

**TOWN OF WOLFEBORO
PLANNING BOARD
November 18, 2014
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Paul O'Brien, Vaune Dugan, Members.

Members Absent: Dave Alessandroni, Chuck Storm, 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.

I. Scheduled Appointment

**Gregory & Alice Sabol
Site Plan Review
Agent: Eric Buck, Terrain Planning and Design, LLC
Tax Map #217-123
Case #201417**

Kathy Barnard stated the application and public hearing was continued from 11/4/14.

Rob Houseman stated the applicant completed the test pits; noting the test pit data indicated seasonal high water at 30-34 inches and ledge at 54-72 inches. Therefore, he stated bio-retention basins were redesigned to ensure that they would function properly. He stated the plans were revised to reflect the new design. He stated the applicant provided the following; catalogue cut sheets for lighting, cost estimate for site improvements and architectural rendering of the proposed sign. He stated the easement encroachment issue remains unresolved however, Town Counsel stated the resolution of such is not within the Board's purview rather, it is within the jurisdiction of the property owners.

Paul O'Brien stated the drainage is in the area of the easement that is being disputed.

Rob Houseman stated that if the plans are altered from the approved plans the applicant would be required to return to the Board.

Nicole Csiszer, Walker & Varney P.C., Counsel for the Wolfeboro Corinthian Yacht Club, stated the plan submitted to the Board is accurate and submitted a draft agreement between the parties. She stated the agreement is not signed however, she expects the document to be finalized by the morning.

Diane Bolander, Gregory & Alice Sabol's attorney, stated the parties have come to an oral agreement; noting such is a binding agreement.

Rob Houseman reviewed the following conditions of approval;

1. The following plans, as amended to the date of this approval are incorporated into the approval:
Plan 1: Coversheet, SABOL, Site and Landscape Construction Plan Set, 76 North Main Street, Wolfeboro, NH 03894, October 14, 2014, Brown Engineering and Surveying, Terrain Planning and Design, LLC.
Plan 2: Plan of Land of Gregory and Alice Sabol, Tax Map 217 Lot 123, 76 North Main Street, Wolfeboro, Carroll County, NH, July 10, 2014, Prepared by David M. Dolan Associates, PC.

Plan 3: Sheet 3 of 6 Site Plan , 76 North Main Street, Wolfeboro, NH 03894, October 13, 2014, Prepared by Kent Brown, PE, Brown Engineering and Surveying.

Plan 4: Sheet 4 of 6 Construction Details, 76 North Main Street, Wolfeboro, NH 03894, October 13, 2014, Prepared by Kent Brown, PE, Brown Engineering and Surveying.

Plan 5: Sheet 5 of 6 Landscape Plan, 76 North Main Street, Wolfeboro, NH 03894, October 14, 2014, Prepared by Erick R Buck, Terrain Planning and Design, LLC.

Plan 6: Sheet 6 of 6 Landscape Details, 76 North Main Street, Wolfeboro, NH 03894, October 14, 2014, Prepared by Erick R Buck, Terrain Planning and Design, LLC.

2. The applicant shall be responsible for the payment of all recording fees.
3. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer. The cost shall be borne by the applicant.
4. Payment of financial security as specified in item #12 of the Planner Review.
5. The applicant's engineer shall submit a letter certifying compliance with the American's With Disabilities Act.
6. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

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

It was moved by Vaune Dugan and seconded by John Thurston to approve the Gregory and Alice Sabol Site Plan Review application, Case #201417, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Work Session

Petition Warrant Article for Zoning Amendment

Rob Houseman stated the following Petition Warrant Article has been submitted; *"Are you in favor of amending the "Rural Residential District" and "Residential/Agricultural District" zone(s) to further protect the aquifer, water table, lakes, and character/integrity of the Neighborhood/District by prohibiting commercial for profit and light manufacturing uses within said zone(s) excepting those uses that are currently legally grandfathered and currently listed by special exception."* He stated the warrant article affects the Rural Residential and Agricultural Zoning Districts; noting that if approved, all commercial uses would be removed as a permitted use from the districts. He stated those uses include veterinarian hospitals and contractor yard light; noting the net effect would be significant. He stated the Board's rezoning of the districts took two Town Meeting cycles. He noted the Board is obligated to hold a public hearing and vote to either recommend or not recommend the petition warrant article. He stated he forwarded the article to Town Counsel for review; noting Town Counsel believes the intention of the petition warrant article is clear and if it passes the Town would need to change the Zoning Ordinance to comply with the intent of the article.

Kathy Barnard stated she doesn't agree with Town Counsel's opinion and that a Petition Warrant Article is supposed to be specific and it is not.

Paul O'Brien agreed with Ms. Barnard.

Mike Hodder stated it is poorly crafted and confusing.

Rob Houseman stated it is an attempt to block Woodbine Senior Living Center (Alzheimer facility) however, the applicant received a Variance from the ZBA and a Variance supersedes any petition warrant article.

Kathy Barnard stated that if the Petition Warrant Article passes the change will come back before the Board to determine what is/isn't commercial. She stated tried to provide flexibility when they proposed the rezoning of the districts.

Rob Houseman stated the Petition Warrant Article has been presented to the Chamber of Commerce; noting they will take a position at the public hearing. He stated the EDC is aware of it as well.

John Thurston asked if the Agricultural Commission has been informed of the warrant article.

Rob Houseman replied no however, he will forward it to the Commission.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to move the Petitioned Warrant Article to Public Hearing. All members voted in favor. The motion passed.

Sign Ordinance

Rob Houseman stated the Saratoga ordinance was implemented by the Public Works Director with no regulatory structure; noting the town went through a similar process as Ottawa.

John Thurston stated the Board should consider the Wolfeboro Falls area.

Paul O'Brien stated the Board should request input from artists in the Town to provide feedback and recommended using the context sensitive process.

Vaune Dugan stated the existing process should be allowed however, recommended limiting the number of signs (possibly through a lottery). She stated future policy would allow for everyone to have an opportunity to participate and recommended phasing out the old program while implementing the new program.

Paul O'Brien and Mike Hodder recommended implementing the existing ordinance.

Rob Houseman stated the Code Enforcement Officer is in the process of updating the business directional sign inventory and permitting analysis.

The Board agreed to the following;

- Complete inventory
- Draft presentation
- Implement QR codes
- Locate additional kiosks
- Develop maps

Landscaping Ordinance

Vaune Dugan requested the ordinance reflect street trees of a certain species and include a list of such in the ordinance for the Downtown area and/or within the Town's rights-of-way.

Rob Houseman questioned whether a street tree program is desired by the Board or whether it would be sufficient to revise the existing ordinance to include a provision relative to street trees.

Mike Hodder stated he is in favor of incentivizing rather than incorporating requirements of the applicant; noting such should be voluntary.

Vaune Dugan asked if the Town has a fund for planting street trees.

Rob Houseman replied no and stated the existing ordinance exempts the Central Business District.

Paul O'Brien asked whether the Town should undertake an assessment process to include a periodic assessment of its tree population and whether such should be a budgetary item to assess maintenance issues.

John Thurston stated if an applicant can receive a waiver from the standard then it goes against the intent of the ordinance.

Rob Houseman stated the Town has a tree warden who inspects the trees periodically.

The Board requested the following information;

- North Hampton, MA ordinance
- Albany, NY ordinance
- Request input from Kirk Titus, Tree Warden

Preservation of Historic Resources

The Board agreed to proceed with an inventory then establish criteria and consider including a chapter regarding such in the Master Plan, a Demolition Delay Ordinance and establishing a Heritage District.

Mike Hodder stated he is in favor of establishing a Heritage Commission.

III. Public Comment

None.

IV. Informational Items

Rob Houseman reviewed the following informational item; 2015 Zoning Amendment Calendar.

V. Planning Board Subcommittee Reports

None.

VI. Approval of Minutes

October 28, 2014

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the October 28, 2014 Planning Board minutes as submitted. All members voted in favor. The motion passed.

November 4, 2014

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the November 4, 2014 Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, Paul O'Brien, Mike Hodder, John Thurston, Vaune Dugan voted in favor. Brad Harriman abstained. The motion passed.

VII. New / Other Business

Kathy Barnard stated an individual spoke to her and Stacie Jo Pope regarding the term Church in the Town's zoning and whether the term should be changed to religious institution.

Rob Houseman read the definition of church.

Kathy Barnard stated the current definition of the term is conforming.

It was moved by Paul O'Brien and seconded by Mike Hodder to adjourn the November 18, 2014 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully Submitted,

Lee Ann Keathley

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*****Please note these minutes are subject to amendments and approval at a later date.*****