

# WOLFEBORO PLANNING BOARD

November 16, 2010

## MINUTES

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, Jennifer Haskell, Members.

**Members Absent:** Dave DeVries, Richard O'Donnell, Members, Steve Buck, Fae Moore, Dave Alessandroni, Alternates.

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

*Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library.*

### **PUBLIC HEARINGS**

- **Off-Street Parking Ordinance**

Rob Houseman reviewed the Off-Street Parking Ordinance presentation, see attached.

*Chairman Barnard opened the public hearing.*

Kathy Barnard stated there was descending opinion regarding the waiver provision; noting the Board heard concerns relative to such.

Dave Tower, President, Huggins Hospital, stated he reviewed the proposed changes and supports such. He stated the changes would allow to Huggins Hospital to expand services; noting such is beneficial and stated the hospital currently utilizes the shuttle service aspect of the ordinance. He stated as changes of use are made available in the community, the ordinance could aid in those business opportunities.

Referencing page 1, 175-130, 5<sup>th</sup> sentence, Roger Murray stated the sentence does not accurately reflect the intent of the committee. He stated he believes the statement should read there is no increase in demand.

David Booth stated he supports the changes to 175-138. Referencing the opening paragraph of said section, he stated the "demonstrated need" can only be satisfied with the creation of a detailed parking management plan that has to be reviewed and approved by the Planning Board. He stated the waiver can only be granted after the development of a parking plan therefore, urges the Board to move the waiver provision to Town Warrant. He stated the proposed changes demonstrate an opportunity to amend the regulations to the benefit of established businesses. He questioned the attendance of the EDC and Chamber of Commerce. He stated the ordinance provides Huggins Hospital the opportunity to expand health services.

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

The Board recommended the following change;

- Page 1, 175-130, 5<sup>th</sup> sentence; delete "which increase" & insert "with no increase in"

**It was moved by Chris Franson and seconded by Stacie Jo Pope to move Off-Street Parking Ordinance to Town Warrant. All members voted in favor. The motion passed.**

- **Zoning Ordinance Purpose Statement**

Rob Houseman reviewed the Zoning Ordinance Purpose Statement presentation, see attached.

*Chairman Barnard opened the public hearing.*

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

**It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Zoning Ordinance Purpose Statement to Town Warrant. All members voted in favor. The motion passed.**

- **Planning Board Rules of Procedure**

Kathy Barnard stated the proposed changes to the Planning Board Rules of Procedure reflect SB448 (effective 7/10); noting the changes reflect the past practice of the Board.

Jennifer Haskell stated that as an applicant, she is opposed to alternates sitting at the table with the members; noting it is difficult to know who is voting. She stated the Planning Board's practice is inconsistent with the practice of the ZBA. She stated the alternate should only sit at the table when he/she is appointed as a member. However, Ms. Haskell stated that as a Planning Board member she finds participation from an alternate valuable. She expressed the need for consistency relative to the applicant's point of view.

Kathy Barnard expressed the same concern as Ms. Haskell; noting that as chairman she needs to make it very clear who is voting. She stated the alternate cannot speak after the public hearing is closed.

Stacie Jo Pope recommended having "alternate" placed on the name tags.

Chuck Storm stated alternates add to the discussion.

Rob Houseman stated alternates of the ZBA are not seated if providing testimony; noting the alternate should recuse themselves if giving testimony as a member of the public.

*Chairman Barnard opened the public hearing.*

Roger Murray stated that if the alternate is not sitting as a Planning Board member and cannot vote, he doesn't understand why the alternate is present.

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

Chris Franson stated there was strong consensus on the Board to allow the alternate to participate.

The Board recommended the following change;

- Page 2, Meetings 4., 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence; strike "Prior to the vote"

**It was moved by Chris Franson and seconded by Stacie Jo Pope to adopt the Planning Board Rules of Procedure. Chris Franson, Stacie Jo Pope, Chuck Storm voted in favor. Jennifer Haskell, Kathy Barnard opposed. The motion passed.**

- **Multi-family Dwellings**

Rob Houseman reviewed the Multi-family Dwellings presentation, see attached.

*Chairman Barnard opened the public hearing.*

Referencing page 3, F., Roger Murray questioned whether the provision is meant to apply elsewhere in the Town.

Rob Houseman stated it is also listed on page 2, D. Conversions of existing single family residence.

Roger Murray verified it would be listed in the VR, R and GR Districts as well.

Referencing 175-144, Rob Houseman stated conversions would be permitted in the VR, R and GR Districts.

Roger Murray verified conversions would not be allowed in the Shorefront Residential District.

Jennifer Haskell questioned the rationale for the allowance of 5 dwelling units in the VR, R & GR Districts however, the CBD only allows four units.

Rob Houseman stated such is only applicable to conversions.

Jennifer Haskell stated Section 175-144 doesn't state it has to be new construction. She stated she doesn't understand why conversions are allowed four units however; new construction is allowed five units.

Rob Houseman stated a conversion can occur up to 5 dwelling units however, it must fully comply with the underlying requirements of the ordinance. He stated the conversion is a lesser standard and a greater density than is otherwise permissible in the zone for multi-family.

Jennifer Haskell questioned why not allow 5 units if the multiplier remains unchanged and the applicant can satisfy the multiplier.

Rob Houseman stated the Board could allow such.

Chris Franson questioned why the Board would want to increase the number; noting the Board was forced to add five dwelling units because of State requirements.

Jennifer Haskell questioned what the statute states.

Chris Franson stated the statute allows for five units instead of four units for new construction.

Jennifer Haskell questioned whether the Board's intent is to limit density and questioned whether the Board fully complies with the statute if the Board only allows four units in specific zones. She questioned whether the statute defines workforce housing as new construction.

Kathy Barnard stated the proposal came forth to ensure consistency with the workforce housing statute.

Jennifer Haskell questioned whether workforce housing only relates to new development and whether the Board is compliant with the statute. She questioned whether the statute defines workforce housing as new construction.

Kathy Barnard requested Staff seek legal guidance relative to compliance with the statute.

Rob Houseman stated the Town is obligated to provide an opportunity for reasonable accommodations.

Roger Murray questioned what would prevent someone from building a single family dwelling on a lot that only supports a single family dwelling and then one year later converting it to four units.

Rob Houseman questioned the restriction that would prevent the conversion such as septic loading.

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

**It was moved by Chuck Storm and seconded by Jennifer Haskell to continue the Multi-family Dwelling Public Hearing to 12/7/10 pending legal guidance relative to compliance of the statute. All members voted in favor. The motion passed.**

## **WORK SESSION**

- **Planning Board schedule**

- Change Planning Board meeting from 12/21/10 to 12/14/10
- Sign Ordinance Public Hearing scheduled for 12/14/10
- Commercial Districts Public Hearing scheduled for 12/14/10
- Multi-family Dwelling Public Hearing scheduled for 12/7/10
- Wetlands Ordinance Public Hearing scheduled for 12/14/10

- **Waterline Easement**

Rob Houseman stated the Department of Public Works is proposing that the Town grant a water line easement to place a water line connection under the driveway of the Public Safety Building to service the new doctor's office next door. He stated such would convey a real estate interest in Town owned property to another party. Per RSA 41:14-a, he stated the Board is required to review and provide recommendations relative to the proposed transaction. He stated the water line has already been constructed in the proposed easement area, and that the accompanying sewer easement being conveyed to the Town has already been approved by the Board of Selectmen.

Kathy Barnard stated there is an accompanying sewer easement conveyed to the Town.

**It was moved by Chris Franson and seconded by Stacie Jo Pope to recommend to the BOS to grant the water line easement as depicted on the plan entitled "Water & Sewer Easement Plan" for 245 South Main Street. All members voted in favor. The motion passed.**

- **Pine Hill Road Development District**

Kathy Barnard stated Richard O'Donnell agrees with the revisions dated 11/1/10.

Rob Houseman stated he presented such to the EDC; noting the EDC did not take a position as a body however, individual members vocalized support of the proposal. He stated he has not yet presented the proposal to the Chamber of Commerce.

Chris Franson questioned whether the language noted in 175-112.F.(3) is sufficient.

Rob Houseman stated he would review NH DES language; noting the language should reflect the wetlands ordinance language.

The Board recommended the following change;

- 117-112.F.(3); strike last sentence
- Add "in compliance with the Wetlands Ordinance"

**It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Pine Hill Development District to public hearing. All members voted in favor. The motion passed.**

Kathy Barnard stated the public hearing is scheduled for 12/14/10.

- **Wetlands Ordinance**

Kathy Barnard stated the subcommittee met following Rene Pelletier's presentation to the Board. Relative to Mr. Pelletier's recommendation to include surface waters in the ordinance, the subcommittee has requested guidance from the Board as to whether or not to include such; noting the subcommittee felt it would be a major change to the ordinance.

Rob Houseman reviewed the changes to the draft ordinance.

Chris Franson stated she is opposed to including surface waters in the ordinance at this time.

Jennifer Haskell agreed with Ms. Franson.

Following further discussion the Board agreed to the following;

- Add explanatory note regarding pre-2003 lots
- Omit surface waters ~ strike all reference to surface waters as recommended by Rene Pelletier
- Maintain 1800 SF footprint
- Accept all other changes as noted in the 11/16/10 draft

**It was moved by Stacie Jo Pope and seconded by Chris Franson to move Wetlands Conservation Overlay District to public hearing, as amended on 11/16/10. All members voted in favor. The motion passed.**

Kathy Barnard stated the public hearing is scheduled for 12/14/10. She stated the Orr & Reno letter and Roger Murray's letter, dated 11/16/10, would be presented at the public hearing.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the November 16, 2010 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:15 PM.*

Respectfully Submitted,  
*Lee Ann Keathley*  
Lee Ann Keathley

**Planning Board**

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***Proposed Zoning Changes***  
***November 16, 2010***

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**Wolfeboro Planning Board**

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- Kathy Barnard, Chairman
- Christine Franson
- Chuck Storm, Selectmen's Rep
- Jennifer Haskell
- Dave DeVries
- Richard O'Donnell
- Stacie Jo Pope, Vice Chairman
- David Alessandrini, Alternate
- Steve Buck, Alternate
- Fae Moore, Alternate

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**AGENDA**

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- PLANNING BOARD RULES OF PROCEDURE
- ZONING ORDINANCE PURPOSE STATEMENT
- MULTIFAMILY DWELLINGS
- OFF-STREET PARKING ORDINANCE

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PLANNING BOARD RULES OF PROCEDURE

Alternates.

Alternates shall participate in public hearings when appointed by the chairman. Alternates, once seated to hear an application as a voting member, shall continue serving as a voting member of the Board on said application until such time final action is taken on the application.

Alternates not appointed to sit during a public hearing: All alternates may participate in the review, question and comment on an application but shall refrain from voting on the application unless seated by the Chairman. Prior to the vote any vote on an application the chairman shall announce who is voting on the application. not appointed to sit during the public hearings portion of the meeting shall remove themselves from the table and join the audience.

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ZONING ORDINANCE PURPOSE STATEMENT

175-XX. Purpose.

*The provisions of this chapter are intended to regulate the use of land for the purpose of protecting the public health, safety, convenience and general welfare of the residents of the Town of Wolfeboro. This chapter is adopted in accordance with and in order to implement the Master Plan and other policies designed to promote the orderly growth of the Town of Wolfeboro. Among other purposes, this chapter is specifically adopted to preserve air and water quality; to conserve open space and agricultural resources; to protect natural and scenic resources from degradation; to provide for recreational needs; to protect life and property from flooding and other natural hazards; to preserve historic sites and structures; to ensure that development is commensurate with the character and physical limitations of the land and to encourage the installation and use of solar, wind or other renewable energy systems. Further, this chapter is designed to ensure that the timing, location and nature of new development takes into account the immediate and long-range financial impacts of proposed uses.*

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MULTIFAMILY DWELLINGS

ARTICLE XXIII, Multifamily Dwellings

§ 175-143. Applicability of other regulations.

Where specific development requirements are addressed in this article, they shall supersede any other Town regulation. Where specific development requirements are not addressed in this article, the most stringent of any other Town regulation shall apply.

§ 175-144. Requirements for VR, R, and GR and all commercial districts except CBD and WF Districts.

Unit number. Multifamily dwellings with no more than ~~four~~ five dwelling units per building are permitted.

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OFF-STREET PARKING ORDINANCE

- Central Business District Parking Requirements
- Proposed *additions and new buildings*, which increase demand, shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand.
- Off-site parking spaces, located within 500' of the site.
- *Fee in lieu of parking*

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OFF-STREET PARKING ORDINANCE

- § 175-131. Shared parking  
*The Planning may approve the joint use of parking spaces by two or more establishments or uses on the same or contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided the Board finds that the following standards are met:*  
*The parking provided meets the intent of the requirements during the peak use required by such establishments.*
  - *The approval by the Planning Board of such parking spaces shall be upon the following conditions:*
    - *That the approval granted will automatically terminate upon the termination of any establishment participating in the joint use.*
    - *The approval will automatically terminate upon any substantial change in the time pattern of the joint use of spaces by any establishment participating therein which results in the total spaces provided being insufficient for the combined requirements of the users.*

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OFF-STREET PARKING ORDINANCE

- Eliminated Compact Car spaces
- Established a flexible standard for snow storage
- Created a Waiver provision from the Parking Requirements

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**OFF-STREET PARKING ORDINANCE**

Waiver provisions include:

- Any waiver granted shall not exceed fifty percent (50%) of the required number of spaces. Waivers shall only be granted by the Planning Board
- In order to be considered for a waiver, the applicant shall submit a Parking Management Plan
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**OFF-STREET PARKING ORDINANCE**

- An analysis of the anticipated parking demand for the proposed development, such an analysis shall include, but is not limited to:
  - Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
  - Anticipated parking demand by time of day and/or demand by use;
  - Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
  - Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.

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**OFF-STREET PARKING ORDINANCE**

- Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
  - A telecommuting program;
  - Participation/establishment in a Transportation Management System that includes methods to increase the use of car pool, van pool, or non-auto modes of travel;
  - Implementation of a car-share program; and,
  - Development or use of a system using offsite parking and/or shuttles.

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