

WOLFEBORO PLANNING BOARD

January 17, 2012

MINUTES

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

Members Absent: Chuck Storm, Selectmen's Representative, Richard O'Donnell, Dave DeVries, Members, 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 at the Wolfeboro Public Library.

Chairman Barnard appointed Dave Alessandrini, Alternate, to sit in for Richard O'Donnell, Member.

PUBLIC HEARINGS

Group Home Overlay District

Rob Houseman noted this is the second public hearing on the Group Home Overlay District.

Chairman Barnard opened the public hearing.

Dick Hamilton, 10 Eagle Trace, stated he reviewed Attorney Ratigan's letter, dated 12/29/11; noting such was helpful however, he was disappointed that there was no mention of court cases the public has referred to. He stated he had hoped Attorney Ratigan would have addressed a specific case previously noted by the public. He stated local housing for the elderly does include disabled people. He asked the following questions; when did 4-8 residents of a group home become a single family dwelling and if the residents of the group homes are residents of New Hampshire. He stated the Board is going to great lengths to provide housing with the assumption the people are residents of NH. He stated the proposal speaks to the entire Town and noted inconsistencies in the proposed ordinance (such as definition of family). He expressed the following concerns; the suggestion of service area implies commercial, financials are unknown, group homes could reduce the value of the neighborhood, increase in density being compatible with the neighborhood. He stated the proposal is a clear alteration of land use. He reviewed the definition of adult care home. He questioned what happens to the Town's ordinance if the State or Federal laws change and if other towns have such an ordinance. He requested the Board not forward the proposal to Town Warrant.

Referencing Attorney Ratigan's letter, Fred Tedeschi, 13 Eagle Trace, stated there is a misconception of group homes; noting a group home is not the type of care facility noted in Town Counsel's letter. He disagrees with Attorney Ratigan's conclusion and feels he has misinterpreted the legal case. He stated Attorney Ratigan's letter states the Board cannot regulate group homes therefore he doesn't see the need for the ordinance and feels the ordinance will tie the hands of the residents.

Russell McCabe, 7 Fairway Drive, referenced the Fair Housing law and the history of such and noted he does not see the value of the regulation; noting such is an invitation to "Lakeviews" of the world.

Chris Franson stated the proposed ordinance came about from the concerns of residents and residents asking the Board to control group homes. She stated the Board sought several legal opinions therefore; she is comfortable with moving the ordinance to Town Warrant.

Kathy Barnard stated when the Board began reviewing group homes, two significant issues were noted; notification to abutters and community members that homes are considered single family residences / to allow for public process to abutters for group homes consisting of 4-8 residents in addition to providing guidance to staff. She stated residents of 8+ would require a variance. She stated not many communities have such an ordinance and the Board reached out to Attorney Ratigan, NH Housing, Local Government Centers and other Town Planners.

Stacie Jo Pope stated the proposed ordinance creates a pathway for dialogue to occur with residents and staff and recommended placing the ordinance on the Town Warrant.

Jennifer Haskell reviewed the Board's authority relative to regulating group homes.

Rob Houseman stated tonight is the last day to hold a public hearing; noting the options are to table the proposed ordinance or move to Town Warrant. He stated if the Board chooses the latter, there is no ability to amend it in any way. He stated the Town has permissive zoning therefore, any proposal that is submitted would be denied. In regard to group homes of 3 or less residents, the administrative rules require the Code Enforcement Officer and Fire Department to certify that the building is in code compliance. However, in regard to 4+ residents, he stated that without the ordinance the only recourse is to deny the application therefore, the application then goes before the ZBA. He stated ordinances related to group homes do exist however, not in the State of NH. He stated the proposed ordinance provides Staff with clear guidance.

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

It was moved by Chris Franson and seconded by Stacie Jo Pope to move Group Home Overlay District Ordinance to Town Warrant. Kathy Barnard, Chris Franson, Jennifer Haskell, Stacie Jo Pope voted in favor. Dave Alessandrone abstained. The motion passed.

Wetlands Conservation Overlay District

Rob Houseman reviewed the changes to the Wetlands Conservation Overlay District as recommended at the 12/13/11 Planning Board public hearing; noting tonight is the second public hearing being held on such.

Chairman Barnard opened the public hearing.

Dan Coons stated the revision to the ordinance addressed the concerns of the Conservation Commission.

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

It was moved by Stacie Jo Pope and seconded by Chris Franson to move Wetlands Conservation Overlay District to Town Warrant. All members voted in favor. The motion passed.

Work Session

Natural Resources Chapter Recommendations

Kathy Barnard reviewed the recommendations of the Natural Resource Chapter; noting some of the items would need to be forwarded to the Conservation Commission and Agricultural Commission. She stated a memo was forwarded to the Commissions relative to their review and assistance towards implementing the recommendations. She expressed the need for direction regarding forestry/timber harvesting and questioned the Conservation Commission and BOS' role regarding such.

Referencing recommendations relative to vernal pools, Chris Franson stated the Conservation Commission could assist the Board with such.

Dan Coons stated he would present the recommendations to the Commission.

It was moved by Chris Franson and seconded by Jennifer Haskell to adjourn the January 17, 2012 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 8:15 PM.

Respectfully Submitted,

Lee Ann Keathley

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