

WOLFEBORO PLANNING BOARD
January 5, 2010
PUBLIC HEARING MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chris Franson, Jennifer Haskell, Fae Moore, Members, Steve Buck, Alternate.

Members Absent: Kristi Ginter, Selectmen's Representative, Richard O'Donnell, Member, Dave Alessandrone, Alternate.

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

Chairman Barnard opened the Public Hearing at 7:00 PM.

PUBLIC HEARINGS

➤ **Section 175:175**

Change in definition of Boardinghouse

Addition of definition for Dormitory & Permitted Uses

Rob Houseman reviewed the proposed changes to Section 175:175, see attached presentation; noting such would be a permitted use by Special Exception and the number of occupants was reduced from 10 to 8.

Kathy Barnard stated the Board held one public hearing on 11/17/09 and based on comments received the Board amended the definition.

Chairman Barnard opened the public hearing.

Luzanne Pierce, 11 Green Street, stated she is in favor of the changes. She questioned whether there are parking requirements related to the definitions.

Rob Houseman stated parking is reviewed as part of the Site Plan Review process.

Luzanne Pierce questioned how parking would be controlled.

Bridget Pierce, 11 Green Street, stated the term dormitory implies students however, the definition states "occupants" and questioned whether such should be clarified.

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

Steve Buck questioned the parking issued raised by the public.

Stacie Jo Pope stated such is addressed in Site Plan Review.

Kathy Barnard stated the ZBA also addresses parking as part of the Special Exception process.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Section 175:175, Change in definition of Boardinghouse and addition of definition for Dormitory & Permitted Uses to the 2010 Town Warrant. All members voted in favor. The motion passed.

➤ **Zoning Amendments per the Agricultural Commission**

Rob Houseman reviewed the proposed changes relative to such, see attached presentation.

Chairman Barnard opened the public hearing.

Referencing the definition of horticulture, Ken Perry questioned whether "production" should be placed in the definition and questioned whether the intent is to have a for sale operation and no onsite production.

Rob Houseman stated horticulture as a use would still have to meet the requirements of agriculture and farming.

Ken Perry questioned how slaughtering of animals is dealt with in regard to the State definition of agriculture; questioning whether a person can bring in significant numbers of livestock from another location to complete the final processing of an animal. Referencing the forestry portion of the definition of Agriculture and Farming, Ken Perry stated there is a neighboring town that takes such to interpret bringing in significant quantities of lumber to a site, processing it and reselling it off the site. He stated the activities under the listing of farm and land implies that the forestry and lumber operations deal with products from that particular land.

Rob Houseman stated the latter is a fair and consistent interpretation.

Ken Perry questioned if a person expands their commercial activity to include slaughtering or lumbering, would other town procedures and approvals be necessary for such a commercial operation.

Rob Houseman stated it would need to be determined whether the use and activity was inconsistent with the definition of Agriculture and if so, was such a permissible use under the ordinance. He stated that if the use or activity was not a permissible use, the use would be prohibited.

Referencing the Wetlands Overlay District and Aquifer Protection Overlay District, Suzanne Ryan questioned whether there is a setback within the districts under the Best Management Practices for the storage of manure.

Rob Houseman stated manure pile is not allowed in the Wetlands Overlay District however, is allowed in the Aquifer Overlay Protection District and is a use permitted today with no limitations; noting the Agricultural Commission is recommending such be restricted to Best Management Practices only. He stated such is considered an improved practice.

Stacie Jo Pope provided Ms. Ryan with the Best Management Practices on manure.

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

Sarah Silk stated the commercial breeding of animals was recommended to be removed from the ordinance because such is covered by statute. She thanked the Board for working with the Agricultural Commission to have such as a separate warrant article.

➤ **Zoning Renaming & Redistricting**

Rob Houseman reviewed the proposed changes to the Village Residential, Residential and General Residential Districts, see attached presentation.

Kathy Barnard stated the Board held a public forum on 12/8/09 and based on comments received the Board amended the proposal.

Chairman Barnard opened the public hearing.

Referencing the Village Residential District, Linda Murray stated home daycares are permitted however, no other daycare centers are permitted, such as the Wolfeboro Area Children's Center.

Rob Houseman stated the ROI (Residential Office Institutional) Overlay District allows for such (adopted 3/09); noting the district runs from Pickering Corner to the library.

Linda Murray stated the Board may want to review such.

Roger Murray, Brackett Road, stated he is in favor of the amendments; noting the changes implement the recommendations of the Master Plan. He stated it makes sense to have higher density in the Downtown area and preserve the rural area and open space.

Sarah Silk stated the boundaries of the districts are based on the availability of public water service and verified the term "availability" is not referring to the capacity of the water or sewer plant; only availability to the lines that run in the street.

Rob Houseman replied yes, the availability is based on the existence of water or sewer lines and capacity is regulated by the Town and NH DES.

Rob Houseman reviewed the proposed changes to the Rural Residential and Agricultural Districts, see attached presentation.

Suzanne Ryan verified the Ag 10 area remains unchanged, including frontage. She stated she agrees with the change to the frontage setback per the 12/8/09 public forum comments.

Ken Perry stated he is supportive of the proposed changes and recommended renaming the Agricultural District with a term that reflects low density residential and agricultural uses (per the Land Use Committee recommendation); noting the area is not exclusively an agricultural area.

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

Kathy Barnard questioned the incorporation of daycare centers.

Rob Houseman stated the Board needs to determine where and how to permit such.

Steve Buck cautioned the Board in regard to unintended consequences.

Chris Franson stated a provision for home daycare exists.

Linda Murray stated there should be an area in town that allows for a daycare outside of a home daycare.

Rob Houseman stated daycare centers are allowed in the ROI District and all commercial districts. He stated the definition of personal services is broad ("care of a person") therefore, is allowed as a permitted use.

Following further discussion, the Board agreed to change the name of the Agricultural District to Agricultural Residential District and present the proposed changes on one warrant article.

It was moved by Chris Franson and seconded by Jennifer Haskell to move Zoning Renaming and Redistricting including the newly named Agricultural Residential District to the 2010 Town Warrant. All members voted in favor. The motion passed.

➤ **Central Business District**

Rob Houseman reviewed the proposed changes to the Central Business District, see attached presentation; noting the Board tabled for consideration the proposal of the Central Business District Overlay District.

Chairman Barnard opened the public hearing.

Suzanne Ryan agreed with the elimination of the TRC process.

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

It was moved by Stacie Jo Pope and seconded by Jennifer Haskell to move Central Business District to the 2010 Town Warrant. All members voted in favor. The motion passed.

➤ **Conservation Subdivision**

Rob Houseman reviewed the proposed changes to Conservation Subdivision, see attached presentation.

Chairman Barnard opened the public hearing.

Roger Murray questioned whether such would replace the current cluster ordinance.

Rob Houseman replied yes.

Suzanne Ryan stated she is in favor of open space however, cannot support the proposed ordinance; noting she has issues with the mandatory part of the ordinance. She stated the ordinance needs better incentives, more bonuses and not be mandated. She stated the proposal is sweeping over the whole town and needs a different approach.

Ken Perry questioned the number of projects done in the Town in the past 30 years that has acted on the existing cluster option of the ordinance.

Rob Houseman replied 5 in the last 20 years.

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

Chris Franson stated the Board agreed that not being locked into frontage requirements was an additional incentive included in the proposal.

Stacie Jo Pope stated the Town has relief mechanisms and exemptions therefore, supports the proposal.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Conservation Subdivision to the 2010 Town Warrant. All members voted in favor. The motion passed.

Other Business

➤ **Petition Warrant Articles**

Rob Houseman stated the Board has received 3 Petition Warrant Articles; noting two require a public hearing, scheduled for 1/19/10, in which the Board will either recommend or not recommend the articles.

➤ **Great Waters Bank**

Rob Houseman stated the applicant is seeking a return of their financial security; noting legal opinion has been sought relative to such and the request would be placed on the 1/19/10 agenda.

It was moved by Chris Franson and seconded by Fae Moore to adjourn the January 5, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:01 PM.

Respectfully Submitted,

Lee Ann Keathley

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