

**Town of Wolfeboro**  
**Planning Board Minutes**  
**Great Hall at Wolfeboro Town Hall - 84 South Main Street**  
**Tuesday, December 20, 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, Peter Goodwin, Doug Breskin (attending remotely/electronically), John Thurston, Brad Harriman Selectmen's Representative, Julie Jacobs, Alternate**

**Absent: None.**

J. Jacobs asked to be voting member by K. Barnard as first two hearings are continued from 12/06/22; maintaining same board.

**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. She reminded all in attendance that the Board is a group of volunteers and neighbors. All comments or questions should be congenial and with the public interest in mind.

K. Barnard discussed the prior discussion—from 12/06/22 meeting—on changing certain reviews from Special Exception to Conditional Use Permits; she addressed the proposed changes to the multi-family section, and outlined numerous components of the proposed amendments the Board had worked on to address creation of housing opportunity options without increasing density. She continued referring to the previously referenced D. Ford memo related to water and sewer and the Planning Board's continued efforts to have a joint meeting with the Board of Selectmen to address the same; and the Selectmen preference to have the matter a discussion item on their agenda until surveys and studies were complete. She concluded noting that absent any answers related to water and sewer, the Planning Board focused on creating opportunities that did not increase demand on water and sewer.

K. Barnard re-opened the hearing continued from 12/06/2022:

- (a) 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 Wolfeboro Limited Business District*, §175-121 *Center Street/Rte. 28 Mixed-Use Business District*, §175-91 *Commercial District C1 Central Business District (CBD)*, §175-116 *Wolfeboro 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 commented on the minor editorial changes made to the draft language since the last meeting.

Roger Murray commented on changes related to number of units per structure in conversions; existence of large lots on S. Main and in some residential areas and potential for structures with a large number of units. He commented on 2 units/acre vs those possible under existing conversion language and loss of language requiring lot acreage reduction based on commercial acreage in determining residential density. He concluded asking the Board to withdraw the proposed change.

Anne Blodgett, speaking on behalf of the Heritage Commission, read aloud a letter from the Commission (attached.) She asked the Board withdraw all the proposed amendments.

M. Hodder asked for clarification on which amendments she was referring to.

A. Blodgett stated, 'all amendments'.

Audrey Cline expressed concern over proposed amendments allowance for apartments on the first floor in zones which currently don't, discussed controlling language of regulation and reintroduced topic of administrative gloss. She stated her belief that the amendment may be illegal because of administrative gloss. She stated Board had questions in their June meeting that she did not see the Board get answers to.

Suzanne Ryan stated Board had until January to hold hearings. She asked Board to re-visit the no frontage, ADU, and multi-family amendments. Wanted Board to keep Special Exceptions where currently are and not change to Conditional Use Permits. Asked Board to address A. Cline's questions.

K. Barnard asked staff to address questions.

T. Austin clarified that first-floor apartment restriction is not leaving applicable zones; Planning Board is amending the language to further their intent not making a new interpretation of the regulations—doesn't see how administrative gloss applies accordingly. The Board is proposing to change the regulations because as written and implemented, the regulations are not furthering the Planning Board's goals for the Town. He continued noting that concerns related to parking areas in the CBD as raised by R. Murray, were considered by the Board, and, moreover, the proposed language is more consistent with the Site Plan parking regulations than the existing, 15-year-old multifamily language. He concluded noting, again, density is not increasing with the proposed amendment; the changes to 'additional area per unit' were removed as the current language conflicts with itself—between sections of the regulations—and the Board had made it clear to not increase density.

K. Barnard closed the public hearing at 7:35.

V. Dugan commented that the concerns about large multi-family structures should be mitigated by the advent of Architectural Design Standards which are now required. We no longer have guidelines, we have standards. Additionally, there are all of the provisions of site plan review, height limitations, site design considerations.

J. Thurston noted Board not changing density.

M. Hodder spoke to the 'flat water demand over last 10 years' as reported in the paper. He added that with no change to permitting options, Town could become tombstone. He expressed opposition to delay in making changes for want of more studies which, really means, changing nothing. Further, the status quo, accomplishes nothing, and there can be no growth. He also noted, for record, that the Heritage Commission who had not provided input over the last year, now suddenly has concerns, why no word until now? He finished his comments stating that as a former ZBA member, he has no concerns with the proposed changes from Special Exception to Conditional Use Permit process as the Planning Board has the experience, expertise, and resources to better address such projects adding, it's not the use that creates concern, but how a site or project is permitted to be developed.

V. Dugan spoke as the Planning Board representative to the Heritage Commission recalling that the recent charrette calls for allowing density in the downtown and referred to the Eastern Lake Regional Housing Coalition's letter of support for the proposed amendments.

B. Harriman suggested that a project can always be limited or denied based upon availability of water and sewer capacity.

T. Austin stated that the role of the Technical Review Committee is to advise the Planning Board of known limitations to assist the Board in reviewing projects.

V. Dugan recalled the sewer moratorium enacted by the Selectmen; it doesn't change zoning. The difference here is a proposal to revise the permitting mechanism rather than making a capacity determination.

K. Barnard reopened the public hearing at 7:45 PM.

Mr. Sutherland asked if ADU was multi-family. T. Austin answered, no.

K. Barnard closed the public hearing at 7:50 PM.

J. Thurston motioned to Table the draft Article 9, agenda item III(a), based on lack of water and sewer data and upon the Heritage Commission statement. M. Hodder seconded the motion for discussion.

M. Hodder stated he believe the Board has a solid proposal after it's years work, and that he was not supportive of the motion.

The Board had a roll call vote: D. Breskin, aye; V. Dugan, no; M. Hodder, no; J. Thurston, aye; B. Harriman, no; J. Jacobs, no; K. Barnard, no. Motion failed (2, 5, 0).

M Hodder motioned to move the draft Article 9, agenda item III(a) to the warrant. The motion was seconded by K. Barnard.

**The Board had a roll call vote: D. Breskin, no; V. Dugan, yes; M. Hodder, yes; J. Thurston, no; B. Harriman, yes; J. Jacobs, yes; K. Barnard, yes. Motion passed (5, 2, 0).**

(b) §175-109 through 112: Deleting “*Commercial District C2*” in its entirety; *Continued from 12/06/2022*

K. Barnard re-introduced the hearing.

T. Austin outlined that the one illustrated C2 parcel, was actually zoned C1 as of 2008. The proposed amendment simply removes language for a zoning district that does not exist.

K. Barnard opened the continued hearing at 8:10PM. There were no comments. K. Barnard closed the public hearing at 8:11PM.

M Hodder motioned to move the draft language, agenda item III(b) to the warrant. The motion was seconded by V. Dugan.

**The Board had a roll call vote: D. Breskin, yes; V. Dugan, yes; M. Hodder, yes; J. Thurston, yes; B. Harriman, yes; J. Jacobs, yes; K. Barnard, yes. Motion passed (7, 0, 0).**

(c) **VALERIE SANDFORD-TRACY WHITEHEAD-CATHERINE MORGAN-SARAH MORGAN** – *Point -O-Pines Road – Tax Map & Lot #223-6, 6-1, 10, 11, 12, 15, 16 - Case #2022-13 – Boundary Line Adjustment – 7 Lots – Formal Submission/Public Hearing*

R. Tetreault presented the application materials as submitted. He provided an overview of the project, referred to the illustration of the proposed lot line changes, and denoted the lack of usable land on the lower lots (223-12, 15, and 16).

V. Dugan clarified that there were no additional lots.

R. Tetreault confirmed. He then presented the submitted waiver requests as submitted.

M. Hodder motioned to approve the waiver requests as submitted.

K. Barnard seconded the motion which passed with a unanimous roll call vote.

K. Barnard opened the public hearing at 8:20PM. There were no public comments.

T. Austin presented the recommended conditions of approval, so the Board so act. He added a brief discussion related to the boundary line adjustment effectively changing the status of Point O Pines road under RSA674:41 and suggested the Board consider an additional condition related to restricting habitable space construction on lots 223-12, 15, and 16.

Sarah Morgan, owner/applicant, stated the lots were not buildable anyway.

R. Murray stated his believe that such a condition was overstepping by the Board.

R. Tetreault stated the reconfiguration of the lots as proposed is what affords the Board the ability to add such a condition.

B. Harriman asked if the Board's on the mergers of the same lot in November already changed the road.

R. Tetreault stated no.

M. Hodder stated the condition does not restrict the applicant from what they are intending with the plan or as they've stated their desire to use the properties.

K. Barnard closed the public hearing at 8:40PM.

M. Hodder motioned to approve the application as submitted, subject to the 4 conditions of approval as discussed, having determined the proposed lots will be more nearly conforming with the current regulations, stated conditions protect the integrity of the land, and as existing setback issues are resolved.

K. Barnard seconded the motion which passed with roll call vote of (6-0-1) with P. Goodwin abstaining as an abutter.

(d) ***RICHARD & ELAINE HAGGERTY & CLARK FAMILY TRUST- ROBERT & ANN CLARK – Churchill Road & Red Brook Circle – Tax Map #221-5 & 20 – Case #2022-14 – Boundary Line Adjustment - 2 lots Formal Submission/Public Hearing***

R. Tetreault introduced the project with an overview of the submitted materials. He noted the areas of wetland related setbacks, access from two different private roads providing access to the resultant parcels, and no increase in the number of lots.

J. Thurston asked if private road became a Class VI Road?

R. Tetreault said no. Roads remain private roads.

M. Hodder motioned to approve the submitted waivers as submitted and justified.

K. Barnard seconded the motion which passed with a unanimous roll call vote.

K. Barnard opened the public hearing at 8:50PM. There were no comments.

T. Austin reviewed the recommended conditions of approval including monumentation.

K. Barnard closed the public hearing at 8:51PM.

M. Hodder motioned to approve the project, as submitted conditioned upon the three conditions of approval as discussed having found the 1 existing lot more buildable without need for a Special Use Permit as a result and therefore more conforming to the regulations, the Clarke parcel remains conforming.

K. Barnard seconded the motion which passed with a unanimous roll call vote.

#### **IV. Discussion Items:**

- **Accidents Happen—site plan modification**

T. Austin presented a site plan change proposal for the Board to consider. He showed the approved plan as well as the pending changes. He stated the Board first need consider whether the proposed change is substantially different enough from the approved plan to require a new public hearing.

M. Hodder motioned to determine that the plan was not substantively different and new hearing would be required provided that a foundation certification be completed to verify setback requirements.

V. Dugan seconded the motion which passed with a 6-0-1 roll call vote with B. Harriman abstaining.

- ***Minutes of 12/06/2022***

V. Dugan motioned approved the minutes. M. Hodder seconded the motion which passed with a 6-0-1 roll call vote with P. Goodwin abstaining.

#### **VI. ADJOURN**

**V. Dugan motioned to adjourn the meeting at 9:15 PM. M. Hodder seconded the motion which passed with a unanimous roll call vote.**