

## **Wolfeboro Planning Board**

**July 20, 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; Julie Jacobs, Alternate Member .

Members Absent: Susan Repplier, excused.

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

#### **III. Public Hearings: None**

#### **IV. Public Meetings:**

##### Discussion of GoToMeeting post-COVID:

Suzanne Ryan sent a notice to Kathy Barnard asking the Planning Board to reconsider allowing the public to still be able to attend Planning Board meetings via GOTOMeeting. Tavis Austin explained that the Board cannot take public comment or testimony by phone or video chat as there is no way to determine who else may be in the room. Tavis encouraged that the Board meetings still be recorded but to not use for live public input. The public could submit questions and/or comments via email to the Planner to be addressed at the meetings. Tavis will coordinate which audio recording is more efficient for minute taking.

### CIP Presentation Update:

Tavis Austin had distributed a guideline to Board members prior to the meeting. Currently, the first step after completion of CIP is to bring it first to the Planning Board and then to the Board of Selectment. The new procedure will include a third step where it will be brought to the Budget Committee.

### Charette Update:

Tavis Austin reported that Plan NH and the Heritage Commission have worked on a revised scope area to be covered which will be a horseshoe from Center Street down to Lehner Street and including Foss Field. Heritage Commission is working on some visuals to educate public about the process and dates, etc. Letters of support have been received from Planning Board, Board of Selectmen as well as others. Weekend of October 23, 2021 is targeted.

Mike Hodder inquired about the Planning Board recommendation letter, which Kathy Barnard explained was her original letter regarding the Charette. Mike Hodder then asked if the Heritage Commission could act as point people on this and provide Planning Board with copies of any revised Charette documentation. Vaune Dugan responded that there is a steering committee on the Heritage Commission which will keep the Planning Board up to date. John Thurston inquired if the Charette will be virtual and was advised that it is anticipated to be in person at this time.

### Drive Through Forum Update:

Kathy Barnard advised that all of the survey and public input has been collected and tabulated. Mike Hodder reported that the Survey Monkey received 367 responses, of which 75 wrote out lengthy comments. The final tabulation of Survey Money was 290 opposed to drive through restaurants, while 77 were in favor (79% opposed; 21% in favor). Of the 43 people in attendance at the public forum, 42 were opposed with 1 in favor. There was excellent press coverage pre and post event. Lots of coverage was evidenced in Social Media, with the majority of the feedback in opposition. In summary,

the overwhelming majority of public input was in opposition. Mike Hodder concluded that the Board has three choices when considering drive through restaurants:

1. Leave current prohibitions as written in the regulations and do nothing;
2. Craft a new definition, stronger and more complex that currently exists;
3. Permit drive through restaurants in specific districts, however, the public is clearly opposed to that.

John Thurston stated that we do not have the legal ability to restrict franchise as it is discriminatory. In response, the Town came up with architectural guidelines.

Mike Hodder reiterated that the public conveyed through the various forms of feedback that they do not want the Board to allow drive through restaurants.

Peter Goodwin commented that he believes the Town's current food service is more efficient for contractors etc. as well as encouraging productive interaction between those customers.

Vaune Dugan stated that the purpose of the forum was to poll the public as to their preference on this issue. She feels the public has clearly spoken and is opposed and the Board should let it rest with that response.

Kathy Barnard requested that the issue be included on either an August or September agenda work session. Tavis Austin suggested making the definitions clearer and/or stronger and he will work on that prior to the subject work session.

#### Technical Review Committee Update:

Dave Ford, Director of Public Works, has determined that his review of applications being submitted to the Planning Board is not needed and, therefore, he has not been attending TRC meetings. Kathy Barnard, as a

member of the Committee, has always valued his input and inquired to Jim Pineo regarding the same. Without all of the attention to stormwater runoff, she feels it is even more important that he review these applications. Jim Pineo advised that management of Best Management Practices of stormwater runoff should be the burden of the developer. Jim also stated that they need something in their budget to cover items that need to be reviewed by a Public Works Director, or similar. Tavis Austin explained that there has been a long standing tradition of the Public Works Director basically doing private engineering work to assist the applicant. Tavis Austin agrees that the applicant should be bearing the cost of any engineering work. However, the Town Planning Board also needs to know if the amount/rate of stormwater drainage of a particular project is able to be handled by the existing Town infrastructure. The Planning Board needs to know the implications of a project but not necessarily bear the cost of engineering advice.

Vaune Dugan reinforced that town employees often are requested to perform tasks outside of their job description, and should be compensated for those.

Mike Hodder finds the situation disturbing because, TRC as part of site plan review, the Planning Board depends on it providing the Planning Board with impartial reviews (partial to the Town) of projects which could impact the Town. There is only one engineer in the TRC process who is also a Town employee. If the Town were to hire an outside consultant, we would not have the same confidence. Mike Hodder would not want to lose Dave Ford's input.

Tavis Austin explained that the critical information is when there is a formal site plan which is most beneficial. A third party does not know what a town infrastructure can handle etc. This would be a benefit of moving the design guidelines into the site plan review. It comes down to what information is available when.

Peter Goodwin inquired if there was a way to streamline the review process for Dave Ford via a written report which is less time consuming, but just as effective.

Tavis Austin made a suggestion that all proposed project packets could be sent to all department heads who then respond with their suggestions. All Department Heads have a sign off and written comment period for something as simple as a single family home, but that is not done for site plan review or subdivision. Materials could be emails to department heads with a requested response date.

John Thurston stressed the importance of someone being there in person versus email responses.

Tavis Austin suggested application materials be sent to all department heads, whose responses are synthesized into one document which is then sent to the applicant prior to the TRC meeting, and those issues are then addressed at TRC before being scheduled for a public hearing.

Brad Harriman addressed the proposal of a consulting engineer to do a review prior to TRC review and suggested budgeting an engineering review prior to TRW review. Kathy Barnard stated that there is a revision for the Planning Board to recoup costs incurred for consulting engineering and subsequently the authority to charge applicants.

Tavis Austin stated that he will have a conversation with the Town Manager regarding the TRC and the review/approval process. Due to the scheduling and deadline process that, if approved, may not be able to be implemented until next year.

#### Implementation of Master Plan:

Peter Goodwin pointed out to Kathy Barnard that there is no implementation plan for the Master Plan. Kathy asked if anyone was interested in being on such committee. Peter Goodwin speculated that many of the existing committees may already be addressing these issues. The Board then asked Peter Goodwin if he would take point on this and reaching out to forming a committee and bringing its membership to the Planning Board for approval.

Kathy Barnard suggested putting this on the agenda for September and in the meantime, at the suggestion of Julie Jacobs, see if there is anyone who worked on the Master Plan willing to be interested in being involved as a volunteer.

Pine Hill Road Development Zoning:

Brad Harriman recused himself as he owns property in that zone.

Tavis Austin presented a document incorporated all the current uses of Pine Hill Development District as well as those of the C2 District with attention to addressing Adult Oriented Business, Contractor Yards, Industry (light vs regular), Storage of Volatile Fuels, etc.

The Board asked Tavis to go back and merge permitted uses of C2 with those of Pine Hill Road Development District with the exception of industry, replacing it with light industry and include industry under special exceptions. Discussion ensued about storage of volatile fuels, etc. as being a permitted use versus a special exception.

Kathy Barnard brought up discussion of Article 5 from 2020, where storage of heavy industrial and mechanical equipment was moved.

Mike Hodder pointed out that 175-96-I was not carried forward, (150' setback), and instructed that it should be included. Mike Hodder also stated he would like to see 175-96-J under Special Exception. John Thurston believed that 175-96-J should be a permitted use by right, and made a motion that it should stay that way. There was no second for that motion.

Tavis Austin stated that he was requested to take the permitted uses from C-2 and include them with the permitted uses for Pine Hill Residential District, and also take the Special Exception Uses from C-2 and also place them in the Pine Hill Residential District due to the emergency need to update the Pine Hill Residential District.

**Peter Goodwin made a motion to move use (J) location of Volatile Fuels, filling stations and/or garages from etc. the C-2 District to the Pine Hill**

**Residential District, Special Exception Uses. Motion was seconded by Kathy Barnard. The vote was 3 in favor, 1 abstention and 1 recusal.**

Mike Hodder asked to clarify with Tavis Austin, that all of the state and administrative rules, best management practices and NH TES fact sheets, etc. referenced in the revised Pine Hill Road development district ordinance are all current and will remain with those numbers for the foreseeable future or is there any way of referring to these documents in a generic way that would not render them moot. Tavis responded that he would research and report back to the Board with a recommendation.

Mike Hodder then addressed 175.96 1 M. In particular, 175.53, Adult Oriented Business Provisions was unfinished and needs to be completed to protect the town. Tavis Austin offered to craft language for that ordinance.

Vaune Dugan stated that light industry needs to be defined as permitted by special exception; and items (e), (f), (g), (i), (k), and (l) go under permitted uses. John Thurston believes this needs further discussion. A lengthy discussion followed, including review of the definitions of several special exception uses, after which the consensus was that Tavis Austin will redraft the PHRDD language for further review.

**Stormwater Regulations Update:**

Kathy Barnard stated these regulations were adopted in 2014 and that Wolfeboro Waters Committee was created one year ago. A meeting with the Wolfeboro Waters mitigation and prevention committees at the request of the then current Planning Director to gain assistance with the Stormwater Regulations. The regulations drafted through this process by the previous Planning Director were then reviewed by Tavis Austin, the current Planning Director who made some further revisions. That version of the regulations was forwarded to the Conservation Commission, Wentworth Watershed Association and Wolfeboro Waters for review.

The information reviewed by the Planning Board at tonight's meeting is the feedback from Wolfeboro Waters and Wentworth Watershed Association on the stormwater regulation.

John Thurston gave background information on how the regulations were developed and goals of the same.

**Mike Hodder made a motion that the Planning Board adopt the recommendation in Tavis Austin's July 20, 2021 memorandum to the Board on this subject (a copy of which is included in the public record). Kathy Barnard seconded the motion. The Board members voted unanimous in favor of the motion.** Tavis Austin commented that he feels the regulations do need some revision, with consideration of all of the work currently invested in them, and recommended the Stormwater Management Subcommittee meet with Wentworth Watershed Association, Wolfeboro Waters and Conservation Commission to discuss the same.

#### Filter Bed Road Update:

Mike Hodder identified one area on the proposed Baystreet Limited Business District map that should have been labeled as Village Residential. The Board reviewed the Proposed Zoning Map Amendment as presented by the Planning Director. Tavis Austin will put a draft together for discussion at the next Planning Board work session so that a public hearing can be scheduled.

#### Lighting Committee Update:

John Thurston presented a draft document containing the general regulations and the site plan regulations along with the definitions to accommodate the site plan regulations. The committee reviewed other town regulations as to how dark sky coverage is achieved. There seems to be an issue in the commercial area when businesses are retro-fitting fixtures to LED. One recommendation for residential areas is to require fully shielded cutoff lighting or use of motion detector lighting after 11:00 pm. The committee is also suggesting the use of colored LED lighting for public areas such as Bridge Falls Path, Cate Park, Foss Field etc. Brad Harriman offered that the Board of Selectmen have contracted a lighting engineer to look at that those areas. Peter Goodwin made the comment that commercial businesses may not realize that a permit is required when changing from incandescent to LED lighting nor that they have a choice of a color temperature. He also stated that the Natural Resources committee has



recommended in the past similar recommendations for residential areas and contained such in a brochure they designed.

The Board reviewed the lighting regulations and discussed implementation and enforcement. There was also a discussion of lit signs which are not on the exterior of a building and if they are under the jurisdiction of lighting or signage. The Board will review the regulations in detail at their August meeting.

Impact Fee Update:

The Town Manager advised Tavis that the 2021 budget would not include the fees for Phase II and that should be included in the 2022 budget. Tavis will reach out to the consultant to ensure he is amenable to that.

Other:

Kathy Barnard advised that she and Tavis Austin, at the suggestion of Linda Murray, are going to meet with the Police Commission regarding enforcement of noise disturbance, etc. related to short term rentals prior to addressing the Board of Selectment on these issues.

Review of Minutes:

**Mike Hodder made a motion regarding the July 8, 2021 minutes, which was seconded by Kathy Barnard, complimenting the clear and accurate recording of complex statements of the public at an important public forum. Board members voted unanimously to approve said minutes.**

**Peter Goodwin made a motion, which was seconded by Kathy Barnard, to accept the July 6, 2021 Planning Board minutes as presented. Board members voted unanimously to approve said minutes.**

Adjournment:

**Julie Jacobs made a motion, which was seconded by Vaune Dugan, to adjourn the July 20, 2021 Planning Board meeting. Board members voted unanimously in favor.**

Meeting adjourned at 9:36 pm.

Respectfully submitted,

Mary Jane Shelton  
Recording Assistant