

## WOLFEBORO PLANNING BOARD

September 3, 2013

### MINUTES

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Vaune Dugan, Paul O'Brien, Chris Franson, Members, Chuck Storm, Alternate.

**Member Absent:** John Thurston, Member, Dave Alessandroni, Alternate.

**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**

**August 6, 2013**

##### **Corrections:**

Page 1, Pathways Committee Presentation, 1st paragraph, 6th line; strike "of" & replace with "from"

Page 2, Center Street Zoning, 1st paragraph, 4th line; insert "from the rail trail" following "setback"

Page 2, Center Street Zoning, 3rd paragraph; strike "charrette" & replace with "workshop"

Page 3, 1st paragraph, 1st line; insert "failed" prior to "septic"

***It was moved by Vaune Dugan and seconded by Chuck Storm to approve the August 6, 2013 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.***

#### **Information Items**

Kathy Barnard reviewed such LRPC Regional Housing Workshop, Notice of Decision for Wolfeboro Congregational Church and letter from Judith Crosley regarding Center Street Zoning.

#### **Public Comment**

Paul Zimmerman requested the Board to re-evaluate/reconsider sign illumination and drive-thru restaurants; noting the latter was restricted following the construction of Dunkin Donuts. With regard to 175-44 Sign Illumination, he stated the intent is not clear and requested the Board clarify such in addition to reviewing the prohibition of neon signs.

Tony Fallon stated the genesis of the comments and requests relate to the vacant parcel formerly known as the croquet court. He requested the Board reconsider allowing drive thru establishments with conditions and questioned the objections to such establishments.

Paul Zimmerman stated the Board could restrict the establishments to one acre sites, sites that have municipal water and sewer or that cannot be seen from the road. He submitted an architectural rendering produced by Sandy Martin of what a drive thru establishment could look like.

#### **Subcommittee Reports**

TRC (Technical Review Committee): 6/12/13; no report

MPIC (Master Plan Implementation Committee): No report

CIPC (Capital Improvements Program Committee): Committee continues to meet

Shoreland Protection Ordinance Committee: next meeting scheduled for 9/12/13

#### **Work Session**

➤ **Stormwater Management Regulations**

Kathy Barnard asked if Town Counsel has reviewed the regulations.

Rob Houseman stated she has reviewed the original regulations however, will contact her regarding such.

Referencing Rob Roseen's recommended definition of Redevelopment, Vaune Dugan recommended reducing the 10,000 SF of disturbance figure.

Kathy Barnard agreed and asked Ms. Dugan what she recommended for a square footage amount.

Vaune Dugan stated the owner should show a marked improvement.

Rob Houseman asked if there should be a different standard for redevelopment sites.

Vaune Dugan recommended including repair of damaged drainage in permissive maintenance section so then the definition of redevelopment triggers new development. She recommended deletion of the reference to 10,000 SF of disturbance in the definition of redevelopment.

Rob Houseman stated Rob Roseen provided a Stormwater Management Checklist and noted the checklist would be streamlined and based on the Town's regulations.

Paul O'Brien verified the checklist is a tool for the applicant and questioned where the checklist is placed once completed.

Rob Houseman replied the file; noting the completed checklist would be used as a baseline by the engineer performing inspections. He referenced NH DES Chapter 2.1 Stormwater Management, Section M. Record Keeping, 1. & 2. and noted the Town does not have the authority to go onto a property and correct a deficiency. He stated he contacted other MS4 communities (Rochester, Dover, Portsmouth, Derry), all of which have not gone in the field and performed an inspection of the site. He stated the communities are not reviewing or using the reports/checklist. He stated the Board has always asked Staff to ensure enforceability of its regulations. He stated the State of Maine has a trained staff (1 person for 20 communities) conduction inspections. He questioned what the Board is trying to accomplish.

Vaune Dugan recommended requiring the installer to provide the information and does not recommend an annual review.

Stacie Jo Pope asked Ms. Dugan who would be responsible for the cost of such.

Vaune Dugan replied the owner.

Stacie Jo Pope expressed concern of the financial burden for such on the owner.

Paul O'Brien asked if it is reasonable to assume there is an annual maintenance for the project and recommended requesting the owner provide the information when the maintenance inspection occurs. He stated it is the owner's responsibility with regard to such.

Chris Franson recommended such be incorporated as a condition of approval.

Rob Houseman questioned how phosphorus load reductions would be documented. He stated he would contact the trained staff of the State of Maine.

Kathy Barnard stated the regulations would be incorporated into the Subdivision and Site Plan Review Regulations.

The Board reviewed Rob Roseen's comments/recommendations and agreed to the following changes:

- Page 3, Redevelopment; further define/reword to be more permissive of maintenance (reroofing, repaving, etc.), see Mr. Roseen's definition of Redevelopment however, delete reference to 10,000 SF of disturbance
- Page 3, Water Quality Treatment; add "Pollutant load reduction is the combination of volume control and water quality treatment efficiency for a BMP" and add a 50% TP and TN removal
- Page 6, Section VI. 1.a.; following "storms" add language based on current design depths from the Northeast Regional Climate or NHDES
- Page 7, Section VIII. 2., last sentence; add language to distinguish between filtration and infiltration
- Page 7, Section VIII. 4., "72 hours"; change to 48 hours
- Page 9, Section IX., 2nd paragraph, 2nd sentence: add language that differentiates between maintenance and redevelopment (reroof versus increasing impervious area)
- Table discussion of NH DES Chapter 2.1 Stormwater Management, Section M. Record Keeping, 1. & 2; Staff to contact State of Maine personnel
- Town Counsel review of regulations

#### ➤ **Center Street Rezoning**

Kathy Barnard stated it seems that based on comments at the last meeting the Board wants to move ahead due to the existing permitted uses; noting the citizen's comments focused on rezoning of the residential properties. She stated the Board is trying to eliminate the environmentally unfriendly uses currently permitted in the zoning district. She recommended excluding the residential properties from the rezoning and only address rezoning the C2 Districts. She stated she does not agree with including inns as a permitted use due to the size of the septic system and parking lot associated with such and feels if movie theatres are to be permitted, such should be permitted by Special Exception.

Vaune Dugan expressed concern regarding an applicant requesting commercial development on a residential lot and questioned whether anyone objected to All About Kitchens and its use. She stated she appreciates the public's comments and noted the Board is trying to establish uses that protect water quality, do not compete with Downtown or increase traffic.

Rob Houseman stated the Board removed retail from the ordinance and noted the Pine Hill Road Development District allows for contractor based retail (flooring, lumber yard).

Kathy Barnard recommended applying the newly proposed zoning changes to the C2 Districts.

Chris Franson questioned whether such would be considered spot zoning.

Rob Houseman stated spot zoning is when a parcel or selected parcels is called out for treatment outside of existing zoning.

Vaune Dugan questioned whether it is appropriate to remove the six residential lots and whether it is reasonable to expect a person to build a house on the Bittersweet parcel.

Kathy Barnard stated she feels it is very important to address the permitted uses in the C2 zone; noting such would simplify the Board's work.

Stacie Jo Pope stated if the residential lots are kept residential such would protect against strip mall development however, environmental controls would not be incorporated.

Kathy Barnard stated any proposed commercial development on a residential lot (through a Variance or Special Exception) would be subjected to Site Plan Review by the Planning Board and the regulations would apply.

Rob Houseman stated if the Stormwater Management Regulations are adopted that such would apply universally.

Stacie Jo Pope stated she reread the Master Plan and based on such recommended removing inns, restaurants and restaurants carry-out.

Kathy Barnard recommended an overlay district be established.

Chris Franson stated she doesn't feel there is a shared vision; noting the comments from the public reflected "keeping the status quo".

Stacie Jo Pope stated the Board created a mixed use, encourage traffic flow and enhance the gateway image.

Vaune Dugan cautioned against unintended consequences.

Rob Houseman reviewed the following non-C2 lots along the corridor; All About Kitchens, Bittersweet (lapsed grandfathered use), Kingswood Youth Center, church, vacant lot with an approved duplex, yellow residential house. He noted the existing C2 Zoning Districts have the most liberal zoning the Town has.

Stacie Jo Pope recommended concentrating on the C2 Districts and decide about the residential lots a later date.

Referencing his memo, dated 8/30/13, Rob Houseman provided the statutes that govern speed limits. He stated no record exists of a speed reduction request being filed with NHDOT. With regard to lot coverage, he stated if the Board desires limiting disturbed/improved area to not more than 40% then the definition would need to be modified to address such. He stated the current definition allows the creation of parking or lot coverage above 40% by using porous pavement. With regard to number of uses per lot, he stated the Town's Zoning Ordinance allows multiple uses within a building and multiple buildings on a lot provided that all zoning and site plan review requirements are complied with. With regard to access, he stated NHDOT regulates the number, size and location of all driveway cuts on NH highways.

Chuck Storm stated the variable speed along the corridor is an issue and recommended a consistent speed limit.

Chris Franson stated according to the traffic reports, traffic has decreased.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to exclude Inns as a permitted use in the C2 Zoning District. Chris Franson, Stacie Jo Pope, Kathy Barnard voted in favor. Brad Harriman, Vaune Dugan, Paul O'Brien, Chuck Storm opposed. The motion failed.**

Stacie Jo Pope stated based on the input received from the forums, Smart Growth Principles, surveys and Master Plan, movie theatres, inns and restaurants belong Downtown and should be moved to a use permitted by Special Exception. She stated the Planning Board guides growth for what is best for the Town.

Brad Harriman stated businesses should not be restricted from Route 28 corridor; noting that competition is healthy. He stated a use such as restaurants can be constructed without having an adverse impact.

**It was moved by Paul O'Brien and seconded by Chris Franson to exclude Restaurants and Restaurants, Carryout as permitted uses and allow as uses permitted by Special Exception. Vaune Dugan, Paul O'Brien, Kathy Barnard, Stacie Jo Pope, Chris Franson voted in favor. Brad Harriman, Chuck Storm opposed. The motion passed.**

**It was moved by Stacie Jo Pope and seconded by Kathy Barnard to exclude Inns as a permitted use and allow as a use permitted by Special Exception. Chris Franson, Stacie Jo Pope, Kathy Barnard voted in favor. Brad Harriman, Vaune Dugan, Paul O'Brien, Chuck Storm opposed. The motion failed.**

Referencing Development Standards, Chris Franson stated she does not agree with parking in the front of the building.

Vaune Dugan agreed but, noted that the proposed 40' setback doesn't allow for such therefore there is no need to state such.

Paul O'Brien stated the Board discussed parking in the front be limited to handicap parking.

Referencing Buffering Requirements, Chris Franson stated the Board discussed adding language that required a buffer/vegetative screen between the building and the road.

Rob Houseman stated the Town has a Streetscape, Buffering and Screening Ordinance.

Chris Franson questioned issues with traffic and site distance.

Kathy Barnard requested Board consensus with regard to proceeding with proposed changes to the C2 Districts only and incorporating an overlay district for the six residential lots (similar to the ROI District on South Main Street).

Rob Houseman recommended zoning changes to the C2 Districts for 2014 Town Warrant and address the overlay district for 2015 Town Warrant.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to move forward with the Center Street/Route 28 Mixed Use Business District for the existing C2 Districts for 2014 Town Warrant and consider an overlay district for the existing six residential lots located in the RR District. All members voted in favor. The motion passed.**

Brad Harriman expressed concern that seasonal residents would not have input regarding the overlay district to be considered by the Board.

The Board agreed to the following changes;

- strike Restaurants and Restaurants, Carryout as a permitted use
- allow Restaurants and Restaurants, Carryout as permitted uses by Special Exception

**It was moved by Chris Franson and seconded by Paul O'Brien to adjourn the September 3, 2013 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:10 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

Lee Ann Keathley