

# WOLFEBORO PLANNING BOARD

September 20, 2011

## MINUTES

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

**Members Absent:** Dave DeVries, Jennifer Haskell, Members, Fae Moore, Dave Alessandroni, Alternates.

**Staff Present:** Rob Houseman, Director of Planning & Development.

**Staff Absent:** Lee Ann Keathley, Secretary.

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

*Chairman Barnard appointed Steve Buck, Alternate, to sit in for Jennifer Haskell, Member.*

### **WORK SESSION**

- **RSA 674:41 Exemption**

Kathy Barnard stated that per RSA 674:41 frontage on island property is not required however, in order for such to be enacted in the municipality, it needs to be adopted in the Zoning Ordinance.

Rob Houseman stated the exemption also applies to the prohibition of the issuance of building permits on all lots that do not front on a Class VI Highway or private road approved and platted by the Planning Board unless the applicant seeks relief under the statute.

Kathy Barnard stated it makes sense to exempt island properties however, questioned whether the Board is interested in exempting all properties. She stated the Master Plan opposes the issuance of building permits for developments on a Class VI road.

Chris Franson stated she is in favor of exempting island properties however, she does not wish to include Class VI highways.

***It was moved by Chris Franson and seconded by Stacie Jo Pope to forward RSA 674:41 relative to island properties exemption to public hearing. All members voted in favor. The motion passed.***

Kathy Barnard questioned whether the Board should forward planning thoughts to the ZBA; noting she believes the ZBA is seeking guidance from the Board.

The Board agreed to place such on the 10/4/11 agenda; noting the Board would seek legal guidance in regard to the ZBA case that such relates to.

- **Natural Resource Protection**

Kathy Barnard stated she received a phone call from Sarah Silk regarding the Natural Resource Protection memo, dated 9/15/11. She stated Ms. Silk and Dan Coons feels the memo should be updated to include

prime agricultural land to the criteria to be considered prior to the sale of Town owned land and include review by the Agricultural Commission.

Richard O'Donnell agreed that prime agricultural land should be added to the list of criteria.

Kathy Barnard stated if the BOS wants additional input then they can request review by the Agricultural Commission.

Chris Franson questioned whether real estate appraisals are required prior to the sale of the property.

Chuck Storm stated the BOS require an appraisal.

Following further review of the Natural Resource Protection memo, dated 9/7/11, the Board agreed to the following;

- Add prime agricultural land to the list of criteria
- Change "Land with recreational purpose" to "Land with recreational potential"

The Board agreed that to allow the BOS to determine whether review by the Agricultural Commission is necessary. The Board agreed to resend the memo to the BOS and the Conservation Commission representing the changes discussed.

- **Group Homes**

Kathy Barnard stated Attorney Rattigan reviewed the draft ordinance and provided comments via his emails, dated 9/12/11 & 9/19/11.

Referencing Attorney Rattigan's emails, Rob Houseman stated the proposed definition addresses the State of NH's exemption of 3 or less individuals in a residence. He questioned whether the Board wishes to stop at the definition and maintain the Special Exception process; noting the applicant could argue to the ZBA that they are exempt under the State policy.

Chris Franson questioned whether the Board should do anything and expressed concern for potential litigation.

Kathy Barnard stated the Board is trying to do something to allow for public input and notice.

Following further discussion, the Board agreed to the following;

- Staff to consult with Attorney Rattigan
- Revise draft ordinance to include a narrative/explanatory paragraph
- Group Home Overlay District, 2., b.; strike "This shall be placed on resident's background or onsite safeguards employed to prevent any risk."
- Group Home Overlay District, 2., e.; strike "(1) Sewer, (2) Water, (3) Stormwater drainage & (5) Police protection"
- Continue discussion to the 10/4/11 meeting

- **HDC**

Rob Houseman stated that if a petition is submitted for the abolishment of the Historic District the statute requires the Historic District Commission to hold two public hearings. He stated Town Counsel opined the Planning Board has no jurisdiction over the petition therefore, in the absence of a Historic District

Commission, the BOS would be the governing body responsible for holding the public hearings. He further stated there is a risk that Town Counsel for the BOS could oppose Planning Board Town Counsel opinion.

- **C2 Zoning; Wolfeboro Falls Limited Business District**

Rob Houseman reviewed the Wolfeboro Falls C2 and C2 Greater Downtown Districts; noting C2 zoning is the most liberal zoning. He recommended eliminating the risk of negative impact around Back Bay. He reviewed the proposed changes; noting the changes mirrors the Bay Street Limited Business District.

Chris Franson questioned Special Exception use for a marina and whether said use should remain.

The Board reviewed the definition of marina.

Steve Buck stated the Main Street Bridge limits the size of the boats and marina.

Chris Franson questioned whether the proposed setback requirements negatively impact anyone.

Kathy Barnard questioned whether it is realistic to have a 20' front setback.

Rob Houseman stated the Board could impose a "build to" line rather than a setback.

Chris Franson questioned whether parking to the rear of the building should be encouraged.

Following discussion the Board agreed to the following;

- Front yard setback; strike 20' to be 10' and include a "build to" line (include a minimum & maximum)
- Setback exemption for waterfront properties
- Include Bed & Breakfast as a permitted use
- Prohibit parking in front setback

### **Other Business**

Richard O'Donnell requested the Board review landscaping requirements for substantial size buildings; noting he believes there should be more requirements to blend the landscaping with architecture, including an increase in the size of the plants and more diversity in the type of plants/trees that are planted.

**It was moved by Chris Franson and seconded by Stacie Jo Pope to adjourn the September 20, 2011 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 8:45 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

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