

Town of Wolfeboro
Planning Board Minutes
Great Hall at Wolfeboro Town Hall - 84 South Main Street
Tuesday, December 06, 2022
7:00 PM

I. Chairman Barnard called meeting to Order 7:00 PM

II. Members Present: Chairman Kathy Barnard, Vice Chairman Mike Hodder, Vaune Dugan, Doug Breskin, John Thurston, Brad Harriman Selectmen's Representative, Julie Jacobs, Alternate

Absent: Peter Goodwin

J. Jacobs appointed as voting member by K. Barnard in absence of P. Goodwin.

Staff Present: Tavis Austin, Director of Planning and Development

III. Public Hearings:

K. Barnard outlined the procedure for conducting the meeting and how the Board would be voting individually on each of the proposed amendments.

a) §175-175 Definitions—adding “Accessory Dwelling Unit”, adding “Affordable Housing”, amending “Boathouse”, adding “Conditional or Special Use Permit”, adding “Short Term Rental”, adding “Yield Plan”

K. Barnard provided an overview of the proposed changes.

T. Austin discussed the addition of terms and, where appropriate, relocating terms already in the regulations to the definitions section of the Regulations.

Roger Murray spoke to the boat house definition and noted discrepancy in cited NH RSA. He noted preference of existing definition over that of the State definition. He continued with comments related to the Yield Plan definition and questioned the removal of “market rate” units.

Suzanne Ryan expressed some concern with the definition of boathouse.

M. Hodder asked for clarification from Staff as to the ‘market rate’ and NH RSA for Boathouse.

T. Austin suggested removal of the RSA reference and noted that units are units when considering a yield plan density; “market rate” did not add to the definition nor did the definition suggest that potential ‘density bonus units’ are not included in a yield plan calculation.

V. Dugan agreed with staff stating that “market rate” was not a relevant term when considering Yield Plan density.

K. Barnard closed the public hearing.

M. Hodder motioned to approve the proposed changes to definitions as stated on the agenda and as amended in discussion related to removal of the NH RSA reference in the boathouse definition. V. Dugan seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

b) §175-109 through 112: Deleting “Commercial District C2” in its entirety.

K. Barnard explained 2022 amendment that moved the C2 uses into the PHRDD and this proposed change simply removes the C2 permitted and Special Exception Uses. She then opened the public hearing.

Walter Cowens asked what the zoning of the one C2 parcel would become.

T. Austin suggested the Board table this item until revised to include deletion of the C2 District Boundary, amendment of the C1 Boundary to include the subject parcel.

K. Barnard closed the public hearing.

M. Hodder motioned to make the changes to the amendment as suggested by Staff for a public hearing on December 20, 2022. K. Barnard seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

c) §175-65 Amending Permitted Uses in Shorefront Residential District to including Accessory Dwelling Units and further to amend §175-65 C, regarding permitting criteria for boathouses.

K. Barnard provided background to the proposed changes to §175-65. T. Austin added some additional detail.

K. Barnard opened the public hearing.

R. Murray asked why word ‘attached’ was not in the ADU addition.

Carl Crossley stated concern related to water quality related to ADUs within the shorefront and Town’s inability to regulate effectively.

Sylvia Theodore asked for clarification on State ADU mandate and expressed concerns related to septic systems on small lots.

Gordon Lang asked why ‘detached ADU’ not spelled out.

Board discussed ADU controlling regulations.

R. Murray retracted earlier comment and recommended Board stick with language as proposed.

K. Barnard closed the public hearing.

V. Dugan motioned to move the proposed changes, as written to the warrant and, for next year, to revisit the topic to remove word ‘detached’ from all zoning districts to read ‘one dwelling’ not ‘one detached dwelling’ to remove confusion. M. Hodder seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

d) §175-67 Amending Shorefront Lot Improvement Standards

K. Barnard opened the public hearing on §175-65 C. T. Austin provided some details of the proposed changes.

There were no public comments. K. Barnard closed the public hearing.

M. Hodder motioned to approve the proposed language and move it to warrant. V. Dugan seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

e) §175-143 through 145: These sections to be deleted entirely.

K. Barnard explained the proposed amendment and opened the public hearing.

Audrey Cline suggested the Board review the next amendment (f) prior to considering this deletion.

K. Barnard stated this hearing is for the recommended deletion of the current language only.

A. Cline expressed concern about deleting language prior to considering the proposed changes.

M. Hodder reminded A. Cline that the Board voting on the deletion does not delete the section, the ultimate warrant article would address the entire change.

S. Theodore stated her misunderstanding of the proposed change.

S. Ryan stated a slideshow would be helpful.

K. Perry what zoning districts did not permit multi-family. T. Austin answered.

A. Cline asked to speak to multi-family in the individual zoning districts.

M. Hodder stated such discussion should be held until next amendment is discussed.

A. Cline confirmed that such discussion would occur. M. Hodder confirmed the same.

K. Barnard closed the public hearing.

M. Hodder motioned to approve the proposed language and move it to warrant. V. Dugan seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

f) Amending §175-71 Village Residential, §175-81 Residential District, §175-86 General Residential, §175-106 Bay Street Limited Business District, §175-96 Pine Hill Road Development District, §175-100 South Wolfboro Limited Business District, §175-121 Center Street/Rte. 28 Mixed-Use Business District, §175-91 Commercial District C1 Central Business District (CBD), §175-116 Wolfboro Falls Limited Business District each to have multi-family language added as permitted uses, language amended and moved from §175-143 through 145 Multifamily Dwellings respectively.

T. Austin provided some background on the proposed changes. He noted that the existing language from §175-143 through 145 was simply moving into the base zoning districts with minor revisions that the Board had discussed at length.

A. Cline provided a handout to the Board. She commented that the base zoning districts each address multi-family in their own way. She commented on her understanding of how the regulations had been implemented to date.

T. Austin noted Counsel disagreement with A. Cline's statement. He noted §175-143 specifically written to supersede other language in the regulations.

A. Cline commented on court hearings and rulings and discussed construction standards vs. base zoning. She introduced concept of administrative gloss.

T. Austin suggested the Board recognize their proposed change in contrast to a different means of implementation. Board expressed understanding of the distinction.

M. Hodder confirmed with staff that Counsel had reviewed the proposed language.

R. Murray commented that proposed language removes a square footage requirement for units. He also noted apparent mis-references within the regulations.

T. Austin clarified the references and suggested the Board continue the hearing until such edits were made.

Anne Blodgett stated she remained confused on the changes as discussed earlier in the year. She referenced A. Cline's concerns and 'if correct' what are we doing? Seems to be misappropriated housing.

Linda Murray stated that Board of Selectmen would on 12/7/22 be looking at a water/sewer rate study. She noted potential rate increases. She noted concerns of capacity and referenced a memo from Dave Ford regarding the same. She stated surprise that the Planning Board moving forward with this amendment without first reviewing the studies still in process.

Chris Conjure suggest change seems abrupt and not reflective of the housing needs.

K. Barnard reminded public the proposed change is not new to the regulations; multi-family is already allowed in these zones as proposed with this amendment. She referenced a letter from Eastern lakes Region Housing Coalition, Inc. which supported all articles and amendments as presented.

K. Barnard closed the public hearing.

M. Hodder motioned to continue the hearing to 12/20/2022 to permit the discussed internal references to be addressed by staff. J. Jacobs seconded the motion which passed unanimously.

K. Barnard introduced the next public hearing.

g) § 175-57.1 Accessory Dwelling Unit amending language to permit ADUs by right and those permitted by Conditional Use Permit.

K. Barnard provided some background on the existing regulations and the basis of this recommended amendment.

T. Austin provided some key points within the proposal. He noted a similar typo in the draft regulations. The Board agreed.

S. Ryan asked how many detached ADUs are in town already and how many barns and chicken coops could become ADUs.

T. Austin stated there are no detached ADUs in town, they are not permitted. He also noted no known metric of existing accessory structures or of those how many may meet the proposed requirements.

K. Perry suggested the article question provide more detail on the amendment itself.

R. Murray expressed concern about amendment applying town wide rather than a particular zone to gauge impact.

Rich Masse noted that existing regulations make him think of mother-in-law type arrangements where detached units are more likely to be rental units. He questioned town ability to enforce regulations.

K. Perry stated not liking the PB waiver authority where ZBA should be used.

G. Lang believes the ZBA being passed over by waiver provision.

S. Theodore liked the purpose statement.

J. Jacobs suggested proposed changes address safety concerns where some may have unpermitted units currently.

K. Barnard closed the public hearing.

M. Hodder provided his research from consultation from other planners within the state. Research indicates that detached ADUs do not 'pop up like mushrooms' as has been suggested at both the public forum and this hearing. No town has seen great proliferation of detached ADUs; commented on cost of their creation. He refuted repeated claim of two homes on every lot.

D. Breskin added that a detached ADU has no more impact on services than an attached ADU.

K. Barnard reopened the public hearing.

S. Ryan suggested that if units are expensive to build, proposed amendment may not serve its intent, so why do it.

K. Barnard explained it provides a housing option to people. M. Hodder echoed the sentiment.

A. Blodgett stated agreement with S. Ryan. Commented on traffic.

Mary Selrif said outsiders are buying up the land and have money to do it.

V. Dugan suggested a detached ADU may provide income assistance to those looking to remain in the community. She continued noting that setbacks, lot coverage and similar regulations are not changing.

K. Barnard closed the public hearing.

M. Hodder motioned to approve the proposed language and move it to warrant. V. Dugan seconded the motion which passed with a 6-0-1 vote.

K. Barnard introduced the next public hearing.

h) §175-28 to amend Inclusionary Zoning.

K. Barnard provided some background on the proposed changes. T. Austin pointed out some key changes in the language and recognized the statutory change to provide the same density considerations to workforce and affordable housing as elderly housing.

K. Barnard opened the public hearing.

S. Ryan doesn't like the language permitting such projects town wide. She handed out copies of the Future Land Use Map and Community Facilities Map from the Master Plan. She chastised board for not using maps in their discussions. She commented on CIP projects and related expenses. She

questioned such project density town wide without infrastructure, concerns with the wastewater treatment plant and RIB. She referred to previous build out analyses and suggested Board seek grant funding to revisit regulations.

R. Murray stated no significant changes from existing to proposed regulations. He noted that affordable housing not unique to Wolfeboro or NH. He noted waiver provision and stated wasn't clear why Board even proposing regulations where they an waive requirements. He questioned the density calculation process.

T. Austin clarified density calculation process.

M. Hodder admonished R. Murray and others for generally adversarial approach to public comments opposed to the collegiality of prior years.

G. Lang concerned with removing ZBA review from process by addition of waiver criteria.

K. Barnard closed the public hearing.

V. Dugan motioned to approve the proposed language and move it to warrant. D. Breskin seconded the motion which passed with a 6-0-1 vote.

K. Barnard introduced the next hearing.

i) §175-55.1 et. seq. to amend language for permission to build on Lots with no frontage as excepted under NH RSA 674:41 II-a.

K Barnard provided background on the proposed change. T. Austin addressed specific details within the language.

K. Barnard opened the public hearing.

R. Murray asked about second paragraph in Section A.

T. Austin clarified need for language to permit Conditional Use Permit process as suggested by Counsel.

K. Perry asked if Class VI Road process remains the same. T. Austin confirmed.

G. Lang inquired about appeal process and why ZBA left out. T. Austin explained that Conditional Use Permit approvals are not appealable to ZBA by Statute.

K. Barnard closed the public hearing.

M. Hodder motioned to approve the proposed language and move it to warrant. V. Dugan seconded the motion which passed unanimously.

IV. Discussion Items:

- Definition of "Accessory Building or Structure"—set public hearing 12/20***

T. Austin provided overview of submitted memo. He noted potential confusion with the Board's preferred language and public understanding. Suggest alternate means to resolve detached ADU/Accessory Building Structure conflict.

M. Hodder motioned to not schedule the proposed language for public hearing 12/20/2022 so that the Board can revisit the consideration in more detail. K. Barnard seconded the motion which passed unanimously.

- ***Minutes of 11/01/2022***

K. Barnard noted two typos for correction.

M. Hodder motioned approved the minutes with corrections as noted. K. Barnard seconded the motion which passed with a 5-0-2 vote.

VI. ADJOURN

M. Hodder motioned to adjourn the meeting at 10:55 PM. D. Breskin seconded the motion which passed unanimously.