

**TOWN OF WOLFEBORO
PLANNING BOARD
January 17, 2017
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Mike Hodder, Vaune Dugan, Paul O'Brien, Members.

Member Absent: Brad Harriman, Selectmen's Representative, John Thurston, Member, Dave Alessandroni, Alternate.

Staff Present: Matt Sullivan, Director of Planning and Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:02 PM at the Wolfeboro Town Hall Great Hall.

I. Public Hearings

Petition Warrant Article; Amend Chapter 175-44, E. Placement of Signs, (1) and (2)

Jerome Holden, JC Signs, read from a statement he submitted to the Board, dated 1/12/17, see attached. He requested the Board support the Petition Warrant Article. He stated Roger Kent wants the sign that was installed on his property (located on the corner of Mill Street and North Main Street) taken down and moved across the street to the Meredith Village Savings Bank property.

Mike Hodder questioned the need to expedite the issue when the Wayfinding Sign Committee will be reconvening to resolve such.

Jerome Holden stated the Committee would not be addressing business directional signage.

Mike Hodder stated the discussion by the Committee includes types of signs.

Kathy Barnard stated the Committee has no authority to make decisions but rather, forward recommendations to the Planning Board by which a public process will occur.

Stacie Jo Pope stated alternatives are being sought; noting that it was not just the sign in front of Black's that pre-empted the issue rather, it included all signs. She stated the goal is to address equity among all business owners and to promote fair representation of those businesses.

Jerome Holden stated there are 90 businesses represented on existing signs and maybe 100-125 businesses that would like to have signs.

Mike Hodder read the Purpose and Intent of 175-44; noting Mr. Holden's proposal would gut such. He expressed concern regarding no central control over location, height and appearance of posts.

Jerome Holden stated the Town has control over the size of the signs and height of the posts; noting the intent of the article is to revert back to what previously was permitted.

Stacie Jo Pope stated the signs were not legally permitted and noted the sign committee is trying to define a common ground and include all businesses.

Jerome Holden questioned whether Dave Ford can make a unilateral statement that all signs are null and void.

Mike Hodder stated if the article passes, another article would have to be submitted next year to correct this article. He stated the Petition Warrant Article is imperfect because the definition of adjacent does not work; noting the submitted Petition Warrant Article is premature.

Vaune Dugan expressed concern for the (quantity) number of posts and signs; noting a solution needs to be found to include everyone without creating chaos.

Matt Sullivan reviewed his memo, dated 1/15/17, noting he does not believe the Petition Warrant Article does not accomplish the intent of the Petitioner. He stated off-premise signage is not permitted by the Zoning Ordinance on private property, even with approval by the property owner. Therefore, by removing the ability to provide business directional signage in the public right-of-way with approval by the Public Works Department, the petition removes all ability for off-premise signage. Furthermore, the meaning of adjacent property owner is unclear as drafted. He noted that if the article is adopted that such would not apply to Town signage. He noted the Chamber of Commerce Board of Directors reviewed the Petition Warrant Article; noting the BOD respect the decision of the voter's to allow this type of signage.

Chairman Barnard opened the public hearing.

Kathy Barnard stated the language of the Petition Warrant Article cannot be changed and will be placed on the Town Warrant as written and proposed.

Roger Murray III stated the proposed article is not the solution to the problem and would allow for sign posts to be located in areas that are not permitted. He stated he does not recommend the Petition Warrant Article. He stated the sign committee appointed by the Planning Board consists of a broad membership and has done a lot of research towards a coordinated effort to allow for all businesses to have the opportunity for recognition.

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 not recommend Petition Warrant Article; Amend Chapter 175-44, E. Placement of Signs, (1) and (2).

Discussion of the motion:

Mike Hodder stated the Petition Warrant Article, by the Petitioner's own statement is flawed.

Kathy Barnard stated the Zoning Ordinance only allows for the advertising of a business on that particular property and not on the property of another.

Paul O'Brien questioned whether business owners are being affected. He stated it is unfortunate that the Petition Warrant Article has impediments and therefore, will support the motion however, agrees that the issue needs to be resolved as quickly as possible.

It was moved by Vaune Dugan and seconded by Mike Hodder to not recommend Petition Warrant Article; Amend Chapter 175-44, E. Placement of Signs, (1) and (2). All members voted in favor. The motion passed.

Accessory Dwelling Units; to permit Accessory Dwelling Units, by Conditional Use Permit, in all zoning districts that permit single family residences and in accordance with SB 146. Includes removal of Accessory Apartment References, changes to Terms Defined, and changes to Off-Street Parking Standards

Kathy Barnard noted the public hearing was continued from December 20, 2016.

Matt Sullivan reviewed the changes to the proposed ordinance following the 12/20/16 public hearing.

Roger Murray III, Lake Wentworth Foundation, stated he supports the zoning change.

Vaune Dugan recommended review of the implementation of the ordinance at year end.

The Board requested the following changes to the ordinance;

- Page 2, 2nd paragraph, A.; strike “an”
- Page 2, 3rd paragraph, B., 1st sentence; strike “-“ (hyphen) between “proposal” & “maintains”, strike “of”

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

It was moved by Mike Hodder and seconded by Stacie Jo Pope to move Accessory Dwelling Unit Ordinance to Town Warrant as amended. All members voted in favor. The motion passed.

Wetlands Conservation Overlay District; § 175-10.Special Uses

Kathy Barnard noted the public hearing was continued from December 20, 2016.

Matt Sullivan stated there are no significant changes rather, only changes to format, since the previous public hearing.

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

It was moved by Mike Hodder and seconded by Paul O'Brien to move the Wetlands Conservation Overlay District; § 175-10.Special Uses to Town Warrant. All members voted in favor. The motion passed.

Change Inns from a Special Exception Use to a Permitted Use in the Bay Street Limited Business District and the Wolfeboro Falls Limited Business District

Kathy Barnard stated the public hearing was continued from December 20, 2016.

Matt Sullivan noted the following change since the 12/20/16 public hearing; insertion of a note change.

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

It was moved by Stacie Jo Pope and seconded by Mike Hodder to move the following to Town Warrant; Change Inns from a Special Exception Use to a Permitted Use in the Bay Street Limited Business District and the Wolfeboro Falls Limited Business District. All members voted in favor. The motion passed.

Add Bed-and-Breakfasts as a Permitted Use in the Bay Street Limited Business District

Kathy Barnard stated the Public Hearing was continued from December 20, 2016.

Matt Sullivan noted the following change since the 12/20/16 public hearing; insertion of a note change.

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

It was moved by Stacie Jo Pope and seconded by Mike Hodder to move the following to Town Warrant; Add Bed-and-Breakfasts as a Permitted Use in the Bay Street Limited Business District. All members voted in favor. The motion passed.

II. Work Session

Master Plan

Matt Sullivan stated he does not recommend pursuing an online or paper survey; noting there are other ways to engage the public in the future. He recommended analyzing the existing data and prioritize such. He stated further pursuing an online and paper survey would result in quantitative data overload.

Kathy Barnard stated if the Board pursued such, there would be no way to process the information that is received from the paper and online surveys (no funding to support such).

The Board agreed to not pursue an online or paper survey.

III. Public Comment

None.

IV. Informational Items

None.

V. Planning Board Subcommittee Reports

None.

VI. Approval of Minutes

January 3, 2017

Referencing page 3, Public Comment, 10th paragraph, Paul O'Brien stated the statement "60% of the Town was surveyed" that he made was incorrect.

It was moved by Paul O'Brien and seconded by Mike Hodder to approve the December 20, 2016 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

VII. New/Other Business

- Deliberative Session scheduled for 2/7/17
- ZBA acted on Brewster Academy appeal and upheld the Planning Board's position
- FIT court hearing held first week of January; court finding expected within 60 days of the date of the hearing

- Work Session with Town Counsel scheduled for 2/7/17, 5-6 PM at the Town Hall Annex Conference Room
- Zoning Map revision; Staff recommended such be done in-house/administratively with Planning Board review (errors in overlay zone)
- Binnacle, LLC; appeal of Planning Board decision was withdrawn
- Joint meeting with the EDC scheduled for 2/21/17 (Staff to request EDC for a list of topics, goals & objectives to discuss and consolidate/prioritize Planning Board & EDC lists at first meeting, discuss future meetings with stakeholders)

It was moved by Mike Hodder and seconded by Stacie Jo Pope to adjourn the January 17, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 8:30 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

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

Letter of intent for Business Directional Sign Code Charge Warrant Article.
Submitted by Jerome Holden

Dir Sirs,

January 12, 2017

When I submitted this petition warrant article I wanted to accomplish 3 things. 1) Clean up the language so that you know you can have two locations with two signs each back to back, 2) assign the authority of post location back to the adjacent property owner, not the Public Works Director and 3) make sure all posts which have been there for years are authorized to be there with no additional approval process.

1) There seems to be confusion with the number of Business Directional signs allowed, so I clarified that by adding, "*pair (mounted back to back on single post)*" and "*pair*" after the word "*pair*" after the word "two" in this section 175-44 E (2).

2) The Public Works Director, Dave Ford, was not consulted by the previous sign committee which wrote this section of the current code. When he was not willing to take on this task he declared all previously authorized permits null and void. He unilaterally decided that he was the last word for, not only the post locations, but the signs on the posts as well. I believe he has interpreted this code incorrectly.

Before this code was written, the posts were installed with the adjacent property owner's permission and were not to be in the town right of way. It would be beneficial to give that authority back to the property owner. That is why I added "*by the adjacent property owner*" and removed "Public Works Director". I also added "*new*" in front of post locations so that we only have to worry about new post locations not old post locations. Most of these posts have been in place for years with no problems.

3) One of the flaws in the last rendition of this section of the code was that all the post locations had to be newly approved. Most of these posts have been in place for years with no issue, some of them since before I was in business in 1995. That is why I added *All business directional sign posts installed before 3/10/17 are approved*. This was not to undermine the authority of the codes officer and planning department. They still have to approve each and every sign on these posts. They can choose to ask for new permits for all the signs, or just permits for the signs that never had any and of course new signs.

It is my hope that this warrant article (#6?) will pass and that all old permits will be honored. And that the codes officer can now authorize new permits. All at no cost to the tax payers.

The reason this all got started is because of the location of the Business Directional Sign post at Railroad Ave. It has signs too low for pedestrians to walk under. It can also get hit by the sidewalk plow. I talked to Chris Patten (owner of Blacks Paper and Gift) about the sign post on Railroad Ave. He did not seem to have problem with that post being there any more. So all we have to do is get the town to take that street sign off that post and put it on the telephone pole across the intersection just as it is in other locations in town. Then we can make that post as tall as it needs to be to accommodate all that want to be on it and raise the bottom sign so that