

WOLFEBORO PLANNING BOARD

May 20, 2014

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Mike Hodder, Paul O'Brien, John Thurston, Vaune Dugan, Members, Chuck Storm, Alternate.

Members Absent: Brad Harriman, Selectmen's Representative, 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

May 6, 2014

Corrections: Page 2, 4th paragraph; strike "number be depicted on the sketch" & replace with "be provided"

It was moved by Paul O'Brien and seconded by Mike Hodder to approve the Wolfeboro Planning Board May 1, 2014 minutes as amended. All members voted in favor. The motion passed.

Work Session

➤ **Standardized Lot Shape**

Rob Houseman stated long narrow lots customarily push outside of the form factor requirement. He questioned whether the Board wishes to evaluate the form factor analysis and/or the conservation subdivision analysis. He reviewed form factors from other communities; noting the Town of Wolfeboro's threshold is 10 acres (456,800 SF). He reviewed the England Conservation Subdivision on Pork Hill Road and noted the Board could either move the conservation exemption threshold up to 10 acres or decrease the form factor to 400,000 SF. He stated since the adoption of the conservation subdivision ordinance every application submitted to the Board has sought relief from it.

Kathy Barnard asked if applicants have provided comment with regard to the exemption process.

Rob Houseman stated the Board has only seen conservation subdivision applications from a property owner's approach rather than from a developer.

Vaune Dugan stated that as long as a relief mechanism is provided and the process is not too arduous, she is in favor of the ordinance as written.

Mike Hodder agreed with Ms. Dugan.

Stacie Jo Pope asked if there is an issue for Staff to work with two different threshold requirements.

Rob Houseman reviewed the differences between a traditional subdivision and a conservation subdivision.

John Thurston asked if the Board is steering people away from development.

Rob Houseman stated the intent of the ordinance is to encourage the protection of natural resources and provide relief of costly issues such as the development of a road.

Referencing the requirement of a conceptual long range development plan, Kathy Barnard questioned whether it continues to make sense to include such.

Rob Houseman stated the plan provides relief and an alternative approach for the applicant so that the applicant does not have to wait seven years to carve off one lot.

Kathy Barnard questioned whether the ordinance should apply to the Village Residential District.

Rob Houseman stated the ordinance doesn't apply to the VR District because the minimum lot size of that district is ½ acre.

Vaune Dugan stated she believes there should be a more traditional configuration in the VR District.

Board consensus to support the existing Conservation Subdivision Ordinance and form factor threshold.

➤ **Sign Ordinance**

Kathy Barnard stated the sign ordinance, wayfinding signs and business directional signs were discussed at the Building Department Community Forum. She stated Dave Ford, Director of Public Works, feels the signs are becoming problematic because the height of the sign placement has become hazardous to pedestrians and affect sight distance.

Rob Houseman stated Mr. Ford's issues relate to the volume of signs/demand for signs and the poles are being placed in locations without review or consent by the Town. He stated the intent of the business directional signs was for pedestrian and slower traffic use as a guide to businesses. He stated the ordinance didn't preclude location in the Town and the issues include the original intent of the ordinance, placement/location of sign posts and signs and the regulation process.

John Thurston stated the business directional sign at the Routes 109 and 109A intersection is a hazard. He questioned whether there should be a lottery and limit on the number of signs for each post.

Paul O'Brien stated each business should be limited to one directional sign.

Kathy Barnard stated the Board reviewed the sign ordinance in 2011 and noted the language needs to be specific with regard to directional signs at intersections.

John Thurston stated he has received comments that the existing signs are tacky.

Kathy Barnard stated the Board adopted an ordinance that included uniform signage however, a petition warrant article was approved that overturned that provision of the ordinance.

Stacie Jo Pope stated she feels the Board is being bullied by people who are installing illegal signs.

Mike Hodder recommended a meeting with the Chamber of Commerce regarding this issue.

Kathy Barnard stated the ordinance doesn't include language that states "pedestrian" signs. She stated she recalls when the Planning Board previously reviewed the ordinance that wayfinding signs were intended for pedestrian traffic.

Rob Houseman recommended generating an inventory of signs to determine which signs are permitted and to review the scope and limits of signage. He stated the Town allows for four off premise signs.

Stacie Jo Pope requested Staff review other communities that have increased moving traffic areas.

Rob Houseman stated the State of NH regulates signage on State highways and do not allow off premise signs.

Paul O'Brien stated the EDC should be aware of this issue and the Board should request feedback from the EDC regarding such. He recommended that a business directional sign should only be on a post that is physically located on that street.

Rob Houseman stated the posts located at Railroad Avenue and South Main Street are at sign capacity.

John Thurston stated he believes the post located on the corner of Mill Street and North Main Street is located on private property and that the property owner charges a fee for sign placement.

Rob Houseman stated the ordinance does not address or provide for directional signs on private property. He stated he also takes issue with signs that are placed on the posts by new business owners and those signs are then removed from the post because the owner did not contract with JC Signs to make the sign. He stated Jerome Holden, JC Signs, stated that Dave Ford should not be approving the signs, only the sign posts. Referencing "open" signs, he stated the Town does not require a fee for the sign permit. He stated the Town requires the issuance of a sign permit so the Town has an inventory of the signage and can determine which signs are grandfathered, if the need arises. He recommended clarification of the ordinance (as a result of changes made from petition warrant article) regarding the latter; noting there are options available that are less intensive than LED lighting. He stated "open" means open and the sign cannot be illuminated if the business is closed.

Vaune Dugan asked if there is a size limitation.

Rob Houseman replied yes.

Vaune Dugan asked the procedure with regard to businesses that had an existing sign prior to the petition warrant article.

Rob Houseman stated every business will be requested to retrieve a sign permit and will be given notice of such.

Board consensus to maintain the existing language set forth in the petition warrant article and allow Staff to enforce the existing ordinance, as currently written.

Kathy Barnard stated another issue is the size of signs on Route 28 in the Residential District (signs are too small for the posted speed limit).

John Thurston asked if Site Plan Review approval is necessary for the replacement of existing wooden post with a granite post.

Rob Houseman stated the support of a sign is not included in the sign area. He stated Site Plan Review is not necessary if the support of a sign is not the primary component of the sign.

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

- Clarify pedestrian signage
- Determine number of open spaces on business directional sign posts
- Grandfather permitted signs
- Consider a lottery to permit signs
- Staff provide examples of sign clutter
- Consider limiting a business to one sign on one pole

➤ **Nonconforming Use**

Rob Houseman questioned the threshold used to determine "more nearly" conforming. He reviewed three examples of such (Westport, CT, Portsmouth and Keene); noting none of the communities has measurable standards. He stated a decrease in parking is a measurable standard however; noted there should be a corresponding reduction in impervious area.

Mike Hodder stated there is no definition for a use to become less conforming and noted that if one reduction is defined then others would have to be defined as well. He recommended using the language in the Westport, CT ordinance.

Rob Houseman stated the applicant would need to demonstrate the use is less impacting and meets the criteria in the provision. He questioned whether the Board wishes to have the applicants go to the ZBA prior to the Planning Board for approval.

Paul O'Brien asked if ZBA review is necessary and whether it could be handled administratively.

Rob Houseman stated it could be handled on an administrative level. The Board could require a Special Use Permit and Site Plan Review however, a change in use to a more conforming use should include due notice and public comment. He stated every application would go before the Planning Board for Site Plan Review. He stated a Special Use Permit relies on measurable standards.

Kathy Barnard stated the Planning Board process may be an easier process for an applicant.

Board consensus to require Planning Board Site Plan Review for such.

Mike Hodder recommended changing "More Nearly Conforming" to "Less Nonconforming" and recommended the following change to the definition language; "is defined as a use that, while not permitted or permitted by Special Exception, once changed is more nearly conforming to the regulations/ordinance." Referencing 175:43 B., he recommended including a relief mechanism because of the lack of notification process.

Rob Houseman stated each case is reviewed to determine if the abandonment was a willful act and the reason for inactivity because every case is unique. He stated administrative appeals relate to the interpretation of the ordinance only; noting an applicant can appeal an administrative decision.

Vaune Dugan expressed concern for unintentional loss of rights.

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

- Change "More Nearly Conforming" to "Less Nonconforming"
- Less Nonconforming to be redefined as follows; "is defined as a use that, while not permitted or permitted by Special Exception, once changed is more nearly conforming to the regulations/ordinance."
- Review of such to occur through Site Plan Review by the Planning Board

Other Business

- Rob Houseman informed the Board that an applicant received a variance from the ZBA for a 58-bed Alzheimer facility and a 76-bed assisted living facility (2 buildings, 140 bed total capacity) on Route 109A. He stated the applicant intends to submit a site plan review application to the Planning Board following the appeal process.
- Planning Board Rules of Procedure Public Hearing scheduled for 6/3/14, 7PM at the Wolfeboro Public Library.
- Department of Public Works moving forward with design concepts for parking lot at Town Docks.
- EDC and Chamber of Commerce are encouraging the Downtown merchants to park outside the Downtown core.

It was moved by Stacie Jo Pope and seconded by Vaune Dugan to adjourn the May 20, 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

Lee Ann Keathley

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