

Wolfeboro Planning Board

August 17, 2021

Minutes

I. Call to Order

Kathy Barnard called the meeting to order at 7:00pm at the Great Hall in Wolfeboro Town Hall. A quorum was present. The Board was introduced.

II. Introduction of Planning Board Members:

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

Members Absent: Vaune Dugan, Excused.

Staff Present: Tavis Austin, Director of Planning & Zoning; Mary Jane Shelton, Recording Assistant.

III. Public Hearings: None

IV. Public Meetings:

PHRDD Amendments Discussion:

Brad Harriman recused himself from the PHRDD discussion.

Kathy Barnard reviewed that light contractor's yard is a permitted use and heavy contractor's yard requires special exception. Mike Hodder stated from his notes of July 31, 2021, that §175-96, "D" seasonal outside storage had not been included because it was understood that it was a permitted use and suggested deleting "D". Peter Goodwin questioned who would be enforcing such, and agreed with deleting.

Mike Hodder questioned the need for §175-96, "F", Note 3. Tavis Austin stated that Notes 1 and 3 under that section could be deleted. Note 2 will become Note 1.

§175-96, "P" grammatical changes were suggested as follows: "Conversion of a permitted use to another permitted use with no change to the exterior of the building or parking."

Superscripts should be changed to reflect the change of "Storage facilities shall be set back 150 feet from all state numbered highways, and the existing vegetation shall be preserved in said setback." is now 1.

Mike Hodder questioned the removal of laundry/cleaning services as permitted uses. Kathy Barnard stated that was part of Article 5 in 2020.

Mike Hodder stated that "E" Contractor's Yard Light should include "d." as it was originally and should also be included under regular Contractor's Yards.

Mike Hodder referenced "H" Cemeteries for human beings was dropped at the July 31, 2021 discussion, and "J" should be revised to remove town water and sewer. Kathy Barnard and Tavis Austin stated that "J" should state "Nonprofit housing for the elderly, nonprofit or affordable." Tavis further stated that the "Notes" will be reviewed and Peter Goodwin questioned if the set back should be quantified in Note 1.

John Thurston questioned why §175-96 "D" is being removed. Tavis Austin suggested a modification to the definition of "yard". John's concern is that removing "D" and not amending setbacks could allow for undesirable items to be stored in the front yard. A discussion ensued as to whether "D" constitutes a "use". Tavis Austin recommended that "D" be removed and that he will come back to the Board with a modification of the definition of "front yard".

Julie Jacobs referenced "O", "new and used car dealers...." She feels it should be separated into new and used car dealers versus small engine and automotive repair shops. Tavis Austin stated that there is also a difference between an auto repair and an auto body shop. It was decided to separate them into two categories: "O" New and used car dealers, and "O+" Small engine repair, automotive repair and automotive body shops.

Julie Jacobs questioned the rationale of the specific establishments listed under "H" Retail/Stores and shops for the conduct of any retail business or personal service. Tavis Austin suggested listing "offices, restaurants, banks, indoor theaters, recreational use and similar services."

Tavis Austin stated he was still working on §175-53 - Adult Oriented Businesses. Kathy Barnard requested that the definition be completed prior to a public hearing.

John Thurston referenced §175-96.1 Special Exception Uses “E. c.” “Bulk storage of salts...”. Kathy Barnard and Mike Hodder stated that adding back in “D” to that section would afford the protections John is looking for.

Julie Jacob questioned the reference to signs contained in §175-96.1 Special Exception Uses “D” “Storage of volatile fuels...”. She recommended removing the sign reference. Mike Hodder cautioned removing it as it does not currently exist in site plan review or signage regulations. It was decided to keep the sign reference in until signage for fuel dispensing islands is addressed elsewhere.

Peter Goodwin suggested including “clinics” along with hospitals under §175-96.1 Special Exception Uses “G”. It was determined that a clinic would qualify as an office.

Mike Hodder made a motion, which was seconded by Susan Repplier, to instruct Tavis Austin to review and incorporate the changes recommended to the Pine Hill Road Development District zoning language amendment and present to the Planning Board at a future meeting. Motion was approved, 6 in favor with 1 abstention.

Restaurant Definition Discussion:

Tavis Austin presented his recommended changes to the Board. Kathy Barnard stated, based upon the feedback from the public forum on this topic, she feels it would be a mistake to add a definition of drive thru restaurant but rather leave it the way it is currently which states they are prohibited. A discussion ensued as to permissive zoning versus zoning where there are specified prohibited uses. The current Wolfeboro zoning is permissive.

After considerable discussion, the following definition was recommended:

Restaurant: “A commercial establishment open to the general public where food and beverage are prepared, served and consumed primarily within the principal building but which may, by service or packaging procedures, permit or encourage the purchase of prepared read-to-eat foods intended to be consumed either on or off the premises. Restaurant drive-throughs are prohibited.”

Housing Opportunity Zones Discussion:

Mike Hodder gave an update on the legislation and described a housing opportunity zone as an area designated by a Town through vote at town meeting.

This allows the Selectmen to provide a property tax abatement for a term of ten years to a developer who wants to put up affordable housing in the designated zone, with certain income requirements, etc. Purpose is to encourage development of affordable housing. Mike Hodder outlined the steps that would need to be taken if the Planning Board wanted to pursue such. The purpose is to provide an incentive for the creation of affordable workforce housing.

John Thurston stated that could be a concern if a housing opportunity zone put a burden on town water and sewer versus a zone not within those services. It was recommended that Tavis Austin work on designing a housing opportunity zone overlay district which excludes the shorefront residential district but includes all of the other districts and takes into account public services, minimum lot sizes, density etc. Mike Hodder stated that the proposal is only to put an HOZ abatement on the ballot to allow the tax abatement incentive to exist to encourage affordable housing development. Brad Harriman stated that any application for an HOZ abatement would be subject to both Board of Selectmen review/approval as well as site plan review.

Mike Hodder made a motion that the Planning Board request that the Planner retain counsel and draft language for including/adopting RSA 79:E-4C on the 2022 Town warrant which the Planning Board could review/discuss at a future Planning Board meeting. Kathy Barnard seconded the motion. The motion was approved by a unanimous vote, 7-0 in favor.

Lighting Committee Update:

Tavis Austin gave a written summary of recommended updates to §175-53.1, §173-27.2, definitions, permit requirements, prohibitions and regulations. He stated that the objective is to put all regulations in one location.

Mike Hodder asked for clarification that the last sentence under “(D) Commercial Lighting” would be removed. Tavis Austin confirmed such.

Tavis Austin pointed out that “Prohibitions” under §173-27.2 Outdoor Lighting are not just for commercial lighting and include mercury vapor, laser, search lights, etc. He then reviewed items (6) and (7) under this section, identifying what additions were recommended. Peter Goodwin stated that laser lights are low wattage and asked if they were exempted. Tavis Austin stated they are currently prohibited. Mike Hodder made the following recommendations to item (7) under Prohibitions: “Moving lights, or those that give the appearance of movement, fluttering, blinking, or flashing lighting devices, where prohibited (see exceptions in Section C).

Julie Jacobs, in coordination with Tavis Austin, made the following recommendations under §173-27.2 Outdoor Lighting, Permit Requirements: (A) General lighting requirements: “(1) All lighting in the Town of Wolfeboro is required to have full cutoff shielding; (2) Up-lighting by any method is prohibited; however the Planning Board may allow limited use of upward landscape lighting on a case-by-case basis, provided the lighting does not spill onto neighboring properties or public ways...”

Kathy Barnard asked for clarification that a flyer was being created in conjunction with the removal of the lighting guidelines. Tavis Austin stated that the flyer created by Peter Goodwin regarding dark sky currently covers much of this information, however he will prepare an additional flyer if the Board would like a stand alone piece on this subject. The Board requested a specific lighting flyer.

Kathy Barnard stated she is still concerned about moving residential lighting into the site plan review for single family homes. She stated site plans are for commercial buildings and operations. Tavis stated the intent of moving things into the site plans regulations was if the Planning Board wanted to change the lighting regulations in town, it could be done through a site plan public hearing. Kathy Barnard stated that doesn't change the direction that site plan regulations are for commercial establishments. She further cited that the proposed language speaks to lighting for one and two family dwellings, but was under the understanding that would be deleted from the ordinance. Tavis Austin's recommendation was to take section “(C)Residential lighting” and move it into the §175-51, regular zoning. Originally the committee wanted to put all of the lighting into one place. Mike Hodder agreed with Kathy Barnard that it should be moved.

Tavis Austin stated that he will bring the recommended changes back to the Board at a future meeting for review/approval prior to scheduling for public hearing.

Public Comments: None

Review of Minutes:

Kathy Barnard asked for a correction of the number of votes in favor on all items which should have been seven (7). At the outset of the meeting, Vaune Dugan was

not present and that inadvertently got carried throughout the minutes. The final approved minutes will reflect this change.

Mike Hodder requested, on page 11, to delete the word “parking” as it was redundant. “Mike Hodder made a motion to grant a waiver for parking requirements...”. Then on page 13, delete “Mike Hodder asked how the housing opportunity zones will be addressed and what the plan is so that it can be put on the warrant.”

Mike Hodder made a motion, which was seconded by Kathy Barnard, to accept the minutes as amended. Motion was approved unanimously by a vote of 7-0 in favor. Motion passed.

Adjournment:

Mike Hodder made a motion, which was seconded by John Thurston, to adjourn. All voted in favor by a vote of 7-0. Motion passed.

Meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Mary Jane Shelton, Recording Assistant