Lee Ann Hendrickson*  
Lee Ann Hendrickson

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