

**TOWN OF WOLFEBORO
PLANNING BOARD
May 8, 2018
MINUTES**

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

Members Absent: Brad Harriman, Selectmen's Representative, Dave Alessandroni, Tom Brown, Alternates.

Staff Present: Matt Sullivan, Director of Planning & Development, Cathleen LaPierre, Recording 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 members of the Planning Board and Staff.

II. Public Comment

None.

III. Scheduled Appointment

Justin Martin/Edward and Diane Morgan

Agent: Randy Tetreault – Norway Plains Associates

Reconfiguration of Non-Conforming Lots

Preliminary Conceptual Consultation

TM # 203-038, 203-037

Kathy Barnard reviewed the Planner Review for May 8, 2018 and stated the applicant proposes reconfiguration of non-conforming lots at 18 King Street.

Randy Tetreault stated the applicant proposes reconfiguration of non-conforming lots. Mr. Martin would like to add .6 acres to the backside of his lot and noted the piece of land would be coming out of a parcel owned by the Ms. Morgan. The remaining land (approximately 1.4 acres,) is a landlocked piece of land. Randy stated the area in that zone is roughly 1 acre; therefore, the proposal will not create a greater nonconformity. The property currently leaves little to no backyard and Ms. Morgan has consented to selling .5 acres to the Martins to give them a back yard. Randy stated he believes the nonconforming lot section in the ordinance is somewhat subjective as far as being a betterment by the Board. The Martins would like to know whether to spend the money to purchase the land prior to going forward with the application process.

Kathy Barnard questioned if this would be creating anything more nonconforming.

Randy Tetreault replied, no it does not bring the existing lot into complete conformity which would be an acre as its .6 acres.

Kathy Barnard asked if the area they are not taking still conforms.

Randy Tetreault responded, yes, showed the third lot Ms. Morgan owns and stated the proposed lot in which land will be taken does not have frontage; however, there will not be an increase in the nonconformity because he can't go minus zero frontage and are keeping it to the lot size. Randy stated he spoke to Mr. Martin about

obtaining a waiver to avoid having the land surveyed as this is not a development and would add further expense.

Peter Goodwin stated he felt the merger leaves an orphaned lot that does not have access to roads and questioned why Randy wouldn't merge the entire thing to have a much larger lot.

Randy Tetreault stated it is 2 acres instead of 1.4; therefore, it won't change that status and posed the question to Mr. Martin and Ms. Morgan who prefer not to merge the two lots. Randy stated regardless if the lot line adjustment is executed, a lot will continue to remain without frontage.

Peter Goodwin stated he was curious as to why he would leave that and not merge the 2 lots.

Randy Tetreault stated there is no requirement to do so and if creating a nonconforming lot (under an acre) the lots would need to merge, but that's not the case; essentially if the lot reconfiguration is not done it will remain in the same status as what you have hesitation about.

John Thurston asked if they could still access that back lot by the other lot from Filter Bed Road.

Randy Tetreault replied yes that's the way its being done now with a little footbridge. Residential access would require a wetlands permit.

John Thurston inquired whether the potential still exists.

Randy Tetreault responded yes, it still exists the only difference being it would be half an acre smaller.

Mike Hodder stated we are not discussing the Morgan's lots here are we, we are discussing the addition of a portion of one of the two Morgan lots onto the Martin lot to make the Martin lot a little bit larger; the Martins is the only applicant here in front of us and that is the only lot we are talking about correct?

Randy Tetreault replied yes, and if we go for the reconfiguration there will be two applicants, the Morgan's and the Martin's; however, the Martin's are the ones pursuing that extra property.

Vaune Dugan asked why Randy stated this lot would not be brought into conformity with the current underlying zone.

Randy Tetreault responded because it would need to be an acre bond.

Vaune Dugan referenced the plans and stated it says it's a half acre.

Matt Sullivan affirmed it would be brought into conformity with the zone.

Randy Tetreault posed the question, if King Street is water and sewer and goes into VC zone what is the required frontage?

Matt Sullivan confirmed it to be 75ft.

Randy Tetreault stated .2 and .8 by acreage it would be. If it was a residential zone it would need the one acre. He offered an example and stated the difference being if you are not tied into water and sewer then you can't be in the VC zone even though the map might show you in. In this particular case, it has the frontage on King Street and has service by water and sewer then it would be a half acre.

Peter Goodwin asked if it would be possible to have an easement which allowed a roadway to go to the back lot.

Matt Sullivan asked through the proposed .8 acre lot on King Street?

Peter Goodwin responded yes.

Matt Sullivan stated that would be up to the applicant and owner but I don't see any reason at this time as I don't think he is proposing to create an easement to that rear lot.

Kathy Barnard asked if that isn't between the two property owners.

Matt Sullivan stated it is and I don't think that this particular reconfiguration impacts the possibility of that happening in any way and makes it more difficult because it creates a longer easement length that would be required.

Mike Hodder stated but that's not part of this application or what we are doing here tonight.

Randy Tetreault stated he was not involved in negotiations; however, Mr. Martin might be able to speak to that.

Justin Martin stated he is essentially looking for a backyard as his current one is 4 feet.

Robert Seifert

Agent: Randy Walker – Walker and Varney P.C. Attorneys At Law

Preliminary Conceptual Consultation – 3 Lot Subdivision

TM # 147-3

Randy Walker introduced himself as representing Robert Seifert, stated Brian Berlind, with Land Tech was present to do the surveying work should they decide to move forward with the 3 lot subdivision of the Seifert's property. He addressed the handout that was conceptual and stated he had a couple of issues they wanted to address. Overall, the property consists of 50.5 acres, 706 ft. of frontage on Trotting Track Road, the frontage requirement is 200 ft. so each lot would have an excess of the 200 ft requirement and each lot would have an access of 10 acres to avoid the unusual configuration requirement. He stated these lots are not standard in size but because it's over 10 acres he believes that requirement doesn't apply. He confirmed the legal access will be more than sufficient for subdivision purposes; however, practically, they want avoid running 3 driveways up 4,000 ft. to the houses. He stated that to be the reason they stand before the Board; the driveway usage. He believed legally they need to figure it out and asked from a Planning Board perspective if there were any issues with the concept as long as legally it all falls into place. The other issue he addressed pertained to one of the driveways being 4000 ft. long, not short and asked if there is a requirement that restricts the length. He stated Fire and Police can get through, it is possible but didn't see in the ordinance if there was a restriction in driveway length.

Matt Sullivan stated he could not locate a provision that limited the length of a driveway.

Vaune Dugan stated perhaps it's in a fire regulation.

Matt Sullivan said it could be in a building code but he was not certain.

Kathy Barnard stated before they return they will be going to the TRC and will have the opportunity to get the Fire Departments input.

Matt Sullivan agreed.

Randy Walker stated before Mr. Seifert spends money on the survey and legal issues, conceptually, they would like some direction from the Board regarding the length and multiple usage of the driveway from 2 different directions.

Peter Goodwin asked if the intent is not to have a change in the driveway that comes up from below so you are not creating a driveway from that spur that comes down to the road.

Randy Walker stated that was correct.

Matt Sullivan inquired if Mr. Seifert reserved the right to make modifications to that driveway as part of the easement that exists. He asked if part of that plan, would the driveway be improved or relocated in any way.

Randy walker stated the plan is do absolutely nothing, not relocate or change it as the driveway is extremely well built; therefore, they would add a spur.

Mike Hodder asked if the new construction will be to the same width and type as the previous construction, or did they plan on something 40 ft. wider.

Randy Walker replied, if there are any requirements for a driveway they would meet them but did not believe the spur road needed to be that significant, possibly be narrower. He stated the driveway will only be used by 2 homes so it did not need to be that wide.

Mike Hodder asked if Randy knew the history of Furber Lane.

Randy Walker stated he has some history and Mr. Seifert has more history as well.

Mike Hodder stated he wondered how long it's been there, is it used year-round, what's the condition, how well it's built. He presumes that once at a TRC meeting they will be going over these sorts of requirements specifically regarding access by the fire equipment up to those 3 houses. He stated he was concerned about rescue equipment having access along Furber Lane that's why he inquired how old it is, how wide it is and how well it's built.

Randy Walker pointed to the map and stated there are a number of houses on Furber Lane currently being used by all the homes.

Mike Hodder asked who does maintenance.

Randy Walker stated Mr. Seifert did it himself but believed there is a group of neighbors that take care of it.

John Thurston asked how long the spur road is.

Randy Walker wasn't certain and referred to Mr. Seifert.

Matt Sullivan estimated 700 ft.

Vaune Dugan stated that segment on the road is 700 ft.

Randy Walker confirmed there is no restriction for it and asked about the Steep Slope Ordinance. He stated these lots on average will be 16 acres each, one will be smaller but they all will be over the 10 acres required and asked if there are any restrictions on steep slopes.

Vaune Dugan confirmed the steep slope is 25%.

Matt Sullivan questioned the estimated disturbance; noting over 20,000 sq. ft. could potentially trigger the Steep Slope Ordinance.

Randy Walker stated he didn't think it would be over that.

Mike Hodder stated these proposed lots are 10 acres in size, you think these are going to trigger steep slope ordinance?

Matt Sullivan responded, yes because the steep slope ordinance doesn't take into account lot size, or anything of that nature; noting any disturbance above 20,000 sq. feet triggers the Ordinance.

Vaune Dugan stated it needed to be 25% greater, and it doesn't look that.

Randy Walker stated it's fairly level; the driveway is pre-existing. He said he was concerned regarding the work and having an issue pertaining to steep slope; needs clarification.

Peter Goodwin stated the road construction is on two particular lots; therefore, you divide the slope between the 2 lots instead of just one.

John Thurston stated 20,000 is allotted for each lot.

Matt Sullivan stated he didn't know if it would be treated that way; did not believe you could divide it and would need to discuss.

Randy Walker stated they won't get to 20,000 with the spur road.

Matt Sullivan confirmed it to be a 15% slope not 25%.

Peter Goodwin noted the disturbed steep area on the driveway or on that spur road plus on the house construction site.

Mike Hodder stated that's a risk of the enterprise.

Randy Walker responded, it's pretty flat across the top where the spur road is and the slope is down the bottom.

Matt Sullivan replied that they had clarified the ordinance this year and it has to be a full 20,000 sq. ft. of 15% greater slope not just some disturbance.

Randy Walker confirmed it most likely won't apply.

Matt Sullivan stated you really need a huge area of steep slopes to be disturbed and was not clear if it will be triggered.

Vaune Dugan proposed instead of taking the driveway straight down the grade you could cross grade.

Matt Sullivan asked Randy Walker if they could discuss the subdivision section; the road extension issue.

Randy Walker replied yes, the ordinance reads that you can't have the road extend beyond the boundary lines of the property and stated he didn't read the word "extend" to be applicable.

Mike Hodder asked if that section of Furber Lane is deeded.

Kathy Barnard asked Matt Sullivan what section he was referring to specifically.

Matt Sullivan confirmed the section to be 174:9, E.1 and if this were to proceed it would be wise to get an opinion from counsel not only on the deeds to make sure they provide permanent access but also take a look at the extend provision.

Peter Goodwin wanted confirmation the spur road couldn't go all the way to the boundary line.

Randy Walker confirmed there was no intent of impeding some other property.

Matt Sullivan asked if any of the other lots not part of the subdivision were gaining access to this driveway; if the access to Furber Lane did not exist that driveway could access those 3 proposed lots.

Randy Walker confirmed that to be the case.

Matt Sullivan stated the proposal is really dependent upon one of those lots accessing via Furber Lane and Mr. Seifert reserves the right to do that.

John Thurston asked if you did that up top the spur line that would minimize any impact in wetlands down below by adding an extra driveway.

Randy Walker confirmed it doesn't impact any wetlands or the environment.

Vaune Dugan asked if it was possible to drive from Trotting Track to Furber Lane now.

Randy Walker confirmed yes.

Chairman Barnard opened the public hearing.

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

IV. Communications and Miscellaneous

Matt Sullivan requested to move onto unfinished business because his memo follows the unfinished business.

V. Unfinished Business

- **Architectural Design Standards Public Forum Follow-up**

Vaune Dugan suggested deleting items like "lighting" and "landscaping" that are covered in zoning elsewhere as it seemed lengthy and the Board had to explain how it was different; it doesn't do anything to leave it as it's handled by zoning.

Mike Hodder said it was a question at the first public forum on the 17th of April both raised by Kathy Eaton and Linda Murray and was an important one to follow up on; the Board should be certain we don't have in our architectural guidelines standards elements that are already in the actual zoning regulations. He stated he agreed with Vaune and suggested that as a first step.

Kathy Barnard stated Dave Senecal mentioned the document was written in the 1990's and the Board should go through and get current.

Vaune Dugan stated she did that and the Board should delete the end part of the first introduction and add a new one.

Mike Hodder stated there wasn't anything in his opinion that was terribly outdated.

Referencing the gas pump language i.e. "it has become popular to cover..." on page 13, Vaune Dugan recommended updating it would be to say something like "it is common practice..."

Mike Hodder stated the individual editing and commentary should be handled by the Architectural Standards Committee if it is still in place.

Matt Sullivan stated he didn't want to lose sight of the bigger issue, the comments made at the prior meeting revolved around the guidelines being made mandatory instead of voluntary and if adopted as written were not enforceable as the language needs to be stronger; otherwise keep them voluntary.

Vaune Dugan stated language on page 15 where it says "it is strongly discouraged" should say "it is not allowed."

Mike Hodder agreed with Vaune Dugan and said Kathy Eaton specifically stated she wanted tighter language like more "shoulds" than "could be's." He felt if the language was changed appropriately to make it more dispositive then pass it by the EDC for more comment as the head of the EDC wants to see tighter language.

Kathy Barnard stated she was in enforcement for quite a few years and her concern is enforcing the document the way it is written.

Vaune Dugan stated the Board should take out "shoulds" and put in "musts" and instead of "discouraged" use "not allowed's."

Matt Sullivan quoted page 5, "new and infill buildings should align with the existing buildings to preserve the streetscape edge" and said he did not disagree with the concept, it's clear but there are specific zoning regulations that cover this and questioned what this language does for the Board. He questioned whether to remove such.

Mike Hodder suggested throwing a reference to the current zoning regulation right underneath it and use this as an advisory or change the language "should" to "must."

Vaune Dugan stated maybe lots that don't have that.

Matt Sullivan stated he agreed with Vaune Dugan and referenced page 6 as another example; midway through the paragraph about sidewalks and pedestrian scale it states "adjacent parking lots should be connected whenever possible..." he asked how to make that mandatory unless making every parking lot that's adjacent to another parking lot force to connect; that's challenging language. Does the Board keep some of them flexible?

Vaune Dugan replied yes.

Kathy Barnard stated the Board used to have that provision and based it on traffic safety.

Mat Sullivan stated if we are to move forward some of these things should be required strictly and some shouldn't. The issue is it's a site plan regulation by nature.

Vaune Dugan stated then they ask for a waiver.

Mike Hodder stated he gets the sense from Matt Sullivan that this is an imperfect document.

Matt Sullivan stated the Board did their best to try and preserve what was written in 1995 and apply it now but the way it is written is incredibly challenging to enforce.

Mike Hodder urged the Architectural Subcommittee not to lose site of the fact that according to the will of the people they want some sort of architectural guidelines in the Town and if this isn't enforceable then the Board needs to go back and create something that is and shouldn't lose site of the mission.

Matt Sullivan stated there are only 3 or 4 pages he would use.

Vaune Dugan stated that's ok.

Mike Hodder stated we should scrap it and start over.

Matt Sullivan agreed and suggested the committee meets and reformats the document.

Kathy Barnard asked if in the meantime they could follow what they do have.

Matt Sullivan confirmed yes.

Kathy Barnard stated people are supposed to come in, meet with Matt Sullivan, have a discussion and if they don't want to follow the guidelines provide a written reason and whatever they put in writing needs to come before the Planning Board to have a discussion as to why they aren't going to follow the guidelines.

Vaune Dugan stated if the Board comes to problems with a section they can come to that section and work on that section. There needs to be something in place to work on.

Matt Sullivan stated he will create a check list using this document and bring to the Board for review.

Vaune Dugan stated something not seen is a view or picture of the setting and felt it would be helpful to see the streetscape.

Mike Hodder stated a hand drawn design or something informal is appropriate; these are voluntary standards and there shouldn't be any additional expense to create a proper picture or drawing.

Vaune Dugan stated you could take a photograph and put your sketch in it.

Mike Hodder stated something like that would be fine and he liked Kathy Barnard's idea that we should ask every applicant whose application would fall under the voluntary guidelines to explain why he is or is not adopting them and have a conversation about that and not just do it as a perfunctory move on to the next item as done in the past.

John Thurston stated in the initial stages it was unanimous that the Board wanted to have stronger architectural guidelines for a certain feel of our town. Perhaps the first version should have been proposed to the people as opposed to the fall back. He felt the Board should return to that and show a stronger definitive worded document to the people; allow them to craft the type of town they want.

Peter Goodwin asked Matt what things he was going to find hard to enforce and deal with as that needs to be delineated to the Board, to know where they are failing in writing these things specifically.

Matt Sullivan stated if the consensus of the Board is to return to the old standard construction he is comfortable with those as they are simple and clear. But if the Board still wants to explore these modification guidelines he can do that.

Peter Goodwin asked what Matt Sullivan's concerns are.

Matt Sullivan stated it's too subjective and not clear, the "shall" or "shall not" language needs to be changed and he needs to know what the standard is as most of the guidelines document is impossible to apply.

Vaune Dugan asked if there was a consensus to go back to these standards.

Mike Hodder stated he would suggest going back to those and have Matt Sullivan throw in any zoning that's already been taken care of in the standards and look at 1993 and 1995 to see if there is anything good in there to salvage.

Matt Sullivan confirmed that had been done.

Mike Hodder confirmed returning to the original standards.

Vaune Dugan confirmed that had been done.

Paul O'Brien stated at the meeting with the Economic Development Committee he believed the documents were not read; therefore, they did not know what was required or not required as they hadn't read the material and that should be taken into consideration. Don't accommodate based on unpreparedness.

Kathy Barnard opened to the public.

Anne Blodget with Heritage Commission stated folks who attended were incredibly confused at the last meeting. She was heartened to hear the Board is trying to strengthen the document and protect the specialness of Wolfeboro as that is an economic driver. She agreed with Vaune Dugan's comment at the previous meeting that if we don't have "teeth" we won't have a backbone if something bad were to come in and stated we look helpless as a community; we want to give Matt Sullivan a tool to follow and hope you distill it as we trust you will lead us. She stated the people were uncertain as to what supportive things to say to assist but knew they agreed with the Board.

Suzanne Ryan stated the Planning Board has the authority to adopt this regulation much like site plan review regulation and asked what the teeth within the site plan review process are?

Matt Sullivan answered the teeth are the Board has the ability to either enforce or waive the provisions in the site plan regulations. The Board could grant a waiver for a project so it doesn't have the teeth of the zoning ordinance and they don't have to go the ZBA but that's an advantage and as it is more flexible, so it might be subject to site plan review.

Susanne Ryan asked if the Board operates as they do at the site plan review regulation.

Matt Sullivan confirmed that was correct.

- **CIP Committee**

Matt Sullivan read the following motion he drafted for the CIP Committee:

Motion to create the Capital Improvements Program (CIP) Committee as a renewable standing committee of the Planning Board charged with preparing a Capital Improvement Program, pursuant to RSA 674:5-674:8.

The CIP shall be constituted of one (1) member of the Budget Committee, appointed by the Budget Committee; one member of the Board of Selectmen, appointed by the Board of Selectmen; a maximum of four (4) at-large members, appointed by the Planning Board; and two (2) Planning Board members, appointed by the Planning Board. All members are appointed for a term of one (1) year.

The Chair of the CIP Committee shall be a member of the Planning Board.

The CIP Committee shall be staffed by the Director of Planning and Development, Finance Director, and Town Manager.

Matt Sullivan stated he wanted to be certain he got the renewable standing committee language right. In that every year they Board would have to renew the membership at the annual meeting.

Mike Hodder suggested the word "renewable" be removed in the first paragraph, correct CIP to CIPC, put Planning Board first in the second paragraph, then Selectmen, then Budget Committee for matters of protocol. He stated when this motion passes this Board I recommend to advise the Select Persons and the Budget Committee the Board made this motion and it has been passed by the Planning Board to advise them accordingly.

Matt Sullivan stated he advised the Budget Committee the Board is proposing this amendment this evening and they voted last night to appoint and believes they've already appointed their member.

Mike Hodder stated by adopting this motion the Board is essentially creating CIPC and staffing it and by allowing the selectmen and the Budget Committee to appoint their own members is a curtesy rather than fact.

Matt Sullivan stated this motion passes you've given them the authority to appoint.

Peter Goodwin asked if there are 4 at large members appointed by the Planning Board and how to arrive at who those members are if replacements are needed.

Matt Sullivan stated we should solicit membership on an annual basis and it will fall to Planning Board members and staff to recruit.

Kathy Barnard suggested doing an ad.

Matt Sullivan stated if the Board passes this motion tonight he would like to place an ad in the paper soliciting members.

Mike Hodder stated the ad should include having up to 4 public members as if they were alternates to the Planning Board. He stated individuals volunteering to serve on the CIPC submit name and some kind of letter why they'd like to or that would like to and offer qualification and the Board discuss it and vote on who they are and appoint them.

Matt Sullivan stated he did a maximum of 4 in case unable to fill.

Mike Hodder stated they must be aware they are serving for a one year renewable term. He stated his concern being he does not want this motion to disappear in the minutes of 2018 but rather be somewhat prominent, findable.

Matt Sullivan read the following motion as amended;

Motion to create the Capital Improvements Program (CIP) Committee as a renewable committee of the Planning Board charged with preparing a Capital Improvement Program, pursuant to RSA 674:5-674:8.

The CIP Committee shall be constituted of two (2) Planning Board members, appointed by the Planning Board; one (1) member of the Board of Selectmen, appointed by the Board of Selectmen; one (1) member of the Budget Committee, appointed by the Budget Committee; and

a maximum of four (4) at-large members, appointed by the Planning Board. All members are appointed for a term of one (1) year.

A majority of the members in attendance shall constitute a quorum.

The Chair of the CIP Committee shall be a member of the Planning Board.

The CIP Committee shall be staffed by the Director of Planning and Development, Finance Director, and Town Manager.

It was moved by Mike Hodder and seconded by Vaune Dugan to accept the motion as amended. Kathy Barnard, Peter Goodwin, Vaune Dugan, John Thurston voted in favor. Paul O'Brien abstained. The motion passed.

Kathy Barnard stated Jim Shildneck and Joyce Davis confirmed they would like to stay on for another year. She asked if an ad could be placed.

Mike Hodder suggested to put an ad in for 4 members and since Jim Shildneck and Joyce Davis' applications have already been received they go into the pot and get due consideration.

Kathy Barnard stated she was making a commitment upon voting.

Mike Hodder stated to leave it as Kathy Barnard has set up and next year the Board does it the way the motion calls for.

It was moved by Kathy Barnard and seconded by Vaune Dugan to appoint Jim Shildneck and Joyce Davis as at-large members to the CIP Committee for a term of one year. Peter Goodwin, Mike Hodder, Vaune Dugan, Kathy Barnard voted in favor. John Thurston, Paul O'Brien abstained. The motion passed.

Matt Sullivan stated he asked the question why is the school district not included in the CIP. The response from the Town Manager was that because the school district is a regionally funded school district the past precedent is not appropriate to include them and that's why they are not included. Matt stated he is not certain of what the legal perspective is on regional school districts being included in the CIP because they are collecting funds from other towns but believe it's worth exploring. He is not certain if the Board wants to take action this year.

Vaune Dugan agreed and stated the Board should have some aspect of it in the CIP to help with large expenses.

Mike Hodder read a document under the NH Municipal Associations Town and City, by Christine Fillmore and summarized by saying she stated in 2014 that her assumption is not that the CIP doesn't have the authority to look at school district budgets or are immune to the CIP but are under some kind of scrutiny by CIP and it's a good thing. Mike Hodder stated she believes looking at a school district and having them report might be a good idea for a CIP.

Vaune Dugan asked if it makes sense to add a member that's on the school district.

Mike Hodder stated that's premature and the Board shouldn't go that route.

Matt Sullivan stated the Board shouldn't take that action this year.

Mike Hodder stated the Board should prepare to do this next year.

Vaune Dugan asked what happened recently when they renovated and added the performance center, was it in the CIP?

Mike Hodder replied no, they didn't ask how it would affect the tax rate. He stated it was deliberately dropped in 2007 and not pursued in 2008 and some decision was made for reasons not specified in the minutes to look at the school district any further.

Peter Goodwin stated he is in total agreement in having the school district as part of our program, but believes the Board needs to look at the legality of it, get it organized and not deal with hypothetical right now but gather more data to do appropriately.

Mike Hodder stated the "mays" the "cans" and the "mights" came from legal opinion. The "shalls" came from the statute and he is not convinced the Board needs to bother Town Counsel on this issue.

Matt Sullivan stated the Board should ask Town Counsel for clarification due to bordering on violating a statute.

Peter Goodwin is in agreement but feels a decision can be made tonight.

Kathy Barnard agreed with Mr. Sullivan and noted the consensus is to follow up.

- **Landscape Buffering**

Matt Sullivan stated the zoning that's in 175-155, the landscape buffering waivers gives the Planning Board the ability under zoning to provide specific waivers for landscaping but the zones that it lists in the C2-GDA, C2-WF, C1-CS do not exist anymore. He recommends adding in 3 zones that currently do exist and would like to move forward with that zoning change.

Kathy Barnard stated to move ahead on that one.

- **Central Business Parking Requirement Review**

Matt Sullivan reviewed:

§ 175-130 Change or expansion of use.

A. Central Business District parking requirements. In the CBD, parking shall be evaluated in a different manner. Typically, on-site parking is insufficient or is lacking completely. However, the downtown currently functions and people do find parking, so rather than establishing a number of spaces required, it

is hereby determined that the amount of on-site parking is a base from which to analyze changes in parking demand. New or changing uses shall be evaluated from the perspective of changes in the demand for on-site parking. Proposed changes which decrease demand shall be permitted. Proposed additions and new buildings with no increase in demand shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand. Such spaces may be provided by one or more of the following means:

(1) Additional on-site parking spaces.

(2) Off-site parking spaces, located within 500 feet of the site. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principal pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the Planning Board. The right to use the off-site parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement, or similar written instrument as may be approved by the Town Attorney. The off-site parking shall be located in the Central Business District.

(3) Fee in lieu of parking. The Planning Board may allow that fees be paid in lieu of providing all

or a portion of the off-street parking spaces required for a use. Fees in lieu of parking shall be \$_____ per deficit parking space and shall be paid in full prior to the issuance of a building permit. The payment of fees in lieu of parking will be made to the Fees in Lieu of Parking Fund to be used solely for the purpose of creating and maintaining public parking in the CBD.

B. CBD and WF Districts. Parking requirements under this article shall not apply to a change to a commercial use or an expansion of a commercial use that does not include an addition or expansion of the existing square footage of the building in these districts; provided, however, that the number of parking and loading spaces available on site shall not decrease.

Additions/expansions of the existing square footage of the building shall meet the requirements of this article.

Matt Sullivan stated if a business is expanding it cannot build out over a parking space. He believes if that business can identify parking within 500 sq. ft. they should be able to remove parking and substitute expansion for use.

John Thurston suggested the Board discuss the waiver and stated if so many parking spaces are within a certain distance of the redevelopment location or new development the Board can probably circle a good part of the downtown that would be exempt. He felt you could give them a pass. He stated when someone has a lot and the Board wants them to incorporate storm water management and have parking spaces on their property the Board shouldn't allow them the ability to say they can just park over here and aren't going to use our land for that.

Matt Sullivan stated by allowing use of existing parking we may actually improve the impact because people may not pave as much of their lot. Decreasing the amount of parking downtown based on our use load is a good thing.

Vaune Dugan suggested the Board handle it by allowing a waiver so they have to explain what they are doing to get it.

Matt Sullivan stated the only issue involves removing parking spaces and asked for permission to explore a waiver relative to such.

- **Patios As Expansion of Use for Commercial Uses**

John Thurston stated the question reflects to gross floor amount; the parking threshold for the parking area.

Kathy Barnard said gross floor area is measured in a building.

Matt Sullivan stated if you expand outside you don't have to add parking and If someone adds a patio area do they have to justify how they are getting additional parking?

John Thurston stated he did not see a problem.

Matt Sullivan asked if patios should be subject to site plan review.

John Thurston didn't recall in the ordinance where it calls for it.

Peter Goodwin stated if you're installing a patio that will increase your customer base that's something that should be in the site plan.

Mike Hodder asked why should it not be in the site plan review.

John Thurston stated because they are landscaping, the Board should promote such.

Vaune Dugan stated perhaps have a threshold to do no harm.

Mike Hodder suggested writing some sort of rule to cover patios.

Matt Sullivan stated he will continue to stay the course on deciding whether to bring it to the Board.

- **Setbacks on Properties with Frontage on Multiple Roads**

Matt Sullivan stated he would like thoughts on 2 approaches to doing this: if your property has two sides on public streets which is the front setback, the side setback, and rear setback? He see's two ways.
1) Either every side of the property is on a road is the front setback and the remaining sides are the side setbacks or the front setback is that which has the driveway entering the property. He stated in the past its multiple fronts; wherever you have a street that is a front of your property.

Vaune Dugan stated the setback should be no less than the minimum setback in the adjacent zone or street.

Matt Sullivan stated he will proceed with front setbacks on all streets but on any other side is a side setback no rear setbacks.

- **Use Table Review**

Matt Sullivan stated he took all of the uses and zones and mapped out where there might be some issues. The highlighted rows have some problems, see attached.

Kathy Barnard asked if it will be a pass out sheet.

Matt Sullivan stated he would like pass it out to make it easy to view and would correct it prior to making public.

- **Master Plan Committee Updates**

None.

- **Informational – 58 Keewaydin Road**

Kathy Barnard stated the Board has a memo from the Town Manager and want to move forward, sell, and send to the Planning Board for comments.

Matt Sullivan stated the Town will need to maintain the property until it goes up for sale.

John Thurston questioned improvements prior to the sale.

Matt Sullivan stated that's under discussion but it's not been decided if the Board will make upgrades to the property prior to being sold.

John Thurston asked what the policy with regard to other ones did and how this one happened to be taken over by the Town while other ones that had tax liens on them didn't get taken.

Matt Sullivan stated he did not know the answer and will get additional information on the policy to taking a property.

It was moved by Mike Hodder and seconded by John Thurston to support the sale to add to the existing housing. Peter Goodwin, Vaune Dugan, Kathy Barnard, John Thurston voted in favor. Paul O'Brien abstained. The motion passed.

- **Land Use Books**
Staff distributed such.

VI. New/Other Business

N/A

VII. Approval of Minutes

April 17, 2018

Kathy Barnard stated one correction on page 3, correct Durgan to Dugan.

Peter Goodwin asked to correct page 4 and put a period after the word “necessary” on the second paragraph.

It was moved by and seconded by to approve the April 17, 2018 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

VIII. Planning Board Subcommittee Reports

N/A

IX. Nonpublic Meeting

N/A

It was moved by Mike Hodder and seconded by John Thurston to adjourn the May 8, 2018 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:23 PM.

Respectfully Submitted,

Cathleen LaPierre

Cathleen LaPierre

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

