

**TOWN OF WOLFEBORO
PLANNING BOARD
December 19, 2017
MINUTES**

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

Member Absent: Dave Alessandroni, Alternate.

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

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Town Hall Great Hall.

I. Introduction of Board Members

Chairman Barnard introduced the members of the Planning Board and Staff.

II. Public Comment

None.

III. Public Hearings

§ 175-175 Terms Defined; Remove definitions of Hotel, Motel, and Inn and insert consolidated Hotel, Motel, Inn definition.

§ 175-27.6-12. Steep Slope Protection District; Add clarification in Applicability section and redefine Site Disturbance to include any excavation that does not remove vegetative cover.

§ 175-10.A.3 Wetlands Conservation Overlay District, Special Uses; Remove Technical Review Committee and replace with Planning Board for review of projects where no NHDES dredge-and-fill permit is required.

§ 175-44 Provisions Applicable to All Districts, Signs; Amend the Sign Ordinance to remove content-based regulation pursuant to changes in federal law. Amend type and dimension tables to include all zoning districts. Add lighting standards for consistency with existing lighting section of zoning ordinance. Add clarification for sign definition within section.

§ 175-67 Shorefront Residential District, Shorefront Lot Improvement Standards; Redefine waterfront buffer grid segments from 50'x50' to 25'x50' and point requirement from 50 points to 25 points in those grid segments in accordance Senate Bill 30 and resulting changes to the Shoreland Water Quality Protection Act, RSA 483-B.

§ 175-116 Wolfeboro Falls Limited Business District; Change Inns from a Special Exception Use to a Permitted Use.

Accessory Dwelling Units; to permit Accessory Dwelling Units, by Conditional Use Permit, in the Pine Hill Road Development District, C2-WC District, Route 28 Mixed Use Business District (C2-Route 28), Wolfeboro Falls Limited Business District, and South Wolfeboro Limited Business District in accordance with RSA 674:71-73. This amendment includes removal of Accessory Apartment References.

Brad Harriman recused himself from discussion and vote on amendments to § 175-44.

Matt Sullivan stated the current definitions of Motel, Hotel/Motel and Inn would be deleted and the following definition is proposed; *A building containing at least five and not more than fifty (50) individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation, may provide dining services and amenities to its guests and to the public and may host special functions, such as weddings and conventions.* He reviewed the following proposed changes to

the Steep Slope Ordinance; noting such would require a second public hearing as a result of a change to the proposed language following the posting of the amendment;
Applicability. This article shall apply to all areas with a slope of 15% or greater, as shown on the Town's Steep Slopes Map, and where the proposed site disturbance of slopes of 15% or greater is greater than a cumulative 20,000 square feet as shown via a site-specific topographical survey.
Site Disturbance. Any activity that removes the vegetative cover from the land surface or includes excavation of earth.

Kathy Barnard noted the second public hearing for Steep Slope Ordinance is scheduled for 1/16/18.

Matt Sullivan reviewed proposed changes to the Wetlands Overlay District, specifically Section 175-10.A.3.; A *Special Use Permit application for the development of a single-family home on a lot which requires no State Wetlands Bureau dredge and fill permit for house placement, driveway crossings, site grading and/or septic and well placement shall be processed by the Planning Board Technical Review Committee* in accordance with 175-184, Minor Site Plan Review. He reviewed proposed changes to the Sign Ordinance, see attached. He reviewed proposed changes to Shorefront Residential District; noting Redefine waterfront buffer grid segments from 50'x50' to 25'x50' and point requirement from 50 points to 25 points in those grid segments in accordance Senate Bill 30 and resulting changes to the Shoreland Water Quality Protection Act, RSA 483-B. Referencing the Accessory Dwelling Unit Ordinance and Wolfeboro Falls Limited Business District, he stated these zoning amendments were approved in 2017 by Articles 2 and 5 respectively. However, due to an error in noticing, both amendments must be reconsidered by the voters; noting the content of these amendments has not changed since their posting in 2017.

Chairman Barnard opened the public hearing.

Suzanne Ryan recommended grouping like subject zoning amendments together on the Town Warrant. Referencing the definition of Hotel, Motels, Inns, she stated the Planning Board is removing some criteria and combining other however, there are differences between Hotels, Motels and Inns such as structural and length of stay. She stated she thinks the proposed changes will cause more issues for the building inspector and doesn't feel it is a good planning tool to combine the definitions.

Vaune Dugan stated the current definitions do not address structures, balconies, etc.

Suzanne Ryan expressed concern for lack of length of stay and transient lodging. She stated a hotel has access via a central lobby or corridor; noting such is different from a motel. She stated there should be a distinction between hotel and motel. Referencing Steep Slope Ordinance, she asked if the proposed changes are more restrictive or less restrictive.

Matt Sullivan stated the changes clarify the slope percentage.

Suzanne Ryan asked if the 20,000 SF has to be contiguous.

Matt Sullivan replied no.

John Thurston recommended inserting "cumulative" prior to "20,000".

The Board agreed.

Referencing the amendments to the Sign Ordinance, Suzanne Ryan asked if the federal flag is regulated.

Matt Sullivan replied no.

Suzanne Ryan stated Section C.(1), c.(2) and E.(2) appears conflictual.

Matt Sullivan stated the sections speak to different types of signs; noting E.(2) speaks to business directional signs in the Town's right-of-way and C.(1) addresses off premise signs for commercial use.

Kathy Barnard noted the language was proposed by Town Counsel.

Suzanne Ryan asked if Shorefront Residential District is new in the chart noted in the Sign Ordinance.

Matt Sullivan replied yes; noting the district was not previously noted in the chart.

Suzanne Ryan noted the Rural Agriculture and Agriculture Districts are not noted in the key.

The Board agreed to the following changes to the Sign Ordinance;

- Include all zoning districts in the key for the chart
- All headers of chart be acronyms

Referencing the definition of sign, Suzanne Ryan asked why the following language is included; "Devices such as harpoon type pole signs and banners are considered to be signs."

Matt Sullivan stated the ZBA have upheld decisions regarding such.

Suzanne Ryan questioned whether such is the desired direction to move toward in the future. She asked why only inns are being added to the Wolfeboro Falls Limited Business District.

Kathy Barnard stated inns were added to the Bay Street Limited Business District a few years ago and the Board determined to do the same for the Wolfeboro Falls Limited Business District.

Matt Sullivan stated inns are currently permitted in the Central Business District and Bay Street Limited Business District.

Suzanne Ryan stated elderly housing is not included under Special Exception uses in the Wolfeboro Falls Limited Business District however, it is included in the ordinance.

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

§ 175-175 Terms Defined; Remove definitions of Hotel, Motel, and Inn and insert consolidated Hotel, Motel, Inn definition.

The Board discussed differences between hotels and motels and the issue raised by Ms. Ryan relative to the Code Enforcement Officer. The Board noted the CEO addresses issues based on type of use and code.

Matt Sullivan recommended against capping a length of stay if the definitions remain consolidated.

Paul O'Brien stated the question is whether the Board wants to specify a length of stay.

Mike Hodder stated such is a question for the individual hotel owner/entrepreneur.

Peter Goodwin stated he doesn't believe a time limit is useful.

Kathy Barnard stated the intent of the change is to make the ordinance more user friendly; noting the extended stay issue never came up during discussions. She stated such could be included as a future work program discussion item.

Paul O'Brien stated the Board didn't clearly define hotel and motel.

Kathy Barnard noted such was not previously defined.

It was moved by Mike Hodder and seconded by Paul O'Brien to recommend approval of § 175-175 Terms Defined; Remove definitions of Hotel, Motel, and Inn and insert consolidated Hotel, Motel, Inn definition and move to 2018 Town Warrant. All members voted in favor. The motion passed (7-0).

§ 175-27.6-12. Steep Slope Protection District; Add clarification in Applicability section and redefine Site Disturbance to include any excavation that does not remove vegetative cover.

It was moved by Mike Hodder and seconded John Thurston to continue the public hearing for § 175-27.6-12. Steep Slope Protection District to January 16, 2018. All members voted in favor. The motion passed.

§ 175-10.A.3 Wetlands Conservation Overlay District, Special Uses; Remove Technical Review Committee and replace with Planning Board for review of projects where no NHDES dredge-and-fill permit is required.

Paul O'Brien asked why a group of Department Heads are insufficient to the task of reviewing Special Use Permits.

Matt Sullivan stated the Department Heads are not insufficient to the task rather, some of the Department Heads are not comfortable reviewing and voting on Special Use Permit applications.

Mike Hodder stated he understood that the TRC would still review the applications on an informal basis.

Matt Sullivan stated the TRC would review the applications informally however, the Planning Board would approve the applications. He stated he has received comments that the TRC is a pass through Committee and such concerns him.

It was moved by Paul O'Brien and seconded by John Thurston to recommend approval of §175-10.A.3 Wetlands Conservation Overlay District, Special Uses and move to 2018 Town Warrant. All members voted in favor. The motion passed (7-0).

§ 175-44 Provisions Applicable to All Districts, Signs; Amend the Sign Ordinance to remove content-based regulation pursuant to changes in federal law. Amend type and dimension tables to include all zoning districts. Add lighting standards for consistency with existing lighting section of zoning ordinance. Add clarification for sign definition within section.

John Thurston stated he respects Ms. Ryan's comments regarding the definition of Signs (language relative to harpoon like signs).

Paul O'Brien stated the Board needs to determine which signs are permitted and which are not permitted. He stated more clarity may be more controversial however, the ordinance would be clearer.

It was moved by Mike Hodder and seconded by John Thurston to continue the public hearing for § 175-44 Provisions Applicable to All Districts, Signs to January 16, 2018. Kathy Barnard, Vaune Dugan, Peter Goodwin, Mike Hodder, John Thurston, Paul O'Brien voted in favor. Brad Harriman abstained. The motion passed (6-0-1).

§ 175-67 Shorefront Residential District, Shorefront Lot Improvement Standards; Redefine waterfront buffer grid segments from 50'x50' to 25'x50' and point requirement from 50 points to 25 points in those grid segments in accordance Senate Bill 30 and resulting changes to the Shoreland Water Quality Protection Act, RSA 483-B.

It was moved by Mike Hodder and seconded by John Thurston to recommend approval of § 175-67 Shorefront Residential District, Shorefront Lot Improvement Standards and move to 2018 Town Warrant. All members voted in favor. The motion passed (7-0).

§ 175-116 Wolfeboro Falls Limited Business District; Change Inns from a Special Exception Use to a Permitted Use.

It was moved by Paul O'Brien and seconded by Mike Hodder to recommend approval of § 175-116 Wolfeboro Falls Limited Business District and move to 2018 Town Warrant. All members voted in favor. The motion passed (7-0).

Accessory Dwelling Units; to permit Accessory Dwelling Units, by Conditional Use Permit, in the Pine Hill Road Development District, C2-WC District, Route 28 Mixed Use Business District (C2-Route 28), Wolfeboro Falls Limited Business District, and South Wolfeboro Limited Business District in accordance with RSA 674:71-73. This amendment includes removal of Accessory Apartment References.

It was moved by Paul O'Brien and seconded by Mike Hodder to recommend approval of Accessory Dwelling Units and move to 2018 Town Warrant. All members voted in favor. The motion passed (7-0).

IV. Approval of Minutes December 5, 2017

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the December 5, 2017 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Vaune Dugan, Paul O'Brien, Mike Hodder, John Thurston, Peter Goodwin voted in favor. Brad Harriman abstained. The motion passed.

V. Communications & Miscellaneous

The Board was provided the following communications/information; meeting memorandum and Master Plan documentation.

VI. Unfinished Business **Master Plan**

Matt Sullivan reviewed the Master Plan Outreach and Engagement Program, see attached. He stated he would write the press release and an article would be written the first week of January and prior to the WASR appearance.

Mike Hodder requested the draft press release be forwarded to the Board. Referencing the WASR appearance, he recommended Vaune Dugan attend such.

Reference the mapping, Matt Sullivan stated Dan Sundquist is developing such.

Architectural Design Standards

Vaune Dugan stated she has concerns regarding pictures and language of such; noting the Board has been hearing people repeatedly state that they like the existing guidelines. She stated that people do not understand that the guidelines are not required. She recommended the Board review the existing guidelines and use such;

changing only the language that it is required for Site Plan Review projects. She stated she doesn't agree to wait until the Master Plan is updated.

John Thurston stated the Board heard strong advice from the EDC to use the existing guidelines and further refine such.

Mike Hodder asked when the Committee would propose the change to such.

Matt Sullivan stated the change could be adopted within a couple of months.

Mike Hodder asked if the guidelines would be changed to standards.

Vaune Dugan replied no; noting people have suggested the guidelines work.

Mike Hodder stated he doesn't see how dropping the proposed standards and changing the guidelines will diffuse any political charge to the standards being mandatory. He asked if making the guidelines mandatory accomplishes the same goals as the architectural design standards.

Vaune Dugan stated the guidelines are lighter on specifics.

Mike Hodder stated the 1996 and 2007 Master Plan speaks to preserving Wolfeboro's character and asked if making the guidelines mandatory accomplished such.

Vaune Dugan replied yes.

Mike Hodder requested analysis of the standards and guidelines.

VII. New Business

- Route 28 Committee meeting scheduled for 1/18/18 at Great Hall with a public forum scheduled for 2/22/18

VIII. Planning Board Subcommittee Reports

TRC: 12/13/17 ~ Site Plan Review for Yum Yum Shop for exterior changes to the site (site work, addition).

IX. Nonpublic Meeting

N/A

It was moved by Paul O'Brien and seconded by Mike Hodder to adjourn the December 19, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:12 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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