

**TOWN OF WOLFEBORO
PLANNING BOARD
October 17, 2017
MINUTES**

Members Present: Kathy Barnard, Chairman, Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, Peter Goodwin, John Thurston, Members, Dave Alessandroni, Alternate.

Member Absent: Paul O'Brien, Member.

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 Hearings / Scheduled Appointments

2018-2027 Capital Improvements Program Public Hearing & Adoption

Kathy Barnard reviewed the history of the CIP and her letter to the Planning Board, dated 10/12/17.

Matt Sullivan reviewed the PowerPoint presentation, see attached.

Chairman Barnard opened the public hearing.

John Sandeen, Library Trustee, stated that since the Library made its presentation to the CIP Committee, fundraising has continued and an additional \$120,000 has been raised.

Referencing the Tax Rate Effects 2017-2018, Suzanne Ryan stated the cost per warrant article was not totaled (no percentage increase was included).

Matt Sullivan stated 2018 are totaled however, 2017 is not.

Vaune Dugan stated that projections are not real costs and questioned how to navigate such.

Matt Sullivan stated the document is not a budgeting document rather, it should be used as a planning document. He stated the figures do not include operations and maintenance costs; noting the projects may be modified in scope and cost in the future.

Cindy Scott, Library Director, stated the library project will not exceed \$5 million and if the cost does exceed such then the scope will be reduced.

Peter Goodwin stated ultimately there may be a new line item that ensures the protection of natural resources is maintained.

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

It was moved by Vaune Dugan and seconded by Peter Goodwin to adopt and forward the 2018-2027 Capital Improvements Program to the Board of Selectmen and Budget Committee for use during the development of the 2018 budget. All members voted in favor. The motion passed.

Vaune Dugan thanked the CIP Committee.

Kathy Barnard stated the CIP would be presented to the BOS on 10/18/17 and forwarded to the Budget Committee.

III. Public Comment

Kevin Green, 603, 529 and 323 Stoneham Road, posed the following questions to the Board;

- What qualifications does a person need to be on a Board
- Did the Planning Board read his and his wife's letter regarding the Simmons application (July/August 2016); noting he never heard a response from the Board and he sent letters to individual Board members
- When the Planning Board goes against their own attorney's advice, who pays for it? Taxpayers?
- Why didn't Jim Rines speak at the 9/15/17 Planning Board meeting; noting Mr. Rines intended to speak at the meeting however, did not do such following a conversation with Matt Sullivan

Kevin Green stated the Town spent two years dealing with an out of town resident to circumvent their own rules. He stated that if the Town is ever to be considered the Jewel of the Lake, its Boards must be more transparent and follow the Master Plan. He stated the Planning Board needs to recommend abutter notification and site visits within the Historic District; noting that Class VI roads are jewels of the Town and also need to be protected.

Kathy Barnard stated the qualifications for Planning Board members are noted in the RSA.

Matt Sullivan stated a member must be a resident of the community; noting there are no exam requirements or formal certification.

Kevin Green asked if members are encouraged to attend seminars.

Matt Sullivan replied yes, Board members are always encouraged to improve their skill set and education.

Kathy Barnard stated there is an annual conference for new ZBA members.

Mike Hodder stated the State recognizes that Boards are staffed/populated by citizens and ordinary people. He noted NH Municipal Association sponsors seminars for ZBA, Planning Board and BOS.

Kathy Barnard stated the Planning Board works with a trained planner. Referencing the Green's letter, she stated the Board received a letter.

Vaune Dugan stated that any letter submitted is received by the Board in their packet.

Kathy Barnard stated that generally, members do not answer letters. She stated there was no formal site visit however, several members have been out to the site.

Matt Sullivan stated the Town compensates the attorney if the Board does not follow their advice.

Kathy Barnard stated Town Staff often works with out of State residents.

Matt Sullivan stated the Town works with out of town residents and people who do not live in the community all of the time.

Kevin Green asked if all is done in secret.

Matt Sullivan replied no, all communication is subject to Right To Know.

Kathy Barnard stated the Planning Board attempts to be transparent in their activities.

Matt Sullivan stated that boards generally try to be as transparent as possible; noting the Planning Board has offered a public forum venue.

Peter Goodwin stated quite a bit of education is given by the leaders of this group regarding how to deal with the public and noted the Board is very open and transparent.

Referencing notification of abutters, Kathy Barnard stated the Board does such in most cases except when making a recommendation to the BOS; noting said comments are advisory.

Mike Hodder stated that in this case the Board was encouraged to visit the site in lieu of a formal site visit.

Kathy Barnard stated the Master Plan states that construction should not occur on Class VI roads however, the BOS has a policy that addresses such.

Kevin Green stated he asked for a public hearing but, was ignored.

Kathy Barnard stated it is her understanding that there was a public hearing on the project.

Kevin Green stated the initial public hearing that was held never said Stoneham Road, Class VI road; noting such was deceptive. He stated the abutters were not mentioned and he did not find out what was going on until one week after the approval. He stated at a Planning Board meeting Brad Harriman was asked if a public hearing would be held and Mr. Harriman replied yes and Mike Hodder asked if the abutters would be notified and Mr. Harriman replied yes.

Referencing the question regarding Jim Rines, Matt Sullivan stated he observed Mr. Rines entering the meeting with an easel and presentation; noting he approached Mr. Rines to inform him that there was no public hearing on the matter. He stated he also spoke to the Green's attorney that evening. He stated that he often will go out to the audience and speak to people.

Kathy Barnard stated the Board was advised by the attorney to go through legal issues and once the Board made a decision such would be the end of the hearing. She stated the Board provided an opportunities for all parties to speak.

Mike Hodder stated the Board decided they did not have jurisdiction and therefore, could not hear the case.

Suzanne Ryan stated she was before the Planning Board a year ago explaining the BOS had dropped the ball regarding the administrative process and procedures. She stated the Planning Board blew it too when the BOS asked for review and recommendations from the Board; noting the Board had no criteria by which to analyze the application. She stated the Board didn't use any criteria except for Dave Ford and the Fire Department's

recommendation; noting there was no checklist to process the request. She stated she doesn't feel the Greens have been treated fairly by this Board and predominantly by the BOS.

IV. Approval of Minutes

October 3, 2017

Corrections: Page 4, 1st paragraph, 2nd line; strike "it was very"
Page 4, 9th paragraph, 1st line; replace "state" with "stated"
Page 4, 9th paragraph, 2nd line; replace "and" with "but"
Page 4, 9th paragraph, 4th line; replace "as" with "and"
Page 4, 9th paragraph, 5th line; strike the 2nd "not" & change "party" to "parties"
Page 4, 9th paragraph, 6th line; replace "they" with "the Board"
Page 5, 4th paragraph; replace "any" with "in the"
Page 6, 4th paragraph, 7th line; replace "of" with "on"

It was moved by Mike Hodder and seconded by John Thurston to approve the September 5, 2017 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

V. Communications & Miscellaneous

The Board was provided the following information; CIPC minutes.

VI. Unfinished Business

Minor Zoning Changes

Steep Slope Protection Ordinance

Matt Sullivan reviewed the proposed change to the Steep Slope Protection Ordinance, 175-27.7 Applicability and recommended maintaining the 20,000 SF threshold.

Vaune Dugan agreed that the existing ordinance is unclear and questioned the original intent of the ordinance.

Matt Sullivan stated the language was a copy and paste of the State's model ordinance; noting there was limited discussion by the Board. He stated there have been no subsequent revisions since the ordinance was adopted in 2012.

Vaune Dugan stated the difficulty comes down to the person enforcing the ordinance because the ordinance is unclear.

Mike Hodder stated he'd like to hear the Board's decision process.

Peter Goodwin recommended adding "of 15% slope" following "disturbance".

Vaune Dugan agreed with such.

Matt Sullivan recommended removing "as shown on the Town's Steep Slope Map"; noting the source of the data is not applicable on a parcel.

Kathy Barnard stated a concern of the Board in 2012 was adding cost to the applicant.

Vaune Dugan stated the Board is speaking of a disturbance of ½ acre.

Dave Alessandrone asked how disturbance is defined.

Kathy Barnard replied removing vegetation.

The Board discussed the application of the ordinance as revised and agreed to revisit the issue.

Use Abandonment; 175-43

Matt Sullivan stated he is proposing changing the following language in the existing ordinance from “use” to “occupancy”

Mike Hodder stated he is not in favor of the change and questioned the need to change the language.

Vaune Dugan stated occupancy is more prevalent than use.

Peter Goodwin questioned whether the period should be longer than one year.

Matt Sullivan stated he is not in favor of such.

Mike Hodder stated he feels that one year is not a long enough period of time.

Peter Goodwin verified an appeal process exists to address such.

Kathy Barnard stated abandonment is a legal issue; noting such has to be proven.

Vaune Dugan stated the proper recourse is with the ZBA.

Mike Hodder recommended leaving the language as is.

Vaune Dugan agreed.

The Board agreed to leave the language as it currently exists (which reads as follows; “B. Abandonment. Any nonconforming use that is discontinued or abandoned for a period of one year or more, or abandoned via a change of use, cannot be resumed.

Lodging Forum

Matt Sullivan stated he had an excellent conversation with a property owner of a nonconforming entity. He stated he intends to follow-up with property owners in October.

Master Plan RFP Selection Process

Matt Sullivan stated the first interview was conducted on 10/16/17; noting he anticipates selection by the end of October and final scope of contract in November for work to begin in January. He stated he received three proposals.

Projects Requiring Site Plan Review; Threshold Relative to Landscaping

Kathy Barnard stated such came about as a result of the Brewster Academy site plan review application for the terrace project.

Matt Sullivan stated the application was unique however, noted that any modification to a nonresidential or multifamily use requires site plan review. He stated he viewed the construction of the terrace as an exterior modification thus, requiring site plan review. He noted the Board has the ability to waive the Site Plan Review Regulations.

John Thurston questioned the threshold related to such; noting the threshold hasn’t been defined. He stated that the Board added cost to every landscaper and property owner.

Matt Sullivan questioned whether the threshold should include visibility to other properties.

Kathy Barnard stated the application was a nonconforming use in a residential zone; noting Site Plan Review Regulations speak to such.

Mike Hodder stated he feels a proper site plan should have been provided; noting there is an element of public health and safety. He stated the Board accepted a hand drawn sketch with a landscaper's project description; noting such is highly irregular of the Board.

Dave Alessandrone stated that NHDES has a wide definition for structure.

Mike Hodder questioned the current threshold that triggers site plan review.

Matt Sullivan replied exterior modifications.

VII. New Business
Town Warrant

Matt Sullivan reviewed the following proposed 2018 warrant articles; change to hotel definition, Steep Slope Ordinance, Wetlands Conservation Overlay District, Sign Ordinance (to reflect compliance with federal law), ADU Ordinance and Architectural Design Standards.

VIII. Planning Board Subcommittee Reports

TRC; reviewed a Special Use Permit for Hoagland and a boundary line adjustment for Romney

IX. Nonpublic Meeting
N/A

It was moved by Mike Hodder and seconded by Vaune Dugan to adjourn the October 17, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:06 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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