

# WOLFEBORO PLANNING BOARD

July 17, 2012

## MINUTES

**Members Present:** Kathy Barnard, Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, John Thurston, Members.

**Members Absent:** Stacie Jo Pope, Vice-Chairman, Vaune Dugan, Dave DeVries, Members, 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.*

### **Consideration of Minutes**

**June 5, 2012**

**It was moved by Chris Franson and seconded by John Thurston to approve the June 5, 2012 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.**

**June 19, 2012**

### **Corrections:**

Page 2, 2012 Work Plan, 4<sup>th</sup> paragraph; strike "some", insert "all were undeveloped"

**It was moved by Chuck Storm and seconded by Chris Franson to approve the June 19, 2012 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.**

### **Informational Items**

The Board reviewed the Lakes Region Planning Commission Annual Report and questioned the accuracy in the census data due to the information in the report.

### **Public Comment**

Richard Maase, 74 Moose Point Road, requested the Board to reconsider review of the Shoreland Protection Ordinance to fix inconsistencies within the ordinance and do it in a way that is transparent, thorough and inclusive of all voices from the community. He stated there are things in the record that show the process wasn't thorough and referred to the April 2012 meeting when the Board made the decision to form a subcommittee. He stated creating the subcommittee was unprecedented and it appears as though the Planning Board has gone out of its way to address the issues of one person. He stated that if the subcommittee goes forward as it is, there should be a public debate as to how the Board went about creating the committee.

Kathy Barnard stated, with regard to forming the subcommittee, the Board hasn't done anything different than how other subcommittees of the Planning Board have been created; noting it is within the purview of the Board to create a subcommittee. She stated the subcommittee is balanced and consists of 3 Planning Board members, 2 Conservation Commission members, Roger Murray III, Paul Montrone and Rob Houseman. She stated Paul Montrone, in addition to 2-3 other people, contacted the Planning Office with regard to the inconsistencies in the

ordinance. She stated the Committee is going through a public process, has reviewed the ordinance and is now focusing on specific sections of the ordinance.

### **Subcommittee Reports**

#### **TRC**

None.

#### **CIP**

Meeting scheduled for 7/27/12, 8AM, Town Hall Meeting Room.

### **Master Plan Implementation**

Committee to reconvene in September following review and revisions of the Master Plan Implementation Matrix to reflect additional information relative to dates and explanatory notes of projects.

### **Shoreland Protection Ordinance**

First meeting held on 6/4/12; next meeting scheduled for 7/23/12.

John Thurston stated he believes the disconnect is the relay of misinformation to the community. He stated the subcommittee is reviewing the technical aspects of the ordinance however; people appear to be expecting a layman aspect to be laid out.

Rob Houseman stated the subcommittee was not created to discuss what can be done on a person's property rather, to address the inconsistencies in the ordinance. He stated people were presented with an email that misinterpreted the objective of the meeting and the misinterpretation was intentionally sensationalized; noting the email was not distributed by the Planning Department.

Board consensus for the Shoreland Protection Ordinance Committee to continue review of the ordinance.

### **Action Item**

#### **Eastern Lakes Region Housing Coalition / Harriman Hill**

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

**Case #201019**

**TM #170-20-1**

Kathy Barnard recused herself.

Rob Houseman requested the Board table such. He stated the agent for the Harriman Hill project believes there could be conditions that have not been completed therefore, prior to the release of the financial security the agent has requested tabling action of the release of financial security until he is able to confirm that all conditions have been met.

**It was moved by Chuck Storm and seconded by John Thurston to table the Release of Financial Security for Eastern Lakes Region Housing Coalition/Harriman Hill. Chuck Storm, Chris Franson, John Thurston voted in favor. Kathy Barnard abstained. The motion passed.**

## Work Session

### ➤ **Commercial Districts; Remove TRC review requirement**

Rob Houseman stated the Board has removed the TRC process for the Central Business District and Wolfeboro Falls Limited Business District; noting the need to insert the change into the South Wolfeboro Limited Business District, Pine Hill Road Development District, Bay Street Limited Business District and the C2 District. He reviewed the following proposed language; "Conversion of a permitted use to another permitted use and no changes to the exterior of the building or parking is required." He stated such would allow for a person to go straight to the permitting process rather than a public hearing process.

**It was moved by Chuck Storm and seconded by Chris Franson to move Removal of the TRC Review Requirement from all Commercial Districts to public hearing. All members voted in favor. The motion passed.**

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

Chris Franson stated she is wrestling with the potential consequences with regard to impact of undeveloped lots.

John Thurston agreed.

Rob Houseman stated properties are not assessed differently for building potential and the lots would remain building lots of record. He stated all lots should be treated equal; noting the question is whether the Town should treat the lots as unbuildable and assess the lots as such. He stated the zoning speaks to vacant lots on private ways and not Class VI roads.

Kathy Barnard questioned whether the Conservation Commission should review the proposal.

Rob Houseman recommended the Board forward the proposal to the ZBA and then determine a course of action.

Following further discussion, the Board agreed to the following;

- Include a statement that the proposal is consistent with the Master Plan.
- Section A.(1); strike the first "property", replace with "lot"
- Section A.(2), 1<sup>st</sup> sentence; strike "of such a condition that it is", replace with "either"
- Section A.(2), 1<sup>st</sup> sentence; strike "to utilize"
- Section A.(2), 2<sup>nd</sup> sentence; strike "board", replace with "Zoning Board of Adjustment"
- Section D.; capitalize first word of the sentence ("the")
- Forward proposal to ZBA for review and comment

### ➤ **Revisions to 175-192 et al ~ consider options re: HDC**

Referencing an email to the Board from Paul Panaccione, John Thurston stated the email states a member of the HDC is seeking a suit and has the Town backing that member. He requested clarification regarding such.

Rob Houseman stated Mr. Panaccione is referring to a ZBA matter; noting an appeal of a ZBA decision has been submitted relative to the use of a lot without frontage on a Class V or better

highway. He stated the grievance process is established by statute; noting two abutters filed an appeal of a ZBA decision. He stated the ordinance is currently unenforced because the Historic District Commission is needed to disband the ordinance. He stated Town Counsel is of the opinion the BOS could act as the HDC and hold a public hearing for the purposes of removing the districts or a petition of 25 or more signatures requesting to abolish the Historic Districts could be submitted and the process would then default to the BOS to hold a public hearing and place such on the Town Warrant. He stated if the districts are removed, the underlying zoning districts remain in effect.

Kathy Barnard stated that at a minimum, the ordinance should be advisory; noting the ordinance needs to be addressed so that it reads properly and recommended removal of all references to the Historic District Commission.

The Board reviewed the existing language of the ordinance and recommended the following;

- Table until following receipt of feedback from the NWAA Annual Meeting
- Remove mandatory language in ordinance and replace with advisory language
- Review historic resources town wide
- Review Design Review Guidelines
- Request Town Counsel guidance; how can ordinance be amended, does the Board have the authority to amend the ordinance and confirm the BOS can act in place of the HDC

#### **Old Business**

##### **➤ Alternate Position**

Chris Franson questioned whether the Board has advertised for an alternate member.

Staff replied yes.

##### **➤ Outdoor Craft Sales**

Chris Franson questioned whether the Board should review further the issue of outdoor craft sales on private property.

Rob Houseman stated Ms. Franson is speaking to issues raised by Cathy Sykes' proposal for continuously occurring sale of antiques and crafts. He stated the Board informed Ms. Sykes that site plan review by the Planning Board would be required for such; noting Ms. Sykes did not further pursue an application for site plan approval.

Chris Franson verified there is an existing process to address the issue.

**It was moved by Chris Franson and seconded by John Thurston to adjourn the July 17, 2012 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 8:31 PM.*

Respectfully Submitted,  
*Lee Ann Keathley*  
Lee Ann Keathley