

WOLFEBORO PLANNING BOARD
December 15, 2009
MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chris Franson, Jennifer Haskell, Members.

Members Absent: Kristi Ginter, Selectmen's Representative, Richard O'Donnell, Fae Moore, Steve Buck, Dave Alessandrone, Alternates.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:01 PM.

WORK SESSION

➤ **Section 175:175**

Change in definition of Boardinghouse

Addition of definition for Dormitory & Permitted Uses

Kathy Barnard stated the Board did not receive any comments relative to changing the definition of boardinghouse however, several requests were made to request that dormitories be allowed by Special Exception. She stated there was a request to decrease the number of occupants from 10 to 6.

Chris Franson questioned the difference between 6 and 10 people.

Kathy Barnard stated the ZBA requested dormitories be allowed similar to the way that Bed & Breakfasts are allowed; noting the latter allows for 6 rooms which equates to 12 people.

Chris Franson questioned how 10 students are not similar to a large family; stating she feels that Brewster Academy is being singled out. She stated from testimony heard, in addition to the previous ZBA denial, that Brewster Academy would never be able to meet the Special Exception criteria.

Stacie Jo Pope stated that since dormitories and Bed & Breakfasts are similar, that review of a dormitory should go through the Special Exception process.

Rob Houseman stated Brewster Academy has received a Special Exception for the school in the GR1 District therefore, they are only required to submit a Site Plan Review application for any project on campus. He stated the focus should be on land use and not the owner.

Chris Franson stated the issue revolves around parking and vehicles however, noted that students do not have vehicles therefore, it is nothing more than a large family.

Rob Houseman stated 3 ZBA members advocated for the Special Exception change.

Following further discussion, the Board made the following changes;

- change to a permitted use by Special Exception
- change "six (6) occupants" to "eight (8) occupants"

It was moved by Jennifer Haskell and seconded by Chris Franson to schedule a second public hearing on Section 175:175 for January 5, 2010. All members voted in favor. The motion passed.

➤ **Wetlands Ordinance**

Jennifer Haskell stated the language “as applicable” is confusing.

Rob Houseman questioned the goal of the Board in regard to the revision of the ordinance. He reviewed the history and origin of the creation of the ordinance and subsequent changes.

Jennifer Haskell recommended striking “pre-2003” therefore pre and post 2003 standards would become the same. She stated the court ruled that the Planning Board misapplied the ordinance.

Rob Houseman stated he is aware of how the language came to be; noting there was no discussion at the Board level relative to the inclusion of single family dwelling and subparagraph #5 of 175-9. He stated based on the court ruling 175-8.A.(1)a-d apply to paragraph #4. He stated the question is whether such was the original intent of the Board and is it what the Board wants. He stated the Board gets to decide how the ordinance reads today.

Kathy Barnard stated action was taken to treat pre-2003 lots differently to allow for flexibility.

Rob Houseman questioned whether it is the intent of the Board to hold pre and post 2003 lots the same.

Chris Franson stated if so, there needs to be a Special Exception process. She verified Ms. Haskell doesn't agree with having a relief mechanism.

Jennifer Haskell replied yes, because the intent is to protect the wetlands.

Chris Franson questioned whether 175-8.A.(1)-(4) should be combined into one.

Roger Murray noted an error in the numbering of 175-9; the paragraph beginning with “Standards and criteria for decision.” should be subparagraph “B.” Subsequent paragraphs (6) and (7) should be (1) and (2). He stated he is not convinced the Board understands or agrees with what is being proposed. He stated if the Board passes.

Jennifer Haskell questioned whether it was the Board's intent to allow construction within the wetland buffer zone.

Rob Houseman replied yes, for pre-2003 lots.

Jennifer Haskell recommended striking 175-9A.(5) and clarifying 175-8.

Following further discussion, the Board decided to table consideration of the proposed changes to the Wetlands Ordinance and place such on the 2010 Work Program; noting consideration of a rewrite of the ordinance should be reviewed.

It was moved by Chris Franson and seconded by Stacie Jo Pope to table consideration of the proposed changes to the Wetlands Ordinance and place on the 2010 Work Program. All members voted in favor. The motion passed.

➤ **Residential Districts**

Chris Franson questioned the adoption of betterment fees.

Rob Houseman stated the cost to hook up to the Town's water system is \$6,000 (up to a 4-bedroom septic) and \$6,000 for sewer hook up; noting Mr. Ford stated he is of the opinion the Town will be able to accommodate growth without a new system if the Town is able to address the I/I issue. He stated the BOS is the body that establishes the fee.

Chris Franson questioned if silvaculture is different from logging.

Rob Houseman replied no; noting silvaculture does not alter the way logging occurs.

Roger Murray III questioned whether a Special Exception is needed to do a timber harvest.

Rob Houseman replied no.

Following discussion and review of public comment, the Board made the following changes;

- 175-71.A.(2); strike "one", replace with "One single family dwelling unit with an"
- Add churches, museums and recreational uses on State numbered highways by Special Exception
- eliminated 10-acre zone
- retain 10-acre by petition zone
- change 600' to 400' frontage in 5-acre zone
- left Birch Hill Estates in the water district
- removed school and golf course from water & sewer district

It was moved by Jennifer Haskell and seconded by Chris Franson to adopt the proposed language for the Residential Districts and move to public hearing on January 5, 2010. All members voted in favor. The motion passed.

➤ **Central Business District**

Following review of public comment, the Board agreed to withdraw for consideration from the 2010 Town Warrant the Central Business District Overlay District until receipt of the economic development study.

It was moved by Chris Franson and seconded by Jennifer Haskell to move the Central Business District to public hearing on January 5, 2010 and withdraw from consideration on the 2010 Town Warrant the Central Business District Overlay District. All members voted in favor. The motion passed.

➤ **Conservation Subdivision**

Referencing Randy Tetreault's comments, Chris Franson stated Mr. Tetreault recommends such be a regulation rather than an ordinance.

Kathy Barnard stated it is already an ordinance.

Following further discussion, the Board made the following changes;

- Conservation Land; add "farm, agricultural farming," between "features," & "farmland"

It was moved by Stacie Jo Pope and seconded by Jennifer Haskell to move Conservation Subdivision to public hearing on January 5, 2010. All members voted in favor. The motion passed.

Proposed 2010 Work Program:

Sign Ordinance

Parking Ordinance

Commercial District

Wetlands Ordinance

New Business

Rob Houseman stated the Board has received 3 Petition Warrant Articles; abolish the HDC, establish a 2nd HDC for the Cotton Mountain Historic District and establish a Historic Heritage Commission limited to the boundaries of the Historic District; noting the latter is not heard by the Board.

It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the December 15, 2009 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:04 PM.

Respectfully Submitted,

Lee Ann Keathley

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