

WOLFEBORO PLANNING BOARD

April 1, 2014

MINUTES

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

Scheduled Appointment

Ruth & Robert Compton

Site Plan Review ~ Bed & Breakfast

Case #201405

TM #182-3

Kathy Barnard stated she and Mike Hodder sat on the ZBA case for the applicant and noted that neither of them feels that sitting on the Planning Board application is perceived as a conflict.

Rob Houseman reviewed the Planner Review for April 1, 2014 and stated the applicant proposes to convert the existing residence to a five (5) bedroom bed and breakfast and owner's quarters that is currently serviced by a driveway at the end of Martin Hill Road. He stated the applicants took ownership of the property after the previous owner clear cut the parcel and damaged the site. He noted a bed and breakfast facility is a single family dwelling with guest rooms and does not contain a separate facility from the owner/manager's facility. He stated the applicant received a Special Exception for the use from the ZBA on March 31, 2014. With regard to parking and circulation, he stated the applicant is required to provide nine parking spaces; five spaces for the rented rooms in the bed and breakfast, two spaces for the accessory apartment and two spaces for the owner/manager. He noted the applicant's submittal documents comply with the parking requirement with six existing parking spaces in the driveway, two spaces in the garage and two additional spaces stacked in front of the driveway. He stated stacked spaces are not permitted for the bed and breakfast rentals but are allowed for the residential quarters. With regard to lighting, he stated the applicant notes that the existing lighting (porch and driveway area lighting) should be adequate however; recommended the Board clarify the following; light color, shielding, light wattage and hours of illumination. With regard to litter storage, he stated if the owner intends to use traditional garbage barrels and not a dumpster, the Planning Board may wish to consider the following as a condition of approval "A dumpster is not proposed for this site. If a dumpster is proposed in the future, it will require a new submission to the Planning Board." With regard to signage, he stated the applicant proposes two signs, the first along their frontage on Route 109E and a second directional sign at the end of Martin Hill Road and the drive entrance to the property. With regard to the septic system, he stated the NHDES approval for the septic design is for a five bedroom house however; the current dwelling contains 6 bedrooms and an accessory apartment. He stated the existing approved septic system does not address the load capacity; noting the applicant is aware of the issue and is addressing such with NHDES. He stated the applicant should be required to comply with NHDES design standards for a new compliant design. He stated the applicant has requested the following waivers; § 173-15.E. (3) (a), (b), (c), (d), (e), 173-15 E. (4) (a), (b), (d), (e), (j), (q), (u) and 173-15 B.

Ruth Compton stated the property has not been maintained for two years; noting improvements have been done to the site such as removal of stumps, ruts and shrubs, repaired driveway, rebuilt deck, mowed and seeded the lawn area and performed interior renovations. She stated that she and her husband are retired however; would like supplemental income. She stated they engaged with Peter Cooperdock to produce a basic plan of the site. She stated the parcel consists of 65 acres however; the Bed & Breakfast is located on 4 of the 65 acres. She stated the Bed & Breakfast is compliant with the State of NH Health and Human Services with regard to the kitchen facilities and they hired Cheshire Fire Protection Services to address the recommendations of Lieutenant Tom Zotti, Wolfeboro Fire Department. She

stated they would also get a new approved septic system plan for a 7-bedroom residence. She stated they requested the waiver from ADA compliance (Section 173-15 B.) because the Bed & Breakfast is exempt from such given only five rooms will be for rent.

Vaune Dugan asked if the State issues a permit for a Bed & Breakfast.

Ruth Compton replied yes.

Vaune Dugan asked if the applicant has received the State permit.

Ruth Compton replied no.

Vaune Dugan recommended such be included as a condition of approval. She questioned the handwritten parking areas on the plan.

Bob Compton stated Peter Cooperdock visited the site when snow was on the ground and was not aware of the additional parking area. He stated following snowmelt, Mr. Cooperdock would revisit the site and revise the plans accordingly.

John Thurston questioned a timetable for the construction of the septic system.

Rob Houseman stated the State allows for an approved plan for replacement to be placed on file however; does not require the installation of such.

Vaune Dugan questioned the age of the septic system.

Rob Houseman stated the system was constructed in 1978.

John Thurston stated the life of the system is almost expired and asked when the replacement system would be installed.

Bob Compton stated there are no plans to install the system until necessary.

Paul O'Brien asked if the electric is underground.

Rob Houseman stated the power is overhead to the pole and underground from the pole to the residence.

Bob Compton stated they contacted their abutters and there are no objections.

Mike Hodder asked if there would be a change in lighting.

Ruth Compton stated there are two flood lights on each corner of the house and ground lighting in the driveway island. She stated there is a chandelier on the porch.

Mike Hodder asked if the lighting would be on a timer.

Ruth Compton stated there is a timer in the house however; it has not been set up yet.

Kathy Barnard stated that based on the testimony she feels the waivers are reasonable.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to grant the following waivers; § 173-15.E. (3) (a), (b), (c), (d), (e), 173-15 E. (4) (a), (b), (d), (e), (i), (q), (u) and 173-15 B. All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Vaune Dugan asked if the hours of illumination need to be addressed and whether the Board should require shielded cut off lighting.

Bob Compton stated the lights are located under the eaves of the house and are down directed shielded flood lights.

Rob Houseman stated Staff could conduct a site visit to determine compliance with the Dark Sky Ordinance.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval:
Plan 1: Sheet 1 Existing Conditions Plan for Ruth Hough, Robert Compton, 20 Martin Hill Road, Wolfeboro, NH, Prepared by Peter Cooperdock, Fernstone Associates, Certified Wetlands Scientists, Certified Soil Scientists, PO Box 97, Tamworth, New Hampshire 03886, Dated February 27, 2013.
2. The applicant shall receive a new and approved septic system design that complies with NHDES septic system standards.
3. A dumpster is not proposed for this site. If a dumpster is proposed in the future, it will require a new submission to the Planning Board.
4. Staff shall verify lighting compliance with the Dark Sky Ordinance.
5. The applicant shall submit an Approval for Operation as a Bed & Breakfast from the State of NH Department of Health and Human Services.
6. The applicant shall be responsible for all recording fees.

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

It was moved by Vaune Dugan and seconded by Stacie Jo Pope to approve the Ruth and Bob Compton Site Plan Review application, Case #201405, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Consideration of Minutes

February 25, 2014

Corrections: Page 1; add “Chairman Barnard appointed Chuck Storm, Alternate, to sit in for Chris Franson, Member.”
Page 1, Training for Land Use Boards, 4th line; add “and ZBA” following “Planning Board”
Page 4, 2nd paragraph; change “Obrien’s” to “O’Brien’s”

It was moved by Stacie Jo Pope and seconded by Brad Harriman to approve the Wolfeboro Planning Board February 25, 2014 minutes as amended. Kathy Barnard, Stacie Jo Pope, Brad Harriman, Paul O’Brien, John Thurston voted in favor. Mike Hodder, Vaune Dugan abstained. The motion passed.

March 4, 2014

Corrections: Page 1; add “Chairman Barnard appointed Chuck Storm, Alternate, to sit in for Paul O’Brien, Member.”

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

Information Items

Rob Houseman reviewed the information items provided in the Board’s packet which included the OEP Planning & Zoning Conference.

Public Comment

None.

Subcommittee Reports

None.

Work Session

➤ Election of Chairman and Vice-Chairman

It was moved by Mike Hodder and seconded by Brad Harriman to appoint Kathy Barnard as Chairman to the Wolfeboro Planning Board. All members voted in favor. The motion passed.

It was moved by Mike Hodder and seconded by Brad Harriman to appoint Stacie Jo Pope as Vice-Chairman to the Wolfeboro Planning Board. All members voted in favor. The motion passed.

➤ Windmill Farms on Hilltops

Kathy Barnard stated Dave Bowers requested the Town Manager, via email, to forward a request to the Board to consider a zoning ordinance to prevent windmill farms on hilltops in Wolfeboro.

Rob Houseman stated the Town, under the Small Wind Energy System Ordinance, is empowered to regulate windmills under 20 kilowatts; noting the Town's ordinance addresses height, lighting, signage, maximum input, flicker and noise. He stated the wind data maps reflect that the Town is not a viable community for such however, if a person chooses to proceed with the construction of a windmill, site plan review approval and a variance is necessary.

Mike Hodder stated the Town can regulate up to 30 megawatts however, the ordinance currently states 20 kilowatts. He recommended revising the ordinance to reflect 30 megawatts and restrict siting of windmills to a particular zone.

Paul O'Brien verified the current regulation process addresses the issue. He asked if the email is a public document.

Kathy Barnard replied yes.

Paul O'Brien read the email and verified the Board is being asked to prevent windmill farms on hilltops; noting the Board cannot do such. He expressed concern that the Board will regulate windmill farms without knowing alternative wind devices of the future. He stated he would rather not anticipate a hypothetical circumstance and asked if the Town has regulations in place to bring the issue to conclusion.

Mike Hodder recommended the BOS be referred to the current ordinance and inform the BOS that windmill farms cannot be prevented. He stated the ordinance is imperfect because there is a gap in the wattage output in which the Town has no authority to regulate.

Brad Harriman asked if there are any windmills currently in Wolfeboro.

Rob Houseman replied no however, there is one in Alton, Ossipee and New Durham. He stated he would prepare a memo for review.

➤ Governmental Uses

Following review of the memo prepared for the BOS regarding Governmental Use, the Board agreed to the following revision prior to forwarding the document to the BOS;

- Page 1, 1st paragraph, 1st line; strike "remind you" and replace with "recommend"

➤ **Planning Board Rules of Procedure**

Following review of such, the Board agreed to the following;

- Page 1, Members, #3, 2nd sentence; place a period following “meetings” & strike remaining balance of paragraph
- Page 2, #4; rewrite as follows; “Prior to the start of a public hearing the Chairperson of the Board shall announce which, if any, Alternate is to be appointed to sit as a voting member in place of a regular member.

Alternates appointed to sit during a public hearing: An Alternate once seated by the Chairperson to hear an application as a voting member shall continue serving as a voting member of the Board on said application until such time as final action on that application is taken.

Alternates not appointed to sit during a public hearing: An Alternate may participate in the review, question and comment on an application but unless appointed by the Chairperson to sit as a voting member shall not participate in the deliberation and may not vote on that application.”

- Page 2, #5; to read as follows;
 - a. Introduction of Board members by the Chair
 - b. Public Hearing(s)
 - c. Public Comment
 - d. Minutes of previous meeting
 - e. Communications and miscellaneous
 - f. Unfinished business
 - g. New Business
 - h. Adjournment

➤ **Nonconforming Use**

The Board discussed mandatory lot mergers for nonconforming lots of record that abut one another and agreed against enacting such a provision.

Rob Houseman provided examples of nonconforming uses, abandonment and discontinued use.

John Thurston recommended extending the one year time frame to two years for discontinued use.

Kathy Barnard verified that a threshold for abandonment exists.

Paul O'Brien asked if the Town maintains records of abandoned properties.

Rob Houseman replied no.

Vaune Dugan asked if the Town gives notice to an owner regarding either discontinued use or abandonment relative to the start of the one year clock.

Rob Houseman replied no.

Vaune Dugan stated the Town is not being proactive.

Following further review of such, the Board agreed to and requested the following;

- Review other communities regarding notification issue

➤ **Drive-Thru Establishments**

John Thurston stated he recently had an experience at a drive-thru pharmacy (picked up a prescription for and with an elderly person) and noted the benefits to such.

Vaune Dugan asked why the Town is regulating drive-thru establishments and stated she feels it has more to do with franchise architecture.

Rob Houseman stated the issue came about when Dunkin Donuts was permitted and the concern was driven at preventing leakage/loss of take out restaurants due to the volume of Downtown establishments.

Paul O'Brien asked where a drive-thru establishment in the Downtown could be located.

Rob Houseman replied the Bay Street Limited Business District, Central Business District, Center Street and Wolfeboro Falls Limited Business District.

Vaune Dugan asked how the Town could allow Meredith Village Savings Bank but, not a drive-thru restaurant.

Stacie Jo Pope stated the use is different; noting lot coverage, hours of operation and trip generation calculations are different for a bank versus a drive-thru restaurant.

Referencing Meredith Village Savings Bank, Kathy Barnard stated the traffic impact information provided to the Board was compelling.

Vaune Dugan requested a statement of the Board/rationale for not allowing drive-thru restaurants in the Town.

It was moved by Paul O'Brien and seconded by Stacie Jo Pope to prohibit drive-thru restaurants due to trip generation, public safety issues associated with stacking of vehicles and Downtown core leakage. All members voted in favor. The motion passed.

➤ **Appointment of Alternate**

Dave Alessandroni requested reappointment as an Alternate to the Planning Board.

It was moved by Paul O'Brien and seconded by Vaune Dugan to appoint Dave Alessandroni as Alternate to the Wolfeboro Planning Board for a term of three years. All members voted in favor. The motion passed.

It was moved by Kathy Barnard and seconded by Stacie Jo Pope to adjourn the April 1, 2014 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:15 PM.

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley

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