

## WOLFEBORO PLANNING BOARD

March 5, 2013

### Work Session MINUTES

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chris Franson, Vaune Dugan, John Thurston, Members.

**Members Absent:** Dave DeVries, Member, Fae Moore, Alternate, Chuck Storm, Selectmen's Representative and, Dave Alessandrini, Alternate.

**Staff Present:** Rob Houseman, Director of Planning & Development, Amelia Capone-Muccio, Secretary.

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library meeting room.

#### **Consideration of Minutes**

**February 12, 2013**

Chris Franson made the following amendments:

- page 2, last paragraph correct "Council's" to "Counsel's"
- page 3, last paragraph, fourth line add the word "area" after the word impervious and in the same paragraph, the seventh line add "was submitted" after the word analysis.
- Page 4, sixth paragraph, add "for Wicker's Drive" after the word permit in the first line.

Kathy Barnard amended page 3, under the heading for GI Plastek, correcting the Agent to Randy Tetrault of Norway Plains.

**It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the February 12, 2013 Wolfeboro Planning Board minutes as amended. Vaune Dugan and John Thurston abstained, all others in favor, the motion passed.**

**February 19, 2013**

Kathy Barnard amended page 1, to add "Discussion of Wolfeboro Ordinance presented by FB Environment" to the work session discussion items.

Vaune Dugan amended page 2, the fifth paragraph correcting the word "she" to "he" and page 3, halfway down the page under "Conservation Subdivision", change "parcel" to "internal lots".

Chris Franson amended page 2, the last paragraph to change the word "relations" to "education" and delete "issues" and add "of maintenance of septic systems".

**It was moved by Vaune Dugan and seconded by Stacie Jo Pope to approve the February 19, 2013 Wolfeboro Planning Board minutes as amended. John Thurston- abstained, all others in favor, the motion passed.**

#### **Informational Items**

Rob Houseman noted there will be training with a demonstration on how dogs can be used to detect bacteria in water sources by FB Environmental on March 15<sup>th</sup> and if anyone is interested they should let him know.

Kathy Barnard requested an update on Piping Rock Motel.

Mr. Houseman replied that he has reviewed the condo association documents, but has some questions he forwarded to town counsel for review. He noted that it does state in the documents that it is prohibited for the owner to occupy a unit for more than 14 days in a year and that they are intended to be rented as units and not to be used as transient housing. He stated it also states they should be managed similar to a timeshare.

Kathy Barnard questioned the management.

Mr. Houseman replied it states “management firm”. He noted he is also verifying if the most recent documents have been received, but will have more information once reviewed by counsel.

Kathy Barnard stated they have a Public Hearing for GI Plastek that needs to be continued.

**It was moved by Chris Franson and seconded by Stacie Jo Pope to continue the public hearing for GI Plastek to their meeting on April 2, 2013. All in favor, the motion passed.**

#### **Public Comment**

None.

#### **Subcommittee Reports**

##### **Shorefront Protection Committee**

Kathy Barnard stated that the Committee met February 13<sup>th</sup> and their next meeting is March 20<sup>th</sup> and they are making progress.

#### **Work Session**

674:41

Rob Houseman stated that he was asked to compile a list of lots with no frontage, which he provided and was surprised at some of the values. He stated he has some he would like more clarity on and would need to discuss such with the Assessor.

Chris Franson questioned the non-buildable lot, with a lot of acreage.

Mr. Houseman replied that would be one he needs more clarity on.

Vaune Dugan noted then there are others that are buildable, but have no value.

Mr. Houseman replied that typically a lot is listed as buildable, unless it has been through the process and deemed otherwise.

Kathy Barnard suggested the Board review the list to be discussed at their April 16<sup>th</sup> work session and noted that she would like to add language for a relief mechanism before then as well.

#### **Center Street Recommendations**

Kathy Barnard stated they have been discussing this since 2011, they have been provided with the Master Plan Recommendations (2007) which she suggested keeping in mind as they move forward. She noted some exclusions by the Planning Board in March of 2011 such as storage facilities, volatile fuel storage and new/used car dealerships, but to encourage businesses such as restaurants, Inns, daycare facilities, museums and agricultural uses. She noted a community forum was held in June of 2011, a walk of the Bridge Falls path was done and a retour of the district was done. She noted at the same time the Lake Wentworth Watershed Committee was underway. She stated they have now been provided with the recommendations and felt further discussion was needed on septic systems, LID information and the stormwater ordinance.

Mr. Houseman replied in regards to the stormwater ordinance, he quoted from the Environmental Characteristics Zonings (ECZ), page 161, under V. Storm Water Management Plan “All developments disturbing greater than 20,000 square feet of area shall submit a permanent (post-construction) Stormwater Management Plan (SMP) with an application for subdivision or site plan review”. He explained he has some concerns after reviewing the document if some of the components are legal such as the retaining of a performance bond and he has forwarded those concerns to town counsel for review who advised that she does not believe such can be kept in perpetuity. He noted the other issue is enforcement and has been seeking feedback on such in other locations such as Durham. He stated the Board should

consider whether or not this district should have a stormwater management plan built into the subdivision site plan or should it be a regulation.

Kathy Barnard stated that she feels it should be town wide vs. just Center Street, but would like to know from the legal standpoint.

Chris Franson referred to page 156 of the ECZ document, under Appropriate Circumstances and context for use “communities are encouraged to adopt a local stormwater management ordinance instituting stormwater controls for projects of all sizes and during all phases of development”, and questioned if such is for urban areas.

Mr. Houseman replied that he is hoping to compile a larger list, but believes most will be in the southern tier of the state.

Chris Hanson questioned the word “urbanized”.

Mr. Houseman replied that the US EPA has “post development” regulations and Wolfeboro like most towns have State roadways running throughout, unlike urban areas that don’t.

Vaune Dugan questioned if they could encourage development that does not put water into the system.

Mr. Houseman replied you can and the report has recommendations for such and he referred to page 7 of the Center Street Rezoning Ordinance review.

Kathy Barnard suggested they review the Center Street Rezoning ordinance and get a consensus of the Board members on what they would like to take forward to the Public Hearing. She noted they have received some written comments. She referred to page 26, the Summary of Recommendations and the first category of Percent lot coverage 1-4.

Vaune Dugan stated in regards to #3, she strongly recommends low impact.

Kathy Barnard moved on to the next category Permitted Uses.

Vaune Dugan stated this seems redundant.

Rob Houseman stated that some discussion should focus on re-use vs. raw land.

Vaune Dugan stated that it seems the perception is negative that they are trying to expand when in fact they are trying to eliminate and control the current pollution, which is actually positive.

Mr. Houseman stated that the question is the threshold and if the uses we have are still desired.

Vaune Dugan stated that in general they are talking about water quality and protecting the lake and if it is not harming that then why not allow it vs. just basing it on a perception.

Kathy Barnard move on to category Buffer Requirements.

Mr. Houseman replied that our ordinance has a relief mechanism built into it.

Vaune Dugan stated that many of the properties are already developed.

Chris Franson questioned if the end of the zone is still in the area of the 7-Eleven.

Kathy Barnard replied yes that has already been decided.

Vaune Dugan questioned the standards on re-development.

Mr. Houseman referred to the map of commercial lots vs. other lots and noted to keep in mind some lots may not be zoned as commercial but being used as commercial. He stated the question is on the potential for further development.

Kathy Barnard stated a relief mechanism needs to be put in to allow some flexibility on developed properties.

Mr. Houseman stated the issue is re-development or improvements and how does such affect the use.

Vaune Dugan stated her point is if they make a change and prove it will not make it worse, why would they limit it. (Do less harm)

Chris Franson questions if that language already exists, for example the improvements at the High School.

John Thurston stated an example would be the 7-Eleven and what if burned down.

Kathy Barnard moved on to Stormwater Treatment and stated they should have flexibility and suggested some language to tighten it up.

Chris Franson stated she likes the form factor and referred to page 159 (ECZ) under the curve number and feels they need to define it more.

Kathy Barnard moved on to category LID and Smart Growth and noted that was previously discussed and the Board agreed. She moved on to category Other Pollutants.

Vaune Dugan questioned #3 the maintenance and what is it.

Chris Franson questioned how they would enforce it and stated they had discussed educating the public, but does not feel they have the authority to enforce.

Mr. Houseman referred to page 24 of the Center Street Zoning ordinance document, the last paragraph in regards to routine maintenance in the last paragraph.

Vaune Dugan questioned how they would regulate that because if they are going to require it they need to regulate it.

Chris Franson stated they previously discussed the point of sale issue.

John Thurston stated this will just get caught in the system.

Vaune Dugan questioned how they are going to enforce it.

Mr. Houseman stated the only example town he could find doing it is Meredith, but would need to find out how they enforce it.

Chris Franson stated she agrees this is a problem but does not feel this is a Planning Board issue.

Stacie Jo Pope stated that she recalls discussing this in the past and getting a push back from Realtors.

Kathy Barnard questioned the 100 feet in #4.

Mr. Houseman stated it is addressed on page 25, but is not specified.

Chris Franson replied they could add language.

Kathy Barnard stated they could discuss it further with the ordinance.

### **Review of Ordinance (3<sup>rd</sup> draft)**

The Board reviewed and discussed the ordinance and made some revisions (grammatical on page one) and had the following discussion:

Kathy Barnard suggested adding Crescent Lake to the reference of Lake Wentworth on page one (in two locations).

John Thurston stated in regards to section 175-XXX (3) Rear yard, 50 feet and the incentive for that.

Rob Houseman replied they would need to check the minutes.

Kathy Barnard stated under permitted uses she still feels the Movie Theater should be downtown.

Vaune Dugan stated retail is missing from the list and what else?

Mr. Houseman replied a number of uses are missing such as car dealerships, gas stations, etc.

John Thurston questioned why they would not include indoor recreation use.

Kathy Barnard stated they would need to review the June 2011 minutes to recall the discussion on permitted uses.

Vaune Dugan agrees they should review the minutes, but feels they should eliminate things by problem. She doesn't see a problem with indoor recreation, they should encourage recreation. She has an issue with the parking in the back but an entrance in the front.

Chris Franson noted that on page 7 it states that a front entrance is an option.

Kathy Barnard stated at this point they have reviewed to page 3 (#3) and would like to start with that section at the next meeting.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the March 5, 2013 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:05 PM.*

Respectfully Submitted,  
*Amelia Capone-Muccio*