

**TOWN OF WOLFEBORO
PLANNING BOARD
April 21, 2020
MINUTES**

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

Members Absent: John Thurston, Susan Repplier, Members.

Staff Present: Matt Sullivan, Director of Planning and Development (acknowledged there is no one present with him), Lee Ann Hendrickson (acknowledged there is a person present with her).

Chairman Barnard opened the virtual meeting at 7:03 PM.

Kathy Barnard read the following script:

Good evening and welcome to the April 21st 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 wolfeboronh.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@wolfeboronh.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.

I. Action Items

a. Election of 2020 Planning Board Officers

It was moved by Vaune Dugan and seconded by Mike Hodder to appoint Kathy Barnard as Chair of the Wolfeboro Planning Board. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

It was moved by Mike Hodder and seconded by Vaune Dugan to appoint Mike Hodder as Vice-Chair of the Wolfeboro Planning Board. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

b. Committee Appointments

Wayfinding Sign Committee

Peter Goodwin volunteered to serve on the Wayfinding Sign Committee.

CIP Committee (Planning Board Representatives)

Kathy Barnard and Mike Hodder volunteered to serve on the CIP Committee.

It was moved by Mike Hodder and seconded by Peter Goodwin to appoint Kathy Barnard as Chair of the CIP Committee. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

It was moved by Kathy Barnard and seconded by Mike Hodder to appoint Mike Hodder as Planning Board representatives to the CIP Committee. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

c. Planning Board Alternate Appointment

- David Bolduc, 3-year term

Matt Sullivan stated that due to a statutory conflict Mr. Bolduc is not able to be appointed as an alternate to the Planning Board. He noted Mr. Bolduc has withdrawn his request for appointment.

d. CIP Committee Appointments – 2020 Year Term

- Paul Whalen
- Chuck Sumner
- Suzanne Ryan

Matt Sullivan stated Paul Whalen, Suzanne Ryan and Chuck Sumner has requested reappointment to the CIP Committee.

Kathy Barnard noted Tim Cronin did not request reappointment to the Committee. She stated a public notice regarding openings on the CIP Committee was posted however, Staff did not receive any additional requests for appointment.

Brad Harriman confirmed Paul O'Brien is the BOS Representative for the CIP Committee.

Mike Hodder noted Linda Murray also served on the CIP Committee as the Alternate BOS Representative.

Kathy Barnard questioned the SAU District; noting a letter is required relative to a district representative to serve on the Committee.

Matt Sullivan stated he has not heard from the District regarding such.

It was moved by Kathy y Barnard and seconded by Mike Hodder to appoint Paul Whalen, Chuck Sumner and Suzanne Ryan as members of the 2020 CIP Committee and appoint Paul O'Brien as the Selectmen's Representative and Linda Murray as the Alternate BOS Representative to the 2020 CIP Committee. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

e. Rules of Procedure Amendment

Matt Sullivan stated he noted an error in the language of the Planning Board Rules of Procedure (under Members) therefore, recommended adoption of the Rules of Procedure at the May 19, 2020 meeting. He recommended the following change; Members, #3; strike "Up to three alternate members may be appointed, as provided for by the local legislative body pursuant to RSA 673:6, to serve when a regular member of the Board is unable to fulfill her/his responsibilities. Alternates are encouraged to attend all meetings." He recommended replacing said language with "Up to five alternate members may be appointed by the Planning Board, as provided for in RSA 673:6, II, to serve when a regular member of the Board is unable to fulfill her/his responsibilities. Alternates shall be appointed by the Board for staggered terms of three (3) years each. Alternates are encouraged to attend all meetings."

Vaune Dugan requested clarification of the term "staggered".

Matt Sullivan stated staggered terms would ensure that the terms of all the members of the Board are served at the same time; noting there would be overlap.

Vaune Dugan confirmed the Planning Board currently has no alternates.

It was moved by Kathy Barnard and seconded by Peter Goodwin to consider the amendments to and adoption of the Planning Board Rules of Procedure on May 19, 2020. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

f. Impact Fee Waiver Request

Matt Sullivan noted Mr. Kulage has called into the Planning Board meeting. He noted the applicant, James Kulage, has submitted a detailed waiver request of the impact fee for development of his property, Tax Map 72-1. He stated the waiver provision is very strict and reviewed his memo, dated 4/17/20; noting he doesn't believe the Board can functionally grant the waiver. He stated there are only two methods by which the Board could grant a waiver of an impact fee: 1. Age restricted housing and 2. Contribution by the fee payer in the form of land, facilities contributions, or other funds to the Town and noted that neither of those cases apply. He stated the Board does have flexibility with regard to how the fee is collected (ie: payment plan). He recommended the Board consider an amendment to the Impact Fee Ordinance as part of this year's work program.

Mike Hodder stated the Board has two issues to address; 1. The appropriateness of the Impact Fee Ordinance and 2. The appropriateness of the application in this specific case. He requested an amendment to the ordinance be placed on the Board's work program agenda. Referencing the fee schedule, he stated such is a one size fits all fee schedule. Therefore, in the case of Mr. Kulage who is looking to build a cabin for \$75,000, he is assessed the same impact fee as someone who is building a single family home on Sewall Road on a half-acre valued at over \$1 million. He stated he doesn't feel the ordinance works and noted an imbalance; stating the structure of the ordinance needs to be examined carefully. He stated that given the current situation that the ordinance is even appropriate for the economic life of the Town. He stated he believes the ordinance will have a chilling effect on growth in exactly those areas of the Town where the Board would like to encourage growth. He stated the fee cannot be avoided and the current ordinance has to be abided by. He recommended a payment schedule over a period of time to lessen the burden and impact in any one particular year.

Kathy Barnard stated she doesn't see an ability for the Board to grant a waiver in this case however, the request meets the criteria to establish a payment schedule and feels such is the only option for the Board.

Mike Hodder recommended the Town impose a lien on the property for the value of the impact fee to guarantee full payment. He also recommended an initial payment of \$400 due five years after the issuance of the Certificate of Occupancy and payments of \$400 per year thereafter until the fee is paid off.

Peter Goodwin stated he supports Mr. Hodder's recommendation and noted the Board needs to address the issue moving forward.

Matt Sullivan requested speaking to the applicant regarding the payment schedule prior to a Board vote.

Mike Hodder stated if the Board revised the ordinance that such would not be effective until March 2021 and noted the Board cannot delay issuing the impact fee for Mr. Kulage until that time.

Vaune Dugan asked when an impact fee is assessed.

Matt Sullivan stated the applicant receives notification of the impact fee assessment at the time a building permit is submitted. He noted the fee is collected prior to the issuance of a Certificate of Occupancy.

It was moved by Mike Hodder and seconded by Kathy Barnard to table action on the James Kulage Impact Fee Waiver Request to May 19, 2020. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

Jimmy Kulage asked if he would be eligible for a waiver if he made a donation to the Town in the amount of \$500.

Matt Sullivan replied no, the ordinance requires that if a fee is paid to the Town that it has to be a value to the Town and has to be a specific donation.

II. Scheduled Appointments/Public Hearings

N/A

III. Public Comment

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

IV. Other Business

i. Short Term Rental Committee – Request for Neighborhood Association Representation

Referencing an email exchange between Diana Jonas and herself, she stated Ms. Jonas feels the appointments of the Committee members is unbalanced. She stated she informed Ms. Jonas that the meetings are open to the public and welcomed to attend. She stated she wanted to make the Board aware of the issue.

ii. Site Plan Review Checklist/Common Site Plan Notes

Matt Sullivan stated the intent of such is to clearly delineate submission requirements for applicants and such would be used as an administrative tool to ensure standardization. He stated digital plan sets and digital applications will be required; noting such has become common practice across NH. He stated a checklist for subdivision applications would also be developed.

Vaune Dugan stated she does not see where architectural standards are addressed.

The Board agreed to the following;

- Add architectural standards
- Table for further review

iii. 2020 Work Plan Prioritization

Following discussion of such the Board agreed to the following priorities;

- Impact Fee Ordinance
- Parking Ordinance

- Historic District Zoning
- Review Zoning Amendments that did not pass in March 2020
Peter Goodwin asked that the Board review those amendments/warrant articles that did not pass and reaffirm the Board's sentiment regarding such.

Vaune Dugan noted the Board did not support the petition warrant articles.

iv. Water Quality Master Plan Chapter

Peter Goodwin requested the status of such.

Kathy Barnard stated the Master Plan recommends the development of a Water Quality Chapter and noted the Board needs to work on priorities of the Master Plan.

Vaune Dugan asked if a model ordinance is available.

Matt Sullivan replied no and recommended a custom tailoring of the chapter to fit the Town. He stated other communities have a Water Resource Chapter however, he would not recommend using those as an example.

Kathy Barnard and Peter Goodwin agreed to meet with Staff to further review.

The Board agreed to table further discussion of such to May 19, 2020.

v. Collden Farms Construction Observation Report

Referencing Tighe & Bond's site visit memorandum, Matt Sullivan stated the developer is working actively to complete the remainder of the subdivision. He noted the Town's engineer has conducted four site visits and is actively monitoring the construction process.

Kathy Barnard questioned the condition of the existing road.

Matt Sullivan stated he is holding the signature of the final plans until the overlay is completed.

vi. Updates:

1. Parking and Loading Requirements Amendments

Tabled until June 2020.

2. PlanNH Charrette

Rescheduled to October 2 and 3, 2020.

3. ADA Exemption in Zoning/Regulations

Mike Hodder recommended waiting and observing what is being done in the State; noting such may become an issue in the future.

4. Road Standards Amendments

Matt Sullivan stated Underwood Engineers has provided a draft of such; noting such is more flexible and context sensitive. He requested Brad Harriman review such prior to Board consideration in either July or August 2020.

Vaune Dugan stated that a 75' right-of-way is huge and concrete sidewalks are not normal.

Matt Sullivan noted that such needs to be reviewed with Underwood Engineers.

5. Master Plan Status

Matt Sullivan stated he is behind on the project and the printing of the Master Plan. He stated there have also been issues with regard to the ability of downloading the document online. He stated he needs to complete the edits prior to print. He recommended removal of the implementation matrix from the Master Plan document.

The Board agreed to the removal of the implementation matrix from the document.

6. Administrative Decision – GALA (23 Bay Street)

Referencing his memo, dated 4/13/20, to Josh Arnold, GALA, Matt Sullivan reviewed his administrative decision on the proposed site plan project (conversion of the former Wolfeboro Power Equipment building). He stated he has advised the applicant to be prepared and cautious with the design.

Vaune Dugan asked if there has been any attempt made to fix the flat roof.

Matt Sullivan stated he is unsure of what has been considered.

Kathy Barnard confirmed the applicant is aware of the standards.

Matt Sullivan stated the applicant has been made aware that the request could be denied.

V. Other Business

Matt Sullivan stated the next meeting, scheduled for May 5, 2020, will be a virtual meeting of the Board. He stated that he has informed the applicants that if any new material is presented the night of the meeting that the Board may continue the application to allow for review of the materials.

Kathy Barnard agreed with Mr. Sullivan’s latter statement.

VI. Approval of Minutes

April 7, 2020

It was moved by Kathy Barnard and seconded by Vaune Dugan to approve the April 7, 2020 Wolfeboro Planning Board minutes as submitted. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

It was moved by Vaune Dugan and seconded by Mike Hodder to adjourn the April 21, 2020 Wolfeboro Planning Board meeting. Roll call vote: Kathy Barnard – yes, Vaune Dugan – yes, Peter Goodwin – yes, Brad Harriman – yes, Mike Hodder – yes. All members voted in favor. The motion passed (5-0).

There being no further business, the meeting adjourned at 8:29 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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