

WOLFEBORO PLANNING BOARD
September 21, 2010
MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Richard O'Donnell, Dave DeVries, Members, Dave Alessandroni, Alternate.

Members Absent: Jennifer Haskell, Member, Fae Moore, Steve Buck, Alternates.

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

Chairman Barnard opened the meeting at 7:00 PM.

➤ **Site Plan Regulations as it relates to shopping centers**

Paul Zimmerman reviewed the plans, dated 1982, for Clark Plaza and Wolfeboro Plaza and read a letter received from Audrey Cline, dated 9/3/10, see attached, relative to the vegetable stand placed on the Clark Plaza property. He stated Ms. Cline states in her letter the vegetable stand is not approved and requested he apply for Site Plan approval or refrain from allowing such activity.

Richard O'Donnell questioned if the stand is mobile.

Paul Zimmerman replied yes. He stated Clark Plaza consists of 6 acres (280,000 SF); noting the 12 SF farm stand on wheels would be .00428% of 1% of the previously approved site. He questioned where in the Site Plan Review Regulations it requires Site Plan approval for an unobtrusive miniscule extension of activities at a shopping center and questioned the validity of Ms. Cline's letter. He stated he cannot find in the regulations where it requires him to receive Site Plan approval. He read his letter, dated 9/21/10, see attached. He stated there should be more flexibility; noting the issue is not addressed in the definition, purpose, permitted uses or Special Exception uses of the ordinance.

Stacie Jo Pope questioned the procedure relative to holding special events at shopping centers.

Dave DeVries questioned if there is anything specific that prohibits the activity.

Rob Houseman stated it relates to the issue of vending. He stated Clark Plaza received Planning Board Site Plan approval which included the parking layout associated with the uses and units on the site. He stated the letter was in response to a complaint; noting the complaint was triggered by a newspaper article. He stated the stand and owner's vehicle occupies two parking spaces and recommended Mr. Zimmerman review the parking calculations approved at the time of Site Plan approval to determine whether the parking was designed in excess of what was required.

Paul Zimmerman questioned how the activity is deemed as a violation.

Rob Houseman stated the activity deviates from the approved site plan as a shopping center.

Richard O'Donnell questioned whether the Board is looking at a different use than what was previously allowed and questioned the difference between a profitable business retail operation

rather than a nonprofit activity such as Santa's Hut. He questioned whether the activity completes with other owner's uses.

Kathy Barnard verified the activity would be allowed if it is an accessory use to an existing business or if it is not in violation of the parking calculations.

➤ **C1 & C2 Pine Hill Road Commercial Zoning Districts**

Rob Houseman reviewed the Pine Hill Road corridor; noting the original proposal included rezoning such residential, re-establishing such as a gateway corridor and using the Filter Bed Road extension right-of-way. He stated parts of the Charrette have been implemented such as elderly housing and recreational space.

Chris Franson questioned whether developing Filter Bed Road is feasible.

Rob Houseman stated there is not a right-of-way over the private properties; noting such would need to be laid out. He stated the statute has a provision that allows the Board to do such and prohibit the development of the corridor for a period not to exceed 10 years. He stated a public right-of-way would provide frontage for 3 parcels that are currently landlocked.

Chris Franson questioned who would have jurisdiction to establish the layout.

Rob Houseman replied the BOS.

Richard O'Donnell stated he considers Pine Hill Road primarily residential however; the idea of developing commercial activity on the road is also appealing. He stated the concept of planning and updating the Charrette is a large project; noting the Board needs to look at it in totality. He stated Filter Bed Road has potential for walking trails and wildlife corridor.

Dave Alessandrone stated he likes the idea of opening Filter Bed Road however; consideration must be given to the impact of the Varney Road, Friend Street and Filter Bed Road intersection. Referencing Pine Hill Road, he noted potential safety issues with traffic relative to additional driveway cuts. He questioned the type of commercial use allowed on Filter Bed Road if it were developed.

Rob Houseman recommended uses that don't need Main Street store frontage such as professional offices; noting retail leakage from the village core could do significant damage.

Dave DeVries agreed with Mr. Alessandrone; noting development of Filter Bed Road would create additional impact to Friend Street and North Main Street. He stated the road could be laid out in order to start the process.

Chris Franson stated the Master Plan speaks to maintaining the gateways however, expressed concern for the existing residential use of the corridor. She recommended the workforce housing development be factored into the vision of the corridor.

Kathy Barnard questioned consolidation of curb cuts on the C2 side of Pine Hill Road and questioned the impact to the area if C1 is removed. She questioned whether the residential zone

should be maintained; noting the Charrette states the preservation of the corridor as primarily a residential area.

Rob Houseman stated there is no logic to have a highway corridor separate zoning districts.

Stacie Jo Pope stated she believes it's a good idea to have both sides of the street designated as the same zone and expressed concern for the impact to Varney Road and Friend Street should Filter Bed Road be expanded.

The Board reviewed the boundaries of the C2 District.

Following further discussion, the Board summarized the following;

- Potential for walking trails & recreation
- Retail relative to trade industry
- Development of commercial facilities such as an art center
- Consideration of contractors yard light
- Development of professional offices
- Expand C2 boundary further back
- Shared curb cut concept

➤ **Other Business**

Paul Zimmerman questioned why the Planning Board and ZBA's email addresses are not on the website; noting the BOS' phone numbers and email addresses are on the website.

Kathy Barnard stated the members have a quasi judicial status and there is no need to have members of the public contact the Board members individually.

It was moved by Chris Franson and seconded by Dave DeVries to adjourn the September 21, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:09 PM.

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley



Planning and Development

Town of
Wolfeboro
Paul Zimmerman
PO Box 300
Wolfeboro Falls NH 03896

September 3, 2010

RE: Tax Map & Lot# 218-17 ; 35 Center Street

Dear Paul,

Thanks for your time the other morning when I stopped into your office to discuss the vegetable stand. I have given your perspective some thought, however whichever way I turn it over in my mind I still end up in the same place.

Being a Shopping Center, the approved site plan has laid out the unit/tenant boundaries and the addition of another location for a "unit" or area of use would require site plan approval from the planning board under Section XII 175-56.

This is the same scenario (although a somewhat smaller area involved) as the "lawn ornament" sales of 2006.

The vegetable stand is not approved, and therefore I would ask you to apply for site plan approval or refrain from allowing such activity (either this instance or similar future instances).

Sincerely,

Audrey Cline
Code Enforcement Officer

c.c. David Owen, Town Manager; Robert T. Houseman, Director of Planning and Development; Thomas Zotti, Deputy Fire Chief; File

9 Union Street Post Office Box 629 Wolfeboro, New Hampshire 03894
(603) 569-5970



Wolfeboro Planning board presentation: September 21

1. It is a very common occurrence for a shopping center or strip mall to have special outdoor events, by tenants or other interested parties. Take for example the tent put up by harvest market to demonstrate how to pot plants. Or a local farmer demonstrating how to make cider, or sell corn, out of a small temporary stand.
2. At Clark Plaza, we have had many people, use the plaza for various promotions and sales. Things like the Santa's hut used for Santa Claus, or other functions from the hut like political services, fund raisers etc. Things like farmers market, Lions club selling Xmas trees etc.
3. Historically shopping centers and strip malls allow and encourage this type of activity as a public service and or to entice more business. It basically is sharing large open spaces for public use. It is unheard of, to require site plan approval for such limited, temporary, unobtrusive, miniscule activities. In this case, I have been cited by the Town, where they have requested I get site plan approval from you, allowing a temporary 12 sf farm stand on wheels, selling corn to continue to operate. Keep in mind total area of Clarke Plaza is over 280,000 sf, one percent of 280,000 would be 2800 sf, a 12 sf farm stand on wheels would be .0000428% of 280,000, or .00428% of 1 % of the previously approved site. Does it make sense to be required to spend the money and time required to acquire site plan approval for such an unobtrusive miniscule extension of activities at a shopping center, where in most cases this encroachment is very limited, very temporary usually charity driven, or a courtesy to various organizations?
4. Shopping centers and the like are historically exempt from such. municipal regulations.
5. Usually they are self managed and controlled by either the owner or tenant associations. Shopping Centers usually are on private property and are totally self-contained. They usually have their own parking regulations, housekeeping, store hours, advertising, security and promotional activities. Most Towns would rather leave them alone to their own business techniques once the master site plan for the shopping center has been approved. To be continually harassed by a Town sub code official for activities that are normally common occurrences is a totally waste of everyone's time and money. In fact, I was told if I don't like these letters, from the Town, then I should take the time to change the regulations, which is why I am here, before you tonight. Which incidentally none of which makes any sense to me.
6. I don't want any special treatment, I just want regulations that fit the property, and fit the current use of previously approved uses.
7. I would like to encourage you to review such existing municipal regulations giving shopping centers the freedom and liberty to operate in a manner consistent with reasonable business procedures, without being continually hounded by code officials.

Discuss parking in front of buildings

Discuss meeting date for Election Day, Nov 2nd and celebration parties in MHT.