

# WOLFEBORO PLANNING BOARD

June 19, 2012

## MINUTES

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, John Thurston, Vaune Dugan, Members.

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

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

*Chairman Barnard opened the meeting at 7:02 PM at the Wolfeboro Public Library.*

### **Informational Item**

Rob Houseman reviewed the field report for Lakes Region Restorations Inc., dated 6/14/12.

### **Action Item**

#### **Wolfeboro Congregation of Jehovah's Witnesses**

#### **Release of Financial Security**

**TM #268-5**

Rob Houseman stated the Board tabled granting the release of financial security at the 6/5/12 meeting pending final inspection to ensure the landscaping is fully established. He stated he performed the final inspection and recommends the release of the financial security in the amount of \$19,300.00.

Referencing the #'s 7 & 14 on the punch list, Chris Franson questioned the need for a variance because the building is located within 20' of the side setback.

Rob Houseman stated a variance is not necessary. He stated the proposal included tearing down the original building and when the new building was constructed the building width was decreased. He stated the applicant is vested in the use of the footprint of the building therefore, a variance was not required. He noted the applicant added additional dry wells to comply with #7; noting such referenced storm drainage.

**It was moved by Chuck Storm and seconded by Chris Franson to grant the Release of Financial Security to Wolfeboro Congregation of Jehovah's Witnesses, TM # 268-5, in the amount of \$19,300.00. All members voted in favor. The motion passed.**

### **Work Session**

#### **A. Alternate Position**

Kathy Barnard stated the Board received a request from Jim Ladd to be appointed as an alternate to the Planning Board.

John Thurston asked if there is a vacancy on the Board.

Rob Houseman replied yes. He stated the Board is allowed up to five alternates; noting the position is appointed by the Board. He stated the Board could advertise the position. He reviewed the duties of an Alternate.

Vaune Dugan noted the conflict with Mr. Ladd's work schedule at Community TV and the taping of the Planning Board meetings.

The Board further discussed the conflict with Mr. Ladd's work schedule and agreed to advertise the position.

## **B. 2012 Work Plan**

### **➤ RSA 674:41 Option; Lots With No Frontage On A Private Way Not Shown On A Planning Board Approved Subdivision**

Kathy Barnard stated the ZBA has requested guidance relative to lots in need of relief from RSA 674:41 Erection of Buildings on Streets. She questioned the number of lots affected.

Rob Houseman replied 190+/- lots are affected. He reviewed the statute; noting the statute was amended in 2005 to tighten the definition of frontage. He stated the statute prohibits the issuance of a building permit to renovate, construct an addition, raze and rebuild; noting Town Counsel opined there is a constitutional issue with such because those lots are already developed. He recommended the Board establish clear standards for issuing building permits on private ways and back lots that predate Planning Board authority to approve subdivisions.

Stacie Jo Pope questioned whether the lots presented to the ZBA are undeveloped.

Kathy Barnard replied some.

Rob Houseman stated the ZBA recently began imposing conditions on the approval of the applications such as no further subdivision shall occur, sign off by the Fire Department and recording of the acknowledgment/notice of liability. He stated the ZBA has been presented applications involving back lots or historic lots where the prior owner requested a deeded easement to the lot and explained that now that lot has been sold and the new owner wishes to develop the lot via use of the easement.

Chris Franson questioned scattered and premature development.

Rob Houseman stated the statutory definition of such deals with subdivision and not the development of a single family dwelling. He stated development does not equate to development of a single family dwelling on an existing lot of record. He stated the intent is to provide relief by removing the variance requirement. He stated the Board is asserting their right to establish a process.

Kathy Barnard verified by doing such, it removes the argument of hardship.

Chris Franson recommended a condition be included that the owner provides proof of a legal right-of-way to access the property.

Following further discussion, the Board recommended the following revisions;

- (1), add the following or create a new paragraph; include a provision regarding no further subdivision of the parcel in its current configuration
- (3); demonstrate compliance with environmental regulations
- (3); add “wetlands” following “steep slopes,”
- B.; strike “undue nuisance or”
- B.; strike “and off-street parking”, end sentence after “accessways”
- Request applicant to demonstrate deeded rights to the property (deeded ROW)
- Consider a built in exception

➤ **Steep Slope/Ridgeline Protection**

Kathy Barnard questioned whether ridgeline protection could be added to a steep slope ordinance.

The Board reviewed excerpts from the Lyme, NH Zoning Ordinance relative to such.

Chris Franson stated the ordinance speaks to a visual resource map. She stated some ridgelines may have a greater value than others.

Vaune Dugan recommended including language that the owner has to demonstrate no impact from development. She stated she likes the idea of ridgeline protection however, expressed concern regarding the language relative to such; recommending the language be straight forward and simple.

Rob Houseman stated there are 18 identified view sheds with known locations/observation points in the Zoning Ordinance (Appendix to 175:B & C). He questioned whether the language could be done in such a manner as Ms. Dugan recommends.

The Board reviewed design guidelines.

Following further discussion, the Board recommended the following;

- Maintain separate ordinances for steep slope and ridgelines
- GIS; superimpose parcels and identify areas
- Demonstrate no impact to public view
- Staff to present a rendering of USGS map with identified potential views; provide map with topo and boundaries
- Review 3 towns that have an ordinance addressing ridgeline protection

➤ **Conservation Preservation Overlay District**

Chris Franson stated the Conservation Commission, through the program Taking Action for Wildlife, has identified priority areas for a Conservation Preservation Overlay District. She stated gathering data through community outreach is a task associated with the program.

Kathy Barnard stated Mike Hodder submitted the delineation of the areas. She stated the Town of New Durham has such a district.

Stacie Jo Pope stated the Board needs to understand what the Commission wishes to achieve; noting additional discussions will take place between the Commission and Planning Board representatives.

Rob Houseman stated the next step in the process is preparing a map; noting the Commission is looking for a partnership with the Board to develop a wildlife and habitat protection plan ordinance. He stated one task of the Commission includes landowner outreach.

Kathy Barnard requested the Commission prioritize the areas they want the Board to overlay zoning districts and determine current levels of protection for those areas.

➤ **Historic District**

Chris Franson stated she has spoken to people in the Historic District relative to voluntary guidelines and noted they are in favor of such.

John Thurston stated he has spoken to people as well; noting they are in favor of that approach.

Kathy Barnard questioned whether the Board could legally put such in place.

Rob Houseman stated voluntary review guidelines already exist.

The Board agreed to review the Voluntary Guidelines, specifically the element with regard to historic buildings.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the June 19, 2012 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 8:52 PM.*

Respectfully Submitted,  
*Lee Ann Keathley*  
Lee Ann Keathley