

TOWN OF WOLFEBORO

PLANNING BOARD

November 2, 2021

MINUTES

I. **Call to Order:** Chair Kathy Barnard opened the meeting at 7:00 PM.

II. **Introduction of Planning Board Members**

Members Present: Kathy Barnard, Chairman, Mike Hodder, Vice-Chairman, Brad Harriman, Selectmen's Representative, Vaune Dugan, Member, Peter Goodwin, Member, John Thurston, Member, Susan Repplier, Member, Julie Jacobs, Alternate.

Staff Present: Tavis Austin, Director of Planning and Development

III. **Public Hearings**

•!• **Town of Wolfeboro- Mill Street Investments, LLC**
Boundary Line Adjustment
Tax Map #218-8 & 218-9

Case #2021-21

Brad Harriman reclude himself from this application. **Julie Jacobs** was made a voting member.

Tavis Austin presented the overview of the application for a boundary line adjustment with an equal transfer of land between lot 218-8 & 218-9. This being in the best interest of both parties.

Mike Hodder made the motion to accept the application as complete. Seconded by Peter Goodwin. All members voted in favor. Motion Passed

Vaune Dugan had questions about the use of the parking area for dining.

Tavis Austin stated that all outdoor dining expires as of November 1, 2021.

Vaune Dugan asked about parking & traffic in the future. Stating that there was recently a Charrette meeting regarding the town with parking discussed.

Mike Hodder asked if there is a plan for the traffic using the parking lot.

Tavis Austin stated that there are plans for future consideration.

Mike Hodder said it would be good if it was one way, either in or out.

Tavis Austin said the BOS would like 30' isle with a 2-way travel. If that is not possible then it might be only one way.

John Thurston said it was just one way for a while. He was also concerned if the setbacks are legal.

Kathy Barnard asked if there was a motion.

Recommended Conditions of approval:

1. Applicant shall be responsible for Monumentation and Certificate thereof.
2. Applicant shall prepare and record deeds to effectuate the land transfer between parcels.
3. Applicant shall prepare a Mylar for recording and all the fees to be borne by applicant.

Mike Hodder made a motion to accept the **Boundary Line adjustment for Tax Map & Lots 218-8 & 218-9** with the conditions in the planner's review. **Seconded by John Thurston**. All members voted in favor. The motion passed.

- **Eastern Lakes Region Housing Coalition** **Case# 2021-22**
Special Use Permit - Raised walkways in Wetland Conservation Overlay District
Tax Map & Lot 175-20-1A

A Site walk was held at 4:30 pm.

Kathy Barnard & Brad Harriman recused themselves from this application.

Mike Hodder will be acting Chairman; **Julie Jacobs** was made a voting member.

Matthew Coughlan addressed the board and described the proposed project. This will be an 1800' non-motorized trail with 6' gravel path on top of an existing sewer line mound that when was installed through the wetlands. By installing the trail on the sewer mound there will not be any further disturbance in the wetland. We will be using the best management practices to reduce any further the disturbance.

Peter Goodwin asked if there will be anything installed to protect the privacy of the tenants at Harriman Hill.

Matt Coughlan said that a fence would help with the privacy issued since the trail would end at the parking lot.

Peter Goodwin asked about trail maintenance, and if the plan would be given to Eastern Lakes Region. He also inquired about maintenance for weeds.

Matt Coughlan said that a maintenance plan would be given to Harriman Hill and that they would be required to add gravel from time to time.

Peter Goodwin asked if the bridges would cause any disturbance.

Matt Coughlan said there are 2 bridges being installed and they would be from bank to bank not cause any further disturbance.

Vaune Dugan asked if the trail would be used for transportation by the tenants.

Matt Coughlan said they would be able to use the trail, but the primary use would be for walking or non-motorized vehicles.

Vaune Dugan asked if there would lights on the trail.

Matt Coughlan said there are none proposed at this time.

Mike Hodder asked if the trail would be ADA accessible.

Matt Coughlan said they would be building the trail to the Forest Service ADA & ABA standards. These are not the same as the standards for sidewalks.

Mike Hodder asked if non-motorized vehicles would include powered wheelchairs.

Matt Coughlan said yes that they would be ok. But no ATV's or Snow machines would be allowed. This would up to ELRHC to decide what would be allowed on the trail.

Mike Hodder asked if the material being used is gravel or stone dust.

Matt Coughlan said it would be a mix of gravel with some stone dust and hard pack material.

Mike Hodder said in the 175-10 & 175-5 regulations they would need to know that there was no other site the trail could be placed. Can you tell us why it has been placed there?

Matt Coughlan said there are two primary reasons. Since this is already an open corridor, we are building on top of the ground that has already been disturbed. This is the higher ground in the area, as there are no alternate routes, you would end up in the proper wetlands area and this is not advisable.

Mike Hodder asked if the trail is part of a project that was previously considered.

Matt Coughlan said he was not sure and asked the planner to answer this question.

Tavis Austin said he was approached by Kathy Barnard to see if Harriman Hill was required to install a trail. After reviewing the file, I found that the Planning Board did not require a trail to be created. But since ELRHC entered a conservation easement the easement required that a trail be built connecting the residential area to route 109A. He feels that is why the trail has been placed here.

John Thurston asks if you are installing any stabilization fabric before putting the gravel down.

Matt Coughlan said yes. The construction method is to excavate the first 3 to 4" to get the organic soils off, then put down geo-tek style fabric for the full width and add up to 6" of hard pack which will then be compacted. To prevent the mixing of soils & vegetation growing up through the tread material. There will be minimal excavation to get the extra material out.

John Thurston as what are you going to do with this extra material.

Matt Coughlan said they would use it in the up-land area to fill in the low spots.

John Thurston asked about the trail ending the on route 109A. He stated that people travel on this part of the road at 30 mph. It will be very hard to try and cross over this road to Bay Street.

Matt Coughlan agreed with this issue. He asks what people do now.

John Thurston stated no one uses it. He asked if the town is going to place a crossing there?

Tavis Austin said this would be a mid-block crossing and the state would not be likely to approve one. The PB did not make this trail a condition as it does not go anywhere.

John Thurston said this is not a transportation corridor it is more of a recreation trail for people in Harriman Hill.

Tavis Austin said my understanding is that this is not going to be open to the public.

Peter Goodwin added if the State allowed a crosswalk in the area given the site line and speed of the people driving on the road you would be misguided to think the drivers would stop for a crosswalk. People who get to the end of the trail and want to go to town are going to need to be careful crossing the street. It is better to not have a crosswalk in that spot and people using the trail will need to understand.

Vaune Dugan added there were 4 members who attended the site visit, and it was a completely disturbed mound where the sewer is buried. It is a very logical place and if a kid is on a bike wants to go to town it is a shorter route with the same crossing.

Mike Hodder asked for a motion to accept the application as complete. With the following conditions:

1. The applicant shall be responsible for payment of all recording fees for the Notice of Decision.
2. All 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 case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining

Peter Goodwin made the motion to accept the special use application for Eastern Lakes Region Housing Coalition, Tax Map# 176-20-IA Case #2021-22 with conditions 1 & 2. Seconded by Vaune Dugan. All members voted in favor. The motion passed.

Kathy Barnard resumed as chairman of the meeting.

•!• **Brewster Academy- Rogers Center**
Site Plan Review- Phase 3 Addition
Tax Map & Lot 218-150-D

Case# 2021-23

Brad Harriman recused himself from this application. Julie Jacobs was installed as a voting member.

Andy Smith, Senior Project Manager for DSK Architects, Concord, MA addressed the board. Phase 3- is an addition to Brewster's Rogers Center. We have applied and received approval for Phase 1 that is happening now. Phase 2 was submitted to the town for the interior renovations for the lower level of the building. Phase 3 is an addition on the lake side of the building. The plan is for a 3700 Sq. Ft addition to the back of the building and will consist of new windows to increase the view, external stairs, and exterior bathrooms for athletes on the field.

This will be a 1 story addition and it will expand the space on the lower level.

We have included a Locus plan for your review. This plan is central to the Brewster campus. The 15th page is level zero. This space is being renovated now and will expand out to the back of the building. The space will have the Robotics lab, ceramic studio & kiln room, Art storage and several external bathrooms for athletes using the field and external stairs.

Page 2 shows the planting plan for the top of the building. This space was formally the gym floor, this will be a space where the students will be able to spill out onto and includes the planting area and stormwater plan. There will be planting beds with natural plants to add to the ecology. This space will also have stairs on the north & south side of the building. This plan was reviewed by the TRC before submission.

Page 3 shows the fiber reinforced rain screen to keep up with the look. Screening over the windows to help with solar heat, Railing on the top & roof screening.

Page 4 is a section drawing showing the plan with the lighting.

Kathy Barnard asked if the signed plan for the stormwater calculations has been done.

Andy Smith stated the report was submitted with phase 1 and a copy was submitted with this application.

Joanne Coppinger spoke to the board to say the stormwater management report is at the end of the application in the stormwater maintenance plan.

Kathy Barnard asked has the stormwater management plan been justified.

Joanne Coppinger stated that Phase 2 is an interior renovation, Phase 1 was what we came before the board for their approval.

Kathy Barnard would like to know if the stormwater plan is working.

Joanne Coppinger stated it is still under construction.

Kathy Barnard asked when it would be complete.

Andy Smith stated the estimated date of completion will be at the end of this month (November).

Vaune Dugan has a question regarding the mechanical area. It is shown on the plan but not on the elevations. Is there going to be screening.

Andy Smith said the mechanical area was approved on the phase 1 application. There will be some galvanized railing to provide screening. We will be expanding this to the west side and that will be the only part in this application.

Vaune Dugan said there is some mechanicals on the plan they look to be condensers.

Andy Smith said this is part of what was approved in phase one. The plan does show a small area that is new and there will be screening.

Vaune Dugan said on the plan it does not show the screening.

Andy Smith said the plan shows it is cutting through the sunken area, so you are not seeing it.

Vaune Dugan said the way the plan is it is hard to show the screening.

Peter Goodwin asked is this construction going to impede any of the neighbors view like it does on the other side of the building.

Andy Smith said he does not feel it would, the view that is lost will be from the Brewster side. And give the height of the addition He doesn't see it blocking anything. If anything, it will enhance the view for the students to see the full panorama of the lake which there are not a lot of opportunities on the campus.

Peter Goodwin said phase 1 was dealing with water issues, does this phase have any water issues.

Andy Smith said the stormwater plan will account for any runoff for this addition and it was addresses in the Phase 1 application. We did take the board's advice for additional green space and added additional stormwater retention which should be an improvement to what was submitted.

John Thurston, asked to speak with Joanne Coppinger. He asked the last time she was here she talked about the foundation drains; you weren't sure where they came out. Have you found them?

Joann Coppinger, yes, the foundation drains are now tied into the stormwater drains.

John Thurston where do they come out.

Joann Coppinger said on the road, on the downhill side in the new swale.

John Thurston asked is this part of the storm water management plan?

Joann Coppinger yes.

John Thurston asked do they do they run down and exit into the lake?

Tavis Austin, no if you look at the plan there are several check dams, throughout and a series of catch basins and infiltration dams. They are all part of the stormwater management plan.

John Thurston, on the east side where the generator was to be placed it had to be moved to get the 10-foot clearances from the building, we spoke about screening. There is nothing shown on the plan.

Andy Smith last time we discussed it was based on the maintenance, and we were not able to discuss what could be screened by a fence, or the need for the screening for the transformer by a fence. Right now, it will not be screened, and no plans have been made to enclose it.

John Thurston discussed the tree planting plan. And made recommendations to the types of trees to be planted.

Andy Smith said there might be disconnects between the rendering and the actual planting plan.

Joanne Coppinger asked for John Thurston to send an email to them to give them his recommendations so they can submit them to the planting architects. For tonight can it be that the approval included the wording for this similar size plants than what is shown on the plan?

Kathy Barnard we could make this one of the conditions.

John Thurston asked on the plan you show fire pits, gas type there are three on the plan.

Andy Smith stated right now there is only one fire pit proposed.

Kathy Barnard asks is there anyone else with anything to add.

Tavis Austin, asked if the landscape plan was done by a licensed landscape architect as he can see no stamps on the plan.

Andy Smith stated yes it was.

Tavis Austin said he feels the board can come up with a new suggestion on the planting plans and not add it to the conditions.

John Thurston said he was under the impression that once the plans were submitted that those are the plans to be used for the project.

Travis Austin said yes, they are. I don't know if the board has enough information to make it a condition of the revised planting plan for the approval.

Kathy Barnard asked for motion to accept the application as complete.

Michael Hodder made the motion to accept the application as complete for Brewster Academy site plan review Phase 3 for the Rogers Center addition case # 2021- 23 Tax Map# 218 -150D. Seconded by John Thurston, A vote was taken, all the members favor the motion passed.

Kathy Barnard opened the public hearing. There was no more comments. The public hearing was closed.

Tavis Austin read the conditions of approval:

1. The following plans, as amended to the date of this approval are incorporated into the approval:
2. **Plan Set:** *Brewster Academy Rogers Center Project, 80 Academy Drive, Site Plan Review Permitting Set, Pages G002, C001 & 002, L1.1, L2.1, L3.1, A100, A101, A301, 303, PH-01*, as submitted October 12, 2021. Project Location: 80 Academy Drive, Wolfeboro, NH 03894, Tax Map 218-150-D as prepared by DSK Architects Dated Received: October 12, 2021. The applicant shall be responsible for providing construction guarantee as outlined in Site Plan Review Regulations.
3. As built shall be submitted when project completed and added to file.
4. The applicant shall be responsible for the payment of all recording fees.
5. Applicant shall coordinate with Staff and complete Construction Observation Agreement and related Surety prior to issuance of Building permits for Phase III.
6. 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.
7. Applicant shall review & consider planting suggestions provided by PB Member John Thurston, as discussed during the meeting.

John Thurston asked the planner about §173-19 Bon design & review.

Tavis Austin said this was added at the request of the board.

Vaune Dugan said this is a matter of process of the review & design.

Tavis Austin said the Phase 1 plans reviewed the Phase #3 elements, including landscaping & screening. The landscaping design was submitted with the Phase 1 application and address at that time.

Kathy Barnard stated the board did not ask them to come back for Phase 3 it was their decision.

Mike Hodder said the only question we had were for screening and 153-19b have been answered.

Mike Hodder made the motion to approve Brewster Academy, Rogers Center Phase 3 Addition Tax Map #218-150D, Case #2021-23 Site Plan Review with the conditions 1-6. Seconded by Vaune Dugan. All members voted in favor. The motion passed.

Brad Harriman return to the meeting as a voting member.

IV. PUBLIC HEARING FOR PROPOSED ZONING CHANGES

- **Amendment to Signs §175-44**

Kathy Barnard. Open the public hearing for the proposed sign ordinance §175 -44.

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article VI, General Provisions, by amending §175-44 Signs, M to delete M 1, Accessory Sign and to renumber the remainder of the section accordingly to clarify the language for permitting and project review.

Tavis Austin said the board is aware of the type of signs in the ordinance, the only place the term *accessory sign* comes up is in the definitions of the ordinance. This makes it confusing. The recommendation was to remove the accessory sign definition to provide more clarity.

Kathy Barnard asked if any members had any questions. Since there were none, she opened the Public Hearing. There were no comments from the public, the Public Hearing was closed.

Mike Hodder made a motion to move Article 2: Zoning Amendment No. 1, Article VI, General Provisions, §175-44 Signs, M to delete MI, Accessory Sign and to renumber the remaining section accordingly to the 2022 warrant. Seconded by Vaune Dugan. Members voted Kathy Barnard, Mike Hodder, Vaune Dugan, Peter Goodwin, John Thurston, and Susan Repplier voted in favor and Brad Harriman, abstained, the motion passed.

- **Amendment to Definitions: Article XXVII, Definitions and Word Usage: Restaurants §175-175**

Kathy Barnard read the proposed ordinance change

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article XXVII, Definitions and Word Usage, by amending §175-175 Terms Defined, amend the definition of Restaurant and further to add the definition of Restaurant, Drive-through to clarify the language for permitting and project review.

There were no comments from the board, the public hearing was then opened.

Roger Murray addressed the board stating the drive through restaurant definition needs some help. The way it is currently worded it could be construed as characterizing all restaurants as drive through as it says "*RESTAURANT, DRIVE-THROUGH A Restaurant which, by design of physical facilities, through or to which one can drive, especially to be served without leaving one's vehicle*" and you can drive to any restaurant in the town of Wolfeboro.

Kathy Barnard suggested adding the words "not leaving the vehicle".

Roger Murray offered a suggestion *"A drive through restaurant is restaurant where the general public can purchase food & beverages without leaving their vehicles"*.

John Thurston said that does not include the A & D restaurants where you can park your car and have food brought to you.

Roger Murray said he did consider the car hop type but didn't think that is something we want in Wolfeboro.

Kathy Barnard said you have given us some wording to consider and closed the public hearing.

Vaune Dugan said we can solve this issue by removing the comma and removing the word especially. It would say the same thing without a comma.

Mike Hodder asked if we make this change do we still have time for it to be on the warrant.

Tavis Austin said this is just a grammatical change.

Mike Hodder said he agrees with Vaune to remove the comma and word especially.

Vaune Dugan made a motion to move **Article 3: Zoning Amendment no. 2, Article XXVII**, with a change in wording for *"A Restaurant which, by design of physical facilities, through or to which one can drive to be served without leaving one's vehicle"*.

Kathy Barnard asked Tavis Austin if this can be amended in time for the warrant.

Tavis Austin said you are just clarifying the language that was advertised.

Kathy Barnard asked for anymore comments. There being none

Mike Hodder made a motion to amend the language and to move **Zoning Amendment No. 2, Article XXVII, Definitions and Word Usage** with a change in wording for *"A Restaurant which, by design of physical facilities, through or to which one can drive to be served without leaving one's vehicle"*. Seconded by **Vaune Dugan**. The member all voted in favor. The motion passed.

- **Amendment to Article 4: Article VI, General Provisions: Sexually Oriented Businesses §175-53**

Kathy Barnard read the next article for review.

Are you in favor of the adoption of **Amendment No. 3 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article VI, General Provisions, by deleting §175-53 Sexually Oriented Businesses in its entirety and replacing it with an amended §175-53 Sexually oriented Businesses to clarify the language for permitting and project review.**

She said this was asking to amend the 175.53 by deleting the entire text and replacing it with 175-53. Which includes review for permitting and project review.

Tavis Austin stated the updates of the 175.53 would make it more current with other models that are being used throughout the state. You have a revised 175-53.1 as definitions with moving same terms from 175-53 to 175-175 with a purpose and intent for uses that spell out the requirements for the application process and stipulates the applicant needs to go through operating requirements. This ordinance is the same that was previously presented to the board with no changes.

Mike Hodder said when 175.53 was crafted it was difficult and was incomplete it did not cover the town with the necessary protection that the revised 175-53 crafted does.

Kathy Barnard asked about the location requirements 175.53.3 "Minimum Setbacks from Certain Uses. A Sexually oriented business shall not be located within five hundred (500) feet of any property of any of the following:" In the other ordinance there were setbacks from dwelling units and may not be located within 250' of dwelling units. Should this be included? It does go on to give setbacks in zoning districts, do we need a setback for dwelling also?

Tavis Austin said the only district this could be applied to is the Pine Hill Road Development District. There are a few single-family dwellings in this zone.

Peter Goodwin added that will not really change the regulation there was a setback of 250' from a dwelling.

Tavis Austin said if the board would like to change something it would require another public hearing.

Julie Jacob said she is confused on the dwelling unit and asked if there is a 500' setback from a lot line wouldn't they already be 500' away.

Tavis Austin said only for the residential district.

Mike Hodder said the way this was written it makes it difficult to have a business in this area, 175-53.1 is in the best interest of the public. I would not be in favor in a change to 200' from a residence.

Kathy Barnard opened the Public Hearing.

Roger Murray said there needs to be a point of clarification in 175-53.3 (2) "Minimum Setbacks from Certain Zoning Districts. sexually oriented businesses shall not be located within five hundred (500) feet of any residential district". I interpret it as any residential district, small r & small d. Under the zoning ordinance most of the pine hill district is surrounded by the residential zoning district. I think you need to clarify on which this is. I think there is a small part of the Pine Hill Road Development District that abuts the Village Residential (VR) district/ Based on the 500' it should be any residential unit not zoning district.

Tavis Austin noted the change as small r (residential) and small d (district).

Roger Murray said you can take out the intent and take out the "of" and it will read "any residential district"

Kathy Barnard asked for any more comments, as there were none the public hearing was closed. She asked for a motion.

Mike Hodder made the motion to move Article 4: Amendment no. 3 Article VI General Provisions 175-53.1 Sexually Oriented Businesses with the changes to the warrant, seconded by Peter Goodwin. The members voted 6 in favor and 1 against, the motion passed.

- **Article 5: Amendment to Lighting and Illumination §175-53.1**

Kathy Barnard read the Article 5 for Lighting & Illumination specifically permitting and project review.

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article VI, General Provisions, by amending §175-53.1 "Lighting and Illumination", to clarify the language for permitting and project review.

Tavis Austin stated the lighting committee met to make some recommendations and changes to the lighting requirements, especially those that apply to Site Plan review. The board made the decision to move the residential components back to 175-53-1 and in doing so the definitions have been moved to 175-175 and moved down to paragraph B. Which has been there all along for non-site plan review projects, Clarified Lumens, hours of operation down & up lighting.

Kathy Barnard asked under Permit Requirements "A building permit shall be required prior to the installation of any new fixtures." Is that residential as well as site plan review?

Tavis Austin said yes. Anytime someone adds a fixture they will need an electrical permit. That will be where the town will be able to review the lighting.

Kathy Barnard asked if a new installation of up lighting is prohibited in the 1st paragraph and in the 2nd paragraph it says up light is prohibited, is that a duplication.

Tavis Austin stated the second paragraph needs to be deleted, as it was omitted previously.

Kathy Barnard asked if the control of the glare will require an engineer to determine.

Tavis Austin said when you purchase a light the lumens are listed on the box.

Kathy Barnard said in Section 3. Residential lighting seems to contradict the need for lighting.

Tavis Austin stated you will need a permit to install lighting, at the original time of installation the light may have met the requirements, but if they upgrade the lights to LED, they need to make sure they are the same lumens as what was there before.

Kathy Barnard then opened the Public Hearing.

Roger Murray asked about

175-53.1 B {3}{1} Residential lighting uses shall not be used, or maintained, in such a fashion as to inhibit or interfere with the use and enjoyment of neighboring properties after the hours of 11:00PM. Under the current ordinance it doesn't allow you to interfere with your neighbors. Why is there a time being added?

Tavis Austin stated this was being added by the lighting committee because of the lights being on 24-7 that could interfere with the neighbors.

Roger Murray said I don't think you should be able to inhibit your neighbor's use and enjoyment up to 11pm. If you stop at 11pm, when can you restart? If you don't put an end time when can you start.

Tavis Austin clarified that what was being asked was if you turn off the lights at 10:59 pm can you restart them on 11:01 PM? Should there be a between hours, example 11pm to 6am?

There was then discussion between the board and the public regarding the noise ordinance time and should the lighting ordinance mirror this. They also discussed how lighting could be causing physical harm by being on.

John Thurston then noted it was hard to differentiate with the calculation method being used without going on someone property to measure. What they are trying to do is to reduce the light for the dark sky ordinance.

Tavis Austin said we need to look at the reason there is a blinding light. There could be a motion activated light that comes on for an intruder or they could just be flood lights that are kept on 24-7.

Vaune Dugan said this is largely unenforceable because you can't prove harm.

John Thurston said it is the same with the noise ordinance.

Roger Murray asked if you can't determine harm it how can someone comply with it.

Kathy Barnard asked if there were any more comment from the public, as there were none, the public hearing was closed. She asked for a motion to move Article #5 to the warrant.

Mike Hodder made the motion to move Article #5; Amendment No.4, Chapter 175 of the Zoning Regulations, specifically Article VI, General Provisions, by amending §175-53.1 "Lighting and Illumination" with amendments to the 2022 warrant, seconded by John Thurston. A vote was taken, all in favor. The motion passed.

- Article 6: Amendment to Pine Hill Road Development District (PHRDD) §175-96 & 175-96.1

Kathy Barnard read the Article 6 Amendment No. 5 for the Pine Hill Road Development District.

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article XV, Pine Hill Road Development District, by deleting §175-96 and 96.1 in their

Entirety and replacing with §175-96 "Permitted Uses", and §175-96.1 "Special Exception Uses" to clarify the language for permitting and project review.

Tavis Austin said we are taking the permitted uses from the C2 district and moving them to the Pine Hill Road Development District (PHRDD) in 175.96. Letter E has a strike through it that should be deleted. It will be corrected for the warrant. There was a change to N (New & used car dealers) and O (Automotive repair and body shops, and small engine repair shops) as requested from the last meeting. The foot notes have been updated for the warrant. 175-96.1 1, sexually oriented Businesses (SOB) in accordance with §175 -28 were moved. There are no officially adopted zoning maps, and I am not sure there is C2 district. The map we are using shows zone this but I don't believe it exists. So I think it is good to make this change.

Kathy Barnard asked in Q-Contractors yard light, it is less than 30,000 lbs. vehicles for special exception and the contractor's yard for more than 30,000 lbs. could that be put in here as it is the definitions?

Tavis Austin said it 's more appropriate in the definitions.

Brad Harriman then asked to be recused from this discussion

Mike Hodder asked if the changes requested on August 17, 2021 have been incorporated.

Kathy Barnard asked about M. Conversion of structures existing as of March 10, 1992, to a boarding, lodging, or bed-and-breakfast. We do not allow boarding. Can we strike that and remove the boarding? She asked the board if there are objections to this change and there was none.

Tavis Austin confirmed that M will remain but he will remove the word Boarding.

Kathy Barnard then opened the Public Hearing.

Roger Murray asked where storage appears in 175.96 there should be a note in 175-96. I Storage Facilities, including self- storage, storage of equipment, and warehouse/wholesale distribution facilities. Should this be setback 150' along with other storage facilities?

Tavis Austin said the board drew a clear line between storage and fuel storage.

Mike Hodder said the difference in 175-96 I. is that we are looking at storage facilities as a use whereas here we are looking at fuel storage areas which are in that use

Tavis Austin said I think 175-96 I has the foot note for 150' and 175-96 C does not require that same setback.

Roger Murray said that is unfortunate, this is one of the gateways to the town, do we really want to remove the oil storage facilities from behind the railroad station and display the 30' back from Route 109. Do we really want these big tanks sitting 30' back from the property lines? I am not objecting to them being there, I just think they should be setback or concealed.

Tavis Austin said in future amendments we should review what type of fuel should have the 150' set back.

Roger Murray agrees that you do permit gas stations.

Tavis Austin said the board meant fuels and not gas stations.

Tavis Austin said at the PHRDD was the towns industrial park and was setup for the storage of fuels that people don't want in down town, The PB required that zone for its use and to require a special exception. The next determination will be to separate gas and fuel storage.

Mike Hodder said 175-96. I- A- light industry was struck out and maybe this should be added to a work session.

Tavis Austin said you could not remove the Phrase "Storage & Volatile fuel" 175-96.1 garages and service stations.

Mike Hodder then asked are you eliminating that use.

Tavis Austin said no because storage of all fuels is not a defined use in the town.

Vaune Dugan added we could solve this by adding a foot note behind fuels and nowhere else.

Tavis Austin said you could add a superscript 1 after fuels to trigger the set back.

Mike Hodder said the trouble with that is what kind of storage of volatile fuels are we talking about is it 25 gal tank or a 5000 gal tank.

Tavis Austin said my point is that the use not defined.

Mike Hodder said I don't think we should be messing with the language as we are opening a can of worms. I think we should put that on a work program.

Tavis Austin thought that was a good idea.

Mike Hodder said when the public hearing is closed I would move this article to the warrant with the provisions of a revisit to that section in the future.

Kathy Barnard asked for anymore comments, as there were none the Public hearing was closed.

Mike Hodder made the motion to move Article 6, Amendment No.5, Article XV, Pine Hill Road Development District to the 2022 Warrant with the amendments noted and superscripts in 175-96.1 A, Seconded by Vaune Dugan. All voted in favor. The motion passed.

Brad Harriman returned as a voting member.

- **Article 7: Amendment to Definitions related to Article XXVII, Definitions and Word Usage §175-175**

Kathy Barnard turned the description of the next Article over to Tavis Austin for explanation.

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article XXVII, Definitions and Word Usage, by adding the terms §175-175 "Adult Arcade", "Adult Bookstore or Adult Video Store", "Adult Cabaret", "Adult Motion-picture Theater", "Adult Theater", "Cutoff Angle", "Direct Light", "Fixture", "Floodlight or Spotlight", "Footcandle", "Fully Shielded", "Glare", "Height of Luminaire", "Illuminance", "Kelvins", "Lamp", "Light Trespass", "Lumen", "Luminaire", "Outdoor Lighting", "Partially Shielded", "Principal Business Purpose", "Specified Anatomical Areas", "Specified Sexual Activities", "Temporary Outdoor Lighting", and "Uplighting" to clarify the language for permitting and project review.

Tavis Austin suggested in place of reading all the proposed changes he explained that this was to put all definitions in one place.

Kathy Barnard said she spoke with Tavis earlier regarding the notice for this amendment as it was placed in the paper. It only referred to the Sexually Oriented businesses.

Tavis said the earlier article 175-53 includes the definition and that it will be moving to 175-175.

The Board then discussed the moving of the definitions to one central place.

Kathy Barnard asked for anymore comments, as there was none, the public hearing was closed.

Mike Hodder made the motion to move Article 7, Amendments No 6, Article XXVII, Definitions and Word Usage to the 2022 warrant, seconded by Peter Goodwin. All voted in favor.

- **Article 8: Amendment to Bay Street limited Business District (BSLBD) Boundary §175-2, C, 9**

Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Wolfeboro Planning and Zoning Ordinance to amend Chapter 175 of the Zoning Regulations, specifically Article I, §175-2 District Boundaries, C. Descriptions, (9) Bay Street Limited Business District

(BSLBD), by amending to district boundaries to clarify the language for permitting and project review as follows.

Kathy Barnard asked for the sample map to be handed out to the board.

Tavis Austin said he will not read the full Amendment as it is a long one. He would like the board to consider next year to adopt an official zoning map. As the one they have been using is not approved, because of this he feels the C2 district may not exist. He noted the descriptions of the zone have not stayed current with the zoning changes. The intent of this article is to rezone the parcels along filter bed road. The PB, Subcommittee members & land owner's decision was made to extend the BSLBD to include the parcels that are shown in the current residential zone. One parcel 190-20 was zoned C2. The Proposed text this evening excludes this parcel even though it shows it in the zoning layer. In my research I found it became VR in 2018. After going through the zoning history I cannot find how or why it was made VR. I will need to insert 190-20 into line #9 to correct this. This is not a rezoning of the property it just a correction.

Mike Hodder asked where it will be going in the text.

Tavis Austin said on the 7th line down in the new text and he will need to add a comma and #20 to correct this.

Kathy Barnard asked if the handout shows this parcel.

Tavis Austin noted that storage is not a permitted use in the BSLBD but it is in the PHRDD.

Vaune Dugan asked during your research did you find when it was turned into the C2.

Tavis Austin said it was C2 and then it was BSLBD.

Kathy Barnard opened the Public hearing.

Chris Pongratz spoke only to correct the tax map & lot on his property.

Kathy Barnard asked for more comments as there were none she closed the public hearing.

The board then had a discussion on the corrections needed for the zoning map.

Mike Hodder made the motions to move Article 7, Amendment No. 6 Article I, §175-2 District Boundaries, C. Descriptions, (9) Bay Street Limited Business District (BSLBD) to the 2022 warrant as amended, seconded by Vaune Dugan, The members voted all in favor.

V. Discussion Items.

Tavis Austin said the Planning Board has received a request for comment from the BOS for a Class VI road waiver. The property owner would like a waiver to install power poles to his property for electric. The owner needs the waiver for the MED to install the poles so he has power and then build later. He is having a septic plan prepared and the property already has a well. This property is 400' from the end of North Line Road on a short section of the Class VI part of the road. There is an existing 12' x 20' cabin on the property.

Peter Goodwin stated the Natural Resource community & the Master Plan recommends no development on Class VI roads. The master plan indicated when you have a small change you get more changes. I am opposed as per the master plan.

Brad Harriman said I think this a key issue as there is an existing camp. They are wanting to make it more usual for them when they come up to stay. They have a well and getting a septic plan to update the camp.

Kathy Barnard asked if this could be for only this existing land.

Tavis said the approval is for the property not the owner.

Mike Hodder asked when this section of North Line Road became a Class VI road. He remembers this being a passable when he first came here.

Tavis Austin said past this property the Police Dept. has their practice gun range.

Peter Goodwin asked how the Police get to this range, if the road is not passable by vehicles.

Brad Harriman said a road becomes Class VI after there has been no use for 5 years.

Tavis Austin said because of RSA 674.41 they need to get approval before the MED can get them power.

John Thurston said this is an old road as it was at one time a stage coach road to Port land.

Kathy Barnard said we will need a motion in order to send a memo to the BOS and asked for a motion.

Mike Hodder would like to make it clear that one board member is not in favor of this memo and would like that included in the memo.

Tavis stated a sample memo to BOS.

At their November 2, 2021 Planning Board meeting, the Board discussed the proposed RSA 674:41 waiver request submitted for the Selectman's consideration for 527 North Line Road (TX #52-04).

The Board made several comments related to the multiple sections of the 2019 Master Plan that discourage further development on Class VI roads; one member even recalled a past Memo to the Selectmen also discouraging development on Class VI roads.

While the majority of the Planning Board was generally not supportive of the waiver request, there were at least two members who did not agree the expressed majority opinion.

A vote was taken 6 for and 1 abstention.

VI. Planning Board Subcommittee reports

Kathy Barnard reported on the Short Term Rental committee decision (See attached minutes).

The board then discussed the way other towns are handling the short terms rentals and decided to wait and let the courts make the decision. Then we can decide how to go forward.

Tavis Austin reported on the Charrette. They were very impressed with the town. It was the largest charrette group they have ever done. They made many suggestion and they full report is on line to the public to review.

Vaune Dugan reported the Heritage Commission has a meeting on November 15 at 5:00 pm in the Annex meeting room.

VII. Approval of Minutes there no minutes for review.

VIII. New/ Other Business

Julie Jacobs asked about the time the Planning board meeting are held. They start at 7:00 pm. And asked if all the Boards start at 7:00 PM or can we start earlier at 6:30 pm.

The board discussed the possibility to change the meeting time soon.

Tavis Austin will need to check on the whether they can do this.

Mike Hodder made the motion to adjourn, seconded Peter Goodwin. All voted in favor.

Respectfully Submitted,

Terry Tavares

Terry Tavares

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

NOTE: Corrections for these minutes can be found on the 11-16-2021 Planning Board minutes.

Town of Wolfeboro
Short Term Rental Subcommittee
Planning Board
Meeting Minutes
October 18, 2021

Present: Geordy Hutchinson, John Thurston, Cindy Melanson, Peter Cooke, Tavis Austin (Town Planner), Kathy Barnard

The meeting was called to order at 8:00 AM.

The minutes of September 20, 2021 were reviewed. A motion was made and seconded to approve the minutes. All present voted in favor of approving the minutes with one abstention.

John Thurston then reported that we had information from Madison. Madison is looking at the use of accessory building as the use for short-term rentals. Thus far, it is only being discussed. This then led to a discussion about why Wolfeboro does not allow detached accessory buildings as dwellings. Kathy and John said this has been in place for a long time and no one has asked to change it. Further, in many times it cuts down on the coverage on a lot. If, in the future, there is an interest, then the Planning Board will consider the issue.

The Committee then considered the Purpose statement for the committee.

Differentiate between short-term and long-term rental - This was discussed by the committee and it was determined that a maximum of 31 days seemed to make sense. The majority of the committee agreed with this statement, with one member not in favor.

Determine the impact short-term rentals may have on Town Government, the community and property owner. It was agreed that it didn't seem to be a problem based on the meeting with Town officials. The community seem to thrive over the summer with many tourists. Meetings with property owners were split. There was testimony about the disruption in residential neighborhood by some short-term rentals. Others mentioned they rented their properties in the summer to help pay the taxes.

Determine if this leads to commercialism of residential neighborhood. The committee agreed that the memo from our attorney indicating that residential property owners have a right to rental their residential property. There was a member that did not agree with this statement and felt it did lead to commercialism of the neighborhood.

Has the integrity of the zoning ordinance been upheld?

Bed and Breakfast are allowed in many residential zones with a special exception.

Boarding Houses are not all owed.

Inns and motels are allowed in commercial zones and some preexisted the ordinance requirement.

Dormitories are allowed in the VR.

It seems that the regulations are in place and should be followed.

It was mentioned that all complaints are investigated and there are many obstacles in doing this.

The issue of the need for people to follow the fire code is important and does not seem to be in place.

It was stated that due to the split in the committee it was difficult to make progress.

Tavis mentioned that he had to talk to the attorney who said this is a land use issue and it is difficult to enforce. The attorney also mentioned that if someone has done this in the past no enforcement can be taken against the property owner. It was also mentioned that grandfathering is difficult to prove. There is no sunset provision for this issue.

Tavis also mentioned that the police are using their enforcement techniques in the best interest of the Town,

The committee all agree that Wolfeboro has a housing issue. This is an issue that requires some attention by Town officials.

Further it was agreed that the committee needs to disband until we have a better idea of how some of the approaches taken by other communities are working for them.

Therefore, the committee has disbanded for up to a year.

Submitted by Kathy Barnard
