

**TOWN OF WOLFEBORO
PLANNING BOARD
September 10, 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 Alessandrone, 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

Patricia & William Indelicato

Agent: Jim Rines, L.L.S. / P.E.

Special Use Permit; Redevelopment of Lot within 25' of Wetlands

Tax Map #243-63, Case #2019-18

Kathy Barnard noted she and John Thurston visited the site.

Jim Rines with White Mountain Survey & Engineering, Inc. stated this application is made in accordance with Article II, Section 175-10, B, lot redevelopment. Located at 127 Kingswood Road the owners are looking to raze the existing family home and replace it with another home. Although the lot is 7.4 acres in size, it is bisected by wetland of approximately 1.2 acres but are not proposing a direct impact to any wetlands; rather, the proposal is maintaining and increasing the setbacks for driveways/maneuvering areas. The gravel comes within 5 ft. of the driveway and are looking to pull that back so that the setback is a little over 10 ft. They are proposing to increase the size of the overhang from the existing one-foot overhang to a proposed two-foot overhang and adding a section of 6 inch stone veneer to the lower portion of the wall which would be beneath the existing overhang. The percentage of impervious coverage in the area within 250 ft. of the shoreline increases slightly, from 12.3% to 13.7%. However, remains well below the 30% allowed by zoning and the 20% allowed without storm water mitigation in the SWQPA and town zoning. There will be stone drip edge around both structures. The permanent driveway impact will be reduce from 3,646 SF to 2,678 SF. The barn buffer will increase from 109 SF to 161 SF causing the structure setback to increase slightly from 295 SF to 363 SF due to the square footage of the barn roof overhang. Therefore, reducing the area inside the buffer and increasing the setback to the wetland which is consistent with the regulations. The applicant requests the Board find that the impact is less detrimental on the wetlands and the less detrimental impact shall include at least one of the following: 1. the development is downgradient of the jurisdictional wetland or 2. the development or redevelopment within a previously disturbed area and where the previously disturbed area provides no protection to the wetland.

Matt Sullivan noted the proposal is made under Section B-2 and stated the Conservation Commission did provide comments on the application to the applicant. All items were addressed by the applicant in his review.

Kathy Barnard suggested Jim Rines address the Conservation Commission comments.

Jim Rines replied the Conservation Commission recognized and appreciated the reductions and he assured the Board, the barn will not be used as an apartment.

Kathy Barnard inquired about the Conservation Commission's comment pertaining to the vague details given by Jim Rines regarding the storm water mitigation.

Jim Rines commented that they did provide the shore land impact permit, it was filed with the State. He is unsure if the permit for the town has been filed.

Mike Hodder asked Jim Rines to confirm if the stone drip edges are part of the storm water mitigation plan for the property.

Jim Rines confirmed that is correct.

Mike Hodder asked if that would satisfy the query that the Conservation Commission came up with that the storm water mitigation measures had not been adequately described in the presentation that they received.

Jim Rines stated they had received the same application and presumed when they submit the shore land plan to the town they also received that application. However, is unclear in regards to the distribution.

Matt Sullivan stated the Conservation Commission does not do a review of the town shore land permit. He is the only reviewer of that. However, the Conservation Commission does have full access to the application as it was provided to the town, it may just not have been clearly communicated through the plan.

Mike Hodder inquired about the Conservation Commissions following statement, "We would respectfully point out that while there will be much less driveway within the set back if the project is approved, the existing driveway is gravel and is more pervious to rain water than the proposed asphalt driveway. Would the owners consider using porous pavement?"

Jim Rines replied that statement isn't correct, gravel and pavement for storm drainage calculations have the same run off coefficient. At the site visit, it was determined not to remove this but to scarify it and cover it with bark mulch. Porous pavement would not be beneficial. For porous pavement to be effective you need a substantial 3 FT cross section beneath it as to accept the water.

Mike Hodder deferred to Kathy Barnard and John Thurston who attended the site visit to make "chip/bark mulch" to scarify the pavement a condition for approval and stated he would approve as well.

John Thurston suggested loosening the top, applying bark mulch and placing a rain garden swale in the area where the tar is being taken up.

Mike Hodder agreed with John Thurston to make this a condition of approval.

Peter Goodwin suggested anyone who lives on Lake Winnepesaukee is interested in water quality, feels this is a minor cost and stated there are a number of groups to help with the design.

Jim Rines stated as discussed on site this is an ideal spot and would be fine with making that a condition of approval that as it could be inside the impact area.

Vaune Dugan stated regarding the use issue I think it's more of a building permit issue than a special exception issue. We can't see what the barn looks like here; if it looks like the house.

Matt Sullivan replied it doesn't. The proposal looks more like a dwelling unit to which they are entitled to make it look like a dwelling unit and it doesn't control what the use is within the building.

Jim Rines replied to Vaune Dugan's comment and stated there is a second floor access to this existing one now; it's currently a big open space with no plumbing, etc.

Vaune Dugan stated this is not part of this application because its wetland issues we are dealing with.

John Thurston asked if there will be bark mulch by the remaining area where the tar is to be pulled up.

Jim Rines replied yes that could occur.

Kathy Barnard noted all the required documents have been submitted and application is complete.

It was moved by John Thurston and seconded by Vaune Dugan to accept the application as complete. All members voted in favor. The motion passed. 7-0.

Chairman Barnard opened the public hearing for comments.

Matt Sullivan read the following 7 conditions of approval with an additional 4th condition:

Conditions to Be Met Prior to Signing of Plans:

1. The following plan, as amended to the date of approval, is hereby incorporated into this approval:
Plan 1. Special Use Permit Application Plan, Owner/Applicant: Patricia and William Indelicato, 49 Sanfordtown Road, Redding, CT 06896-2412, Project Location: 127 Kingswood Road, Wolfeboro, NH, 03894, Tax Map 243-063, prepared by White Mountain Survey & Engineering, P.O Box 440, Ossipee, NH, Dated August 12th, 2019.
Plan 2. Special Use Permit Site Location Plan, Owner/Applicant: Patricia and William Indelicato, 49 Sanfordtown Road, Redding, CT 06896-2412, Project Location: 127 Kingswood Road, Wolfeboro, NH, 03894, Tax Map 243-063, prepared by White Mountain Survey & Engineering, P.O Box 440, Ossipee, NH, Dated August 12th, 2019.
2. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
3. The applicant shall be responsible for all recording fees.

Conditions to Be Met Prior to any Building Permit Approval OR Construction

Activity:

4. *Addition of a rain garden and mulch in compliance with the Conversation Commission in the impact areas discussed with Mr. Rines on September 10, 2019.*
5. An inspection by the Town shall be required of siltation devices prior to construction.
6. The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan including, but not limited to:
 - a) Silt fencing
7. The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 Wetlands Boundary Monumentation. This includes:
 - (1) Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour.
 - (2) Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
 - (3) The cost shall be borne by the applicant/developer or their successors in interest.
 - (4) The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.

Mike Hodder asked to include a copy of the minutes from this discussion along with the approval so the applicant knows exactly what it was that was discussed verbatim in this deliberation, specifically the conditions..

Matt Sullivan replied yes, they can be attached to the approval, wouldn't necessarily be incorporated as part of the approval, but available to the applicant.

Mike Hodder stated he wanted to be certain the applicant knew exactly what the Board discussed having to do with storm water mitigation, bark mulch, etc. as they weren't included as separate conditions and noted he'd like to see them in the minutes as described.

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

Kathy Barnard stated the Board received and considered the Conservation Commission's comments as required. The applicant has spoken to their comments as well and met the criteria spelled out in the zoning ordinance. Therefore, it appears the application is in order and would accept a motion.

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the Special Use Permit with the 7 conditions of approval for Patricia and William Indelicato, Tax Map#243-63, Case #2019-18. All members voted in favor. The motion passed. 7-0.

Charles Sumner/Paul & Dorothy Dickie
Agent: Bryan Berlind, L.L.S.
Boundary Line Adjustment
Tax Map #218-28 & 32, Case #2019-19

Bryan Berlind with Land Tech, stated Charles Sumner, and Paul and Dorothy Dickie, each own two lots of record. They wish to consolidate the lots and adjust the boundary between them. Mr. Sumner owns 218-28 & 218-30 and Mr. and Mrs. Dickie own 218-31 & 218-32. They propose to consume the vacant lots 218-30 & 31 and adjust the final boundary between them. The lots are non-conforming and the remaining lots become larger.

Matt Sullivan clarified because of the zoning discrepancy issue both lots do become fully conforming from a road front perspective. Because these are both connected to water and sewer they are part of the VR district as opposed to the R district that's shown on the zoning map. Therefore, they are subject to the 75 ft. road front requirement and not the 150 ft.

Bryan Berlind noted they still need to pass deeds and everything will become more conforming. He is requesting the following waivers: 174-7 D (1), 174-7 D (4), 174-7 D (5), and 174-7 D (6). Although lots have water and sewer there's no new proposed construction for this; it's simply a lot line adjustment.

Peter Goodwin referenced area C, and questioned what that is.

Bryan Berlind replied it's a remnant parcel that never got conveyed out of the parent. It started in the 1920's when the larger farm was sold piece by piece. Mr. Sumner has a driveway access easement right-of-way on it. He owns everything but the soil. Mr. Dickie also has a right-of-way to it, by this application all those rights of way would disappear.

Matt Sullivan asked if he was suggesting that land area is a separate fee ownership parcel.

Bryan Berlind replied that is what he was suggesting.

Matt Sullivan questioned who the fee owner is of that parcel.

Bryan Berlind replied the estate of Benjamin Thompson. But is subject to the rights of others being driveway rights.

Matt Sullivan stated by not including that you make these lots non-conforming from a form factor perspective. The Board has the ability to waive the form factor if they deem it in best planning practice. However, by elongating Mr. Sumner's lot out to the roadway, it potentially violates the form factor.

Vaune Dugan asked if this is a legal question.

Matt Sullivan stated he believed that it is a legal question but is irrelevant to the application.

Mike Hodder agreed.

Bryan Berlind stated this plan has a note on it that Mr. Dickie will extinguish his right of way when the consumption of that lot is done.

Mike Hodder asked if area C remains.

Bryan Berlind confirmed it does.

Mike Hodder stated this application does not concern area C; area C is not part of the application. Whoever owns area C, it's up to the owner to work out with Mr. Sumner at the end of this application process and extinguish his fee title to Mr. Sumner's benefit. It's not going to affect this application; the Board has the ability to waive the form factor.

Matt Sullivan confirmed, the waiver is contained within 175-53-2 Standardized Lot Shape of the zoning ordinance.

Kathy Barnard questioned if all the waivers could be done as one.

Matt Sullivan stated they would need to be done separately.

It was moved by Mike Hodder and seconded by Vaune Dugan to grant waivers: 174-7 D (1), 174-7 D (4), 174-7 D (5), and 174-7 D (6) for Charles Sumner/Paul & Dorothy Dickie, Boundary Line Adjustment. Tax Map # 218-28 & 218-32, Case #2019-19. All members voted in favor. The motion passed. 7-0.

It was moved by Mike Hodder and seconded by Vaune Dugan to grant the Form Factor waiver 175-53-2 for Charles Sumner/Paul & Dorothy Dickie, Boundary Line Adjustment. Tax Map # 218-28 & 218-32, Case #2019-19. All members voted in favor. The motion passed. 7-0.

It was moved by Mike Hodder and seconded by Vaune Dugan to accept the application as complete. All members voted in favor. The motion passed. 7-0.

Chairman Barnard opened the public hearing for comments

Matt Sullivan read the following 7 conditions of approval with an additional 6th condition:

1. The following plans, as amended to the date of this approval, are adopted by reference as part of this approval:
Plan 1. Proposed Boundary Line Adjustment Plan, Owners: Charles A. Sumner and Paul and Dorothy Dickie ; Project Location: Pine Street, Wolfeboro, NH, 03894, Tax Map and Lots: 218-032 and 218-028, prepared by Land Tech, P.O. Box 60, Ossipee, NH 03864, dated 08/13/2019.
2. The applicant shall submit the mylar plan for recording at the Carroll County Registry of Deeds and be responsible for the payment of all recording fees.
3. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
4. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
5. A final Boundary Line Adjustment Plan shall be submitted with an original stamp by a Licensed Land Surveyor and amended to indicate the correct Village Residential Zoning District.

6. All the waivers granted by the board shall be added to the plan of record as a note.

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

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Boundary Line Adjustment with the 6 conditions of approval for Charles Sumner/Paul & Dorothy Dickie, Tax Map #218-28 & 218-32, Case #2019-19. All members voted in favor. The motion passed. 7-0.

OHM Lifestyle Center, LLC/ Gayle Washington
Site Plan Review; Addition to Building
Tax Map #204-68, Case #2019-20

Kathy Barnard read the item into the record and noted that the applicant had gone to the Zoning Board of Adjustment. This needed to be reviewed as a special exception since the property is in a residential zone and is an expansion of a non-conforming use in a residential zone; this is an expansion of 12.4% and with an addition of 204 SF.

Matt Sullivan stated the dimensions are a bit odd as it's an L shaped addition; it is a 204 SF addition. This is also in the village residential district due to having access to municipal sewer and water. The lot is subject to a 10 foot setback as opposed to a 20 foot setback.

Gayle Washington, owner of OHM Lifestyle Center proposed to have an addition which was granted by the ZBA September 9, 2019. It's a small addition of 12.4 % and are looking for a special exception to be granted.

Kathy Barnard inquired if this was one story.

Gayle Washington confirmed it was one story.

Vaune Dugan inquired about the steps.

Gayle Washington replied the steps were not included in the original proposal; however, the builder designed something today which consists of a platform and stairs that will fit within the area. She is happy to provide the Board with the design but currently only has access via her cell phone this evening.

Matt Sullivan stated the addition of a platform is something that should be reflected on the site plan review but don't think it's something that negates the special exception that was granted by the ZBA.

Vaune Dugan asked if the steps will now allow egress to an area not adjacent to the new addition; will go off to the side.

Gayle Washington confirmed they will go off the side.

Kathy Barnard asked Matt Sullivan to go over the parking.

Matt Sullivan stated the original approval required 8.6 spaces. This improvement does trigger an additional space. However, the space adjacent to where the addition will be, is conforming in the context of the zoning ordinance and is not really shown as a parking space here. Further, the 2 spaces stacked in front of the garage is conforming and recommended they be removed from the plan.

Mike Hodder asked what the exact dimensions are on the proposal.

Matt Sullivan confirmed, 204 SF total. He noted the ZBA discussed if it was practical to achieve egress in that 6X6 area and their approval actually granted a 15X16 area which is 240 SF.

Mike Hodder noted Gayle Washington will have extra room should she need it.

Matt Sullivan confirmed she will, under the ZBA's approval.

Mike Hodder questioned the architectural renderings for the proposed structure and asked for confirmation that the proposed improvements will be harmonious with the existing structure per Matt Sullivan's comments in his review.

Gayle Washington assured the Board the addition will be in compliance.

Peter Goodwin inquired about the handicapped space and noted concern relating to the distance from the handicap space to the building.

Gayle Washington replied the ADA surveyor chose that spot.

Matt Sullivan noted the space is close to the ramp.

John Thurston questioned if the inside of building was handicap friendly.

Gayle Washington replied all of the building is ADA compliant.

Matt Sullivan asked if there are any exterior lights planned for the addition.

Gayle Washington replied there is currently an outside light and there is a plan to illuminate the landing and stairway.

Kathy Barnard inquired if the light will be pointed downward.

Gayle Washington confirmed yes.

It was moved by Mike Hodder and seconded by John Thurston to accept a motion as complete. All members voted in favor. The motion passed. 7-0.

Chairman Barnard opened the public hearing for comments.

Matt Sullivan read the following 4 conditions of approval with 2 additional conditions:

The Planning Board may wish to consider the following conditions of approval.

1. The following plans, as amended to the date of this approval, are adopted by reference as part of this approval:
Plan 1. Proposed Boundary Line Adjustment Plan, Owners: Charles A. Sumner and Paul and Dorothy Dickie ; Project Location: Pine Street, Wolfeboro, NH, 03894, Tax Map and Lots: 218-032 and 218-028, prepared by Land Tech, P.O. Box 60, Ossipee, NH 03864, dated 08/13/2019.
2. The applicant shall submit the mylar plan for recording at the Carroll County Registry of Deeds and be responsible for the payment of all recording fees.
3. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
4. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
5. A final Boundary Line Adjustment Plan shall be submitted with an original stamp by a Licensed Land Surveyor and amended to indicate the correct Village Residential Zoning District.
5. The lighting location to be added to the final plan where the exterior light will be.
6. All conditions of the case 10 SE 2019 of the ZBA shall be incorporated in this proposal.

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

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the Site Plan Review with the 6 conditions of approval for OHM Lifestyle Center, Tax Map #204-68, Case #2019-20. All members voted in favor. The motion passed. 7-0.

III. Public Comment

Suzanne Ryan distributed a letter to the Board pertaining to the Master Plan, see attached.

IV. Action Items

N/A

V. Communications & Miscellaneous

Letter from Paul Zimmerman, dated September 5, 2019

Matt Sullivan referred to the letter, see attached.

Kathy Barnard noted this was discussed in the past, and asked if drive-thru drug stores would be allowed with the zoning ordinance.

John Thurston stated it was his belief it wasn't permitted.

Kathy Barnard suggested the Board add to the agenda for future discussions.

Vaune Dugan was agreeable to Kathy Barnard's suggestion.

Mike Hodder suggested responding via letter and taking a look at the work schedule to try to prioritize the issue and determine where this will fit in. He noted there are benefits to having a drive-thru drugstore and or restaurant.

Vaune Dugan suggested investigating further to find out why it hasn't been permitted

Kathy Barnard and Matt Sullivan agreed to look into further.

The consensus of the Board was to place it on the October work session.

Matt Sullivan confirmed he will respond to Mr. Zimmerman via email.

CIP Minutes; August 6 & 9, 2019

The Board acknowledged receipt of the minutes.

VI. Work Session

Master Plan Public Hearing Follow Up

Mike Hodder stated a primary concern appeared to be related to short term rentals.

Vaune Dugan suggested providing a resolution to help eliminate some of the troubles; perhaps a guideline would be beneficial.

Matt Sullivan stated short term rentals are something that need to be investigated; they are mentioned in the plan. It would be helpful to find more information on how they're regulated elsewhere.

Mike Hodder agreed and suggested looking around the state to see how this is handled. The Planning Board could recommend the Board of Selectmen contact the State Representatives and Senator to ask them to either

work on their own measures in house to offer some relief statewide or to support one of the 2 measures currently pending that address the accessory dwelling unit questions.

Kathy Barnard questioned if the Planning Board should contact State Representatives and the Senator instead of having the Board of Selectman do so.

Mike Hodder stated he felt the Board of Selectmen would carry more weight if it came from them.

Peter Goodwin asked how this is reflected in the Master Plan.

Matt Sullivan replied, it is given a high priority.

Kathy Barnard concurred.

Vaune Dugan stated it's vague; doesn't address the noise, number of people, etc.

Peter Goodwin felt being specific would be more helpful.

Kathy Barnard questioned the seven day rental and where that came from.

Mike Hodder felt removing the number makes sense.

Vaune Dugan agreed.

John Thurston stated he believes enforcement will be an issue. For instance a graduation party isn't regulated; therefore, how can you regulate a short term rental.

Matt Sullivan noted that 95% of the people that do short term rentals are not an issue.

Mike Hodder noted concern for non-residential buyers.

Peter Goodwin noted this is not something that will be solved tonight and suggested discussing at a later date.

Vaune Dugan recommended removing the seven day rule.

The consensus of the Board is to remove the seven day rule.

Matt Sullivan noted the importance of including the public on making a final decision.

Kathy Bernard stated nothing's being adopted and this can be discussed at the public hearing.

The Board discussed the following:

- Natural Resources; the need for a water quality manager - that's in the Plan.
- Economic Development; Jerome Holden suggested focusing on Rte. 28 and Pine Hill - Pine Hill Road is not a transitional zone and uses are of concern, a general statement would be best.
- Concerns about safety pertaining to Filter Bed Road extension – there is no mention if anything will happen there. Nothing is proposed; it's simply a study. Concerns pertain to the town being in grid lock due to traffic and no other way to get around, safety, and the types of uses that go along with opening that road up.
- Access for the Taylor Home
- Arts and Culture
- Global Warming
- Solar - is not being discouraged
- Future Land Use – Filter Bed Road was a concern as was architecture

- Room Cap – potentially remove
- Cemeteries – Master Plan not amended and the Select Board & Town Manager was made aware

Matt Sullivan stated he will not do a presentation next week at the Public Hearing.

New Business

N/A

VII. Approval of Minutes

August 20, 2019

Corrections: Page 5, paragraph 15, strike “the”

Page 3 paragraph 9, strike “what” and replace with “when”

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the August 20, 2019 Wolfeboro Planning Board minutes with the corrections. Kathy Barnard, John Thurston, Susan Repplier and Peter Goodwin voted in favor. Brad Harriman abstained. The motion passed. 6-1.

August 27, 2019

Corrections: Page 1, Paragraph 1, strike “factors” and replace with “chapters”

Pages 1 & 2, strike “Kurt” and replace with “Kirk”

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the August 27, 2019 Wolfeboro Planning Board minutes with the corrections. All members voted in favor. The motion passed. 7-0.

VIII. Planning Board Subcommittee Reports

N/A

It was moved by Mike Hodder and seconded by Vaune Dugan to adjourn the September 10, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed. 7-0.

There being no further business, the meeting adjourned at 9:05 PM.

Respectfully Submitted,

Cathleen LaPierre

Cathy LaPierre

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

September 5, 2019

To: Matt Sullivan
Wolfeboro Town Planner
Wolfeboro, NH 03894

Re: Town ordinance prohibiting drive-thru restaurants.

Greetings Matt:

Long before your time when Dunkin Donuts was going thru the permitting process, the town and others gave them an extremely hard time, it took more than a year to secure the final approvals. Even went as far as requiring them to install great big underground storage tanks beneath the building to collect runoff water. Immediately thereafter, the town passed an ordinance banning any further drive-thru food establishments. I think Dunkin Donuts has been a tremendous addition to the town, they are extremely successful and provide a necessary product to a large proportion of the population without any negative or adverse effects. So why continue the ban?

Keep in mind there are 4 banks (one closed) with drive thru windows, Huggins Hospital has a drive-thru patient delivery, three gas stations have drive-thru facilities, four ice cream stands have outside service. Drive-thru drug stores are allowed, the lumber yard has drive-thru service, both supermarkets sell food outside and will even deliver to your car. There are numerous restaurants and pizza operations where I can drive up to order food and have it delivered to my car while sitting in my car eating it. I have never seen one single negative issue with any of the above operations, in fact they all are very convenient. So why in the world are drive-thru restaurants prohibited in Wolfeboro?

New drive-thru food establishments are being designed so they fit into the architecture fabric of the community, look at the McDonald's in Freeport Maine, for example.

I think the restriction in Wolfeboro is a disservice to the citizens of the community and I would like to request you bring this before the planning board for discussion and to request that this ordinance be abated this year.

Best Regards

PZ

COMMUNITY PLANNING NEW HAMPSHIRE

This Information Brief is one in a series developed in response to interest from the planning community to provide analysis of certain concepts that will be useful to municipalities and help citizens participate more actively in their planning efforts. This brief draws on the experience and expertise of University of New Hampshire Cooperative Extension, New Hampshire Housing's Community Planning Grant Program, and leading researchers in this field.

Information Brief #5, December 2014

Form-Based Code

Molly Donovan, University of New Hampshire Cooperative Extension

Form-based code is a regulation of land use and development with a focus on the character and physical form of an area rather than the use of the buildings and separating uses. The code considers the visual impact of buildings, parking and the public space such as sidewalks and streets. Greater emphasis is placed on character, building features and the public spaces rather than traditional zonings emphasis on use of buildings. A form-based code is a regulation, not a mere guideline, adopted into city or town law.

From Traditional Zoning to Form-based Code

Traditional zoning is characterized by segregation of land uses which are seen as incompatible. Separating uses was an effort to keep people safe and healthy particularly at a time when the impact from industrial uses (smoke, fire) was a real threat to residential uses. With traditional zoning, specific geographic areas are identified in a community and the zoning code stipulates standards and development limitations on the area. The zones are often identified as residential, commercial, industrial and a combination of residential and commercial. Residential uses, particularly single-family homes are often isolated from other types of development. Zoning codes identify permissible property uses within a zone and have limitations or controls on development intensity. Due to the separation of uses, a car is often necessary and this has led to sprawl in some communities. Public spaces and their value are not a focus of traditional zoning. As communities look for a mix of uses, vibrant public spaces, walkability and a sense of community, traditional zoning is seen as a barrier. Form-based codes are gaining popularity with communities who want to limit sprawl and focus on developing or enhancing a sense of place.

Form-based code focuses on the character of a place not the use of the buildings. It considers the relationship between buildings, public space and the street.



Form-based code defined

Form-based code is a new way of thinking about development regulation and has gained support from architects, community planners and urban designers who are looking to concentrate development. It is based on the community's character and is informed by the community goals and needs. It allows for a mix of uses and acknowledges the relationship between a building, adjacent buildings and public space which everyone shares. Form-based code assumes that uses do not need to be segregated and can be compatible. The goal is to positively impact the physical form of a



University of New Hampshire
Cooperative Extension



New Hampshire Housing
Bringing You Home

community and not just control land uses. Form-based codes help places achieve more connected communities that preserves their history, protects its environment, and supports attractive, walkable downtowns abundant with businesses and social gathering places. It is important to note that form-based code is regulatory not advisory.

Focusing on a place in a community – such as a downtown - as a whole space or place where there is local character, walkable streets, inviting buildings, active space for sitting or play is the foundation of form-based code. There is a recognition that public space should be planned and it an important factor in creating a vibrant place. There is a strategic placement and orientation of buildings to maximize the public space and create this vibrant area.

Form-based codes are developed with citizen input in an open, participatory process, in fact, creating a vision is the first step. Both the vision for an area and the form-based code itself are done with citizen input. The visioning process includes consideration of building types, streets, parking, and size of blocks and relationship of buildings to public spaces.

Components of a Form-based Code

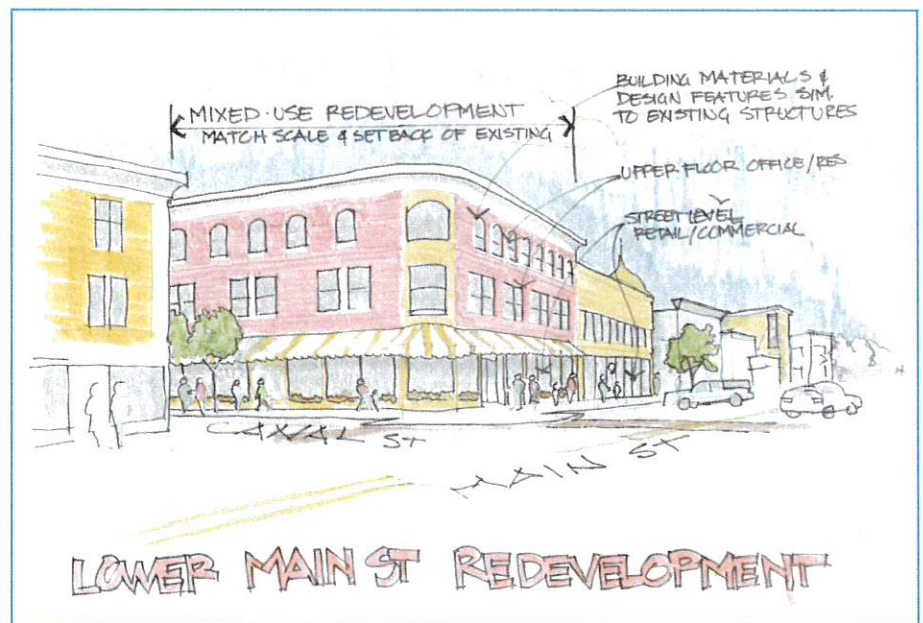
Form-based code is composed of building form standards and public space standards mapped to a regulating plan. Components of Form-based code include:

Regulation Plan: The Regulating Plan includes building form standards and public space standards which are assigned to streets and blocks in the designated area. The regulating plan –including a map of area - shows the design regulations governing properties.

Building Form Standards: The Building Form Standards regulate distance of building to the sidewalk, building window area, height in relation to the street, front entrances and parking. Consideration is given to the impact of the building on public space and an underlying principal is that buildings should positively impact public spaces.

Public Space Standards: The Public Space Standards regulate the form of streets, squares, parks, greens, and sidewalks. Form-based code strives to support, create and enhance these spaces to create attractive community space to walk, bike, drive, sit, shop and learn and ensure that they relate to the buildings.

The Standards are presented as diagrams and written description to illustrate community intentions. Diagrams and illustrations are seen as more easily understood by property owners, developers, business owners, applicants and the public. An administrative section which clearly outlines the application and review process often leads to a quick review process for an applicant and cost savings.



Lancaster, NH

Lancaster, NH: Form-based code in a Rural Downtown

Lancaster, NH is located in the northern part of NH at the junction of State Routes 2 and 3 and is the gateway to the Great North Woods region of the state. The town is 50 square miles in the Connecticut River Watershed and serves as the county seat for Coos County. Lancaster is a small town with a population just over 3300. It attracts visitors for its varied outdoor recreation opportunities and its attractive downtown Main Street which is defined by the architecturally attractive, older buildings and an interesting variety of shops.

The community values the history, look and feel of downtown and wanted to retain the character while allowing for change. The current, conventional zoning would not have protected the character and did not focus on downtown as a community space. Form-based code seemed to be the way to preserve the existing pattern of development as it focuses on the look and feel of downtown not the use of each building. Following a land use and regulation audit where form-based code was introduced, Lancaster secured a NH Community Planning Grant to begin the process to determine whether form-based code was right for the community and whether they would support the use of it for their downtown area.

Form-based code is generally considered as a tool more suitable for use in urban and large communities but has fit nicely into planning in Lancaster demonstrating its usefulness in large and small scale applications. Here the Form-based code is focused on the three distinct areas of the downtown and it is in place to protect the rural, small scale downtown architecture and sense of place. In a smaller community, the community input needed for developing the form-based code may be easier to gather.

“What do you like about downtown” - Community Input is key to form-based code

The development of form-based code is based on community input on the vision, components which are valued and characteristics to be preserved. Lancaster set out to talk to and more importantly, hear from the residents in Lancaster. The engagement strategy included a design charrette, public meetings, outreach to the business community, youth and the senior population. The design charrette allowed participants to see what the design of downtown would look like with form-based code. Property owners – many of who bought their building because they loved the property itself – were interviewed and supportive. The town planner met with high school students who said they valued what downtown looked like and were less concerned with the use in each building. The senior population had an opportunity to weigh in at a monthly meeting where they shared their stories of downtown and learned how Form-based code could protect it for future generations. The seniors also talked to their families, namely their adult children and a new group of residents became aware and supportive. All segments of the community wanted the look and feel of downtown to remain and be strengthened. Form-based code would address just this.

Following the many engagement sessions, the proposal to adopt Form-based code was brought to the voters in spring 2014. Voters approved this change as a way to preserve and enhance their downtown. Lancaster is now working to implement Form-based code as changes for downtown are considered.

Examples of form-based code in New Hampshire:

Dover, NH: Dover recently adopted a form-based code to make its downtown more flexible for future development and redevelopment. To start this project, Dover planners interviewed stakeholders, determined base-line characteristics of Dover, held Charrettes, and conducted surveys. Check out some examples of form-based code in New Hampshire

Lancaster	http://resilienceplanning.net/form-based-code/
Londonderry	http://www.nh.gov/oep/resource-library/zoning/documents/londonderry-master-plan.pdf
Dover	http://www.dover.nh.gov/government/city-operations/planning/special-projects/form-based-code/index.html
Portsmouth	http://planportsmouth.com/formbasedzoning.html

Resources to learn more about Form-based code:

Form-based code Institute <http://formbasedcodes.org/>

List of Books about Form-Based Code: <http://formbasedcodes.org/books> and webinars
<http://formbasedcodes.org/courses-webinars>

Advantages of a Form-based code: <http://www.useful-community-development.org/form-based-code.html>. Copyright 2014, Nancy Thompson

Form-Based Codes? You're not alone <http://www.placemakers.com/how-we-teach/codes-study/>

Strategies for project review under a form-based code by George J. Proakis, Better! Cities & Towns. September 2013. <http://bettercities.net/article/strategies-project-review-under-form-based-code-20858>

City of Dover, NH Form-based code: <http://www.dover.nh.gov/government/city-operations/planning/special-projects/form-based-code/index.html>

Place Making with Form-Based Codes by Mary E. Madden and Bill Spikowski and published by Urban Land Institute. September 2006.
<http://www.growsmartri.org/training/Place%20Making%20with%20Form%20Based%20Code%20Article%20-%20Urban%20Land%202006.pdf>

Congress for New Urbanism: Codifying the New Urbanism. www.cnu.org

Form-Based Codes: Implementing Smart Growth. Local Government Commission. www.lgc.org

Nashua Regional Planning Commission: Form-Based Codes 2006.
http://www.nashuarpc.org/files/9413/9042/4965/FS3_formcodes.pdf

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