

**TOWN OF WOLFEBORO
PLANNING BOARD
November 21, 2017
MINUTES**

Members Present: Kathy Barnard, Chairman, Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, Peter Goodwin, John Thurston, Paul O'Brien, Members, Tom Brown, Alternate.

Member Absent: Dave Alessandroni, Alternate.

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

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. Public Comment

None.

III. Approval of Minutes

November 7, 2017

Corrections: Page 11, 9th paragraph; add "and such could be a legal issue." at the end of the sentence.

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the November 7, 2017 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Vaune Dugan, Peter Goodwin, Mike Hodder, Paul O'Brien, Brad Harriman voted in favor. John Thurston abstained. The motion passed.

IV. Communications & Miscellaneous

Staff will forward TRC minutes and Notices of Decision to the Board.

V. Unfinished Business

Follow-up to Joint Planning Board and EDC Meeting

Referencing the definition of Hotels/Motels/Inns, Peter Goodwin recommended deleting "usually providing".

Mike Hodder agreed stating the Board at one time removed said language. He recommended removing "usually providing on-site recreational facilities,".

Vaune Dugan recommended inserting the word "may".

Mike Hodder questioned whether the Board wants to specify what the facility may provide; noting he feels the Board is defining what services will be provided by inserting the language.

The Board agreed to the following revision;

- Add "and amenities" following "dining services" (third line)

Vaune Dugan recommended including the language from the preface of the New Durham Architectural Design Standards in the Purpose Statement; noting such is flexible and was well received by the EDC.

Peter Goodwin agreed; noting such describes the intent of the regulations.

Vaune Dugan stated the EDC felt the meeting with the hotel owners was a positive learning experience and exercise. She stated the Board is promoting the local stakeholders and questioned whether the photographs should be eliminated; noting such could be added at a later date if people are having issues understanding the regulations. She questioned whether the existing Voluntary Design Guidelines need to be removed from the regulations.

Peter Goodwin stated he heard the EDC ask the Board why the Town doesn't have a contemporary Master Plan document and the EDC questioned whether decisions regarding the definition should be tabled until the Master Plan document is in place.

Kathy Barnard noted the EDC requested the Board to review the definition.

Paul O'Brien asked if Kathy Eaton provided the letter to Kathy Barnard that Cindy Patten had read at the meeting.

Kathy Barnard replied no.

Paul O'Brien stated he heard from the EDC that they wanted to be more involved in the long term plans for the Town; noting he would support such.

Mike Hodder stated that not one owner wanted the room cap removed; noting the EDC is ignoring the constituency that is the base in the Town. He stated he feels it is in the best interest of the industry and the Town not to remove the room cap.

Vaune Dugan stated the EDC does not have an understanding that the current/existing guidelines are not mandatory.

Referencing the inclusion of photographs in the design standards, he stated all other guidelines around the State includes photographs.

Vaune Dugan stated that if photographs are included, captions are needed.

Paul O'Brien stated that when considering photographs to be used in the guidelines, consider those structures that celebrate the architecture in the Town that is found appropriate and not include "inappropriate" photographs.

It was moved by Paul O'Brien and seconded by Mike Hodder to move the definition of Hotels/Motels/Inns to Public Hearing. All members voted in favor. The motion passed.

Architectural Design Standards

Paul O'Brien questioned whether a carve out of the standards should be considered for museums.

Vaune Dugan stated such should be determined on a case by case basis.

Paul O'Brien questioned whether museums could be exempt from the standards.

Vaune Dugan stated the applicant should make a case for any proposed architectural standard; noting such would be a valid discussion to have. She stated the applicant would already be coming before the Board for Site Plan Review.

Paul O'Brien questioned additional cost is incurred.

Vaune Dugan stated there should not be an additional cost.

Mike Hodder stated he feels the standards should be universal and no exemptions.

Following further discussion, the Board recommended the following;

- Include photographs and captions
- Analyze existing structures
- Section I. (Title); change “Secton” to “Section”
- Section VII.; revisit roofs (subcommittee)
- Section VIII.; add “The various building components” and strike “Windows, shutters, doors and mouldings”
- Section XII.; change “consistent” to “inconsistent”
- Tabled removal of voluntary design guidelines since there are no legal ramifications to include such
- Final review by Town Counsel

Master Plan RFP Selection Process

Matt Sullivan stated the contract has been awarded to Resilience Planning & Design (Steve Whitman); noting Mr. Whitman previously collaborated on projects with Rob Houseman. He stated there would be a four person team working on the project. He recommended Mr. Whitman attend the 12/5/17 Planning Board meeting.

The Board requested the following information;

- Deliverables
- Portfolio of work
- Project plan/structure of responsibilities

2017 Work Program

The Board reviewed the status of such; noting viewshed protection and setbacks for properties within the ROI District that have frontage in multiple zoning districts to be placed on the 2018 Work Program.

C2 Zoning District Removal

Matt Sullivan stated Town Counsel opined that the zoning district could not be removed because the Town is required to provide sexually oriented businesses.

Ineligibility for Subdivision Form

Matt Sullivan stated Town Counsel recommended removing such from the Zoning Ordinance; noting such is included in the Lots With No Frontage portion of the Ordinance. He stated a Special Exception is required for the completion of the form. He stated the form could become problematic if there are subsequent zoning changes that make a subdivision possible for a parcel with a form recorded at the Carroll County Registry of Deeds.

Kathy Barnard stated such was developed as a result of the discussion regarding lots without frontage in which those lots could not be subdivided.

Mike Hodder stated such acts as a deterrent for opening up Class VI roads that do not have frontage on a Class V road. He stated the intent was to deter the potential break up of large tracts of land (land preservation).

Paul O'Brien expressed concern regarding creating a document that is required to be recorded with regard to change over in subsequent Board members and Staff.

John Thurston stated he is willing to waive the form if the applicant is required to build the road to Town standards.

Vaune Dugan stated zoning changes could result in a loss of rights.

Paul O'Brien asked why Town Counsel recommended the recommended removing such from the Ordinance.

Matt Sullivan stated the Registry of Deeds will not accept the form as written therefore, during the rewriting of such he engaged Town Counsel.

The Board requested Staff to seek a detailed justification for the change as to why/why not such is permissible from Town Counsel.

Site Plan Review Waiver Form

Matt Sullivan stated that in reviewing the waiver section of the Site Plan Review Regulations, it became clear that the Regulations should be amended to reflect the language of RSA 674:44 IIII (e) which requires a majority, not two-thirds vote of the Planning Board.

It was moved by Vaune Dugan and seconded by John Thurston to amend the Site Plan Review Regulations to reflect the language of RSA 674:44 IIII (e) which requires a majority, not two-thirds vote of the Planning Board. All members voted in favor. The motion passed.

Sign Ordinance Amendment Review

Brad Harriman recused himself.

Matt Sullivan reviewed his memo, dated 11/16/17, which included amendments to the Sign Ordinance and address the Reed v. Gilbert decision. He stated Town Counsel opined that generally speaking, the Town should not regulate the content of signs because if challenged the Town's regulations would need to survive the most stringent court review, called strict scrutiny. He stated that if the Town feels it must regulate content, it is recommended to limit such regulations to only regulating commercial types of speech/language. He stated that while commercial speech does enjoy first amendment protections, it is a lesser standard of review if challenged, called intermediate scrutiny. He stated the NH Municipal Association recommends the changes as well; noting the changes to the Ordinance result from federal changes.

The Board requested Town Counsel be present at the public hearings for such. The Board also requested the following information and changes;

- Does the Town have discretion on the basis of quantity
- Solution to the problem if B. (4) is stricken
- Section C. (1); could such remain if "commercial" was added between "permitted" and "use"
- Section C. (3); does it belong under Permitted Messages and if so, strike such and how does it fit within Permitted Messages
- Include key for abbreviations
- Revise table to reflect 1' signs per Section B. (1)
- Section I. (2); request clarification of change
- Change number and letter format
- Board requested two separate documents to present at the public hearings; changes noted in red to reflect federal compliance, changes noted in blue to reflect housekeeping items and other proposed changes

Matt Sullivan recommended removing franchise from the Center Street/Route 28 District; noting that he does not feel that such is legal as it is currently written. He stated there are no standards for such.

Downtown Setbacks

Matt Sullivan stated he has received several calls regarding setbacks in the Downtown (resulting from the Citizens Bank construction), particularly for commercial uses; questioning whether the setback should remain at 0 feet. He questioned the impact to the setback on the development in the Downtown and whether the Board should consider adjustments to the standards.

Paul O'Brien noted that you have to pull into the crosswalk to see traffic.

Vaune Dugan stated such is no different than pulling out of Railroad Avenue.

John Thurston expressed concern regarding damage to the curbing and requested such be placed to its original condition.

The Board agreed to maintain a 0' setback within Downtown.

VI. New Business

Planning Board Public Hearings for Town Warrant Articles

First public hearings scheduled for 12/19/17, second public hearings scheduled for 1/16/17

VII. Planning Board Subcommittee Reports

None.

VIII. Nonpublic Meeting

N/A

It was moved by Mike Hodder and seconded by John Thurston to adjourn the November 21, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 10:13 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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