

**TOWN OF WOLFEBORO  
PLANNING BOARD  
December 15, 2015  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Vaune Dugan, Members, Chuck Storm, Alternate.

**Members Absent:** Paul O'Brien, 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.*

*Chairman Barnard appointed Chuck Storm, Alternate, to sit in for Paul O'Brien, Member.*

**I. Public Hearings**

**§175-44; Sign Ordinance**

Brad Harriman recused himself.

Rob Houseman reviewed the PowerPoint presentation for such, see attached. He noted the Board establishes a work program early in the calendar year and holds workshops relative to work program items over a period of time and, therefore vetting the proposed changes. He stated workshops relative to the Sign Ordinance concluded in November.

Kathy Barnard stated the Planning Board has considered the Master Plan when amending the Zoning Ordinance. She noted the Master Plan recommends that in the greater Downtown area signage be consistent, active, attractive and easy to read and that signage direct walkers and drivers throughout the Town village. She stated the Board reviews, updates and enforces the Town's sign ordinance.

*Chairman Barnard opened the public hearing.*

Jerome Holden stated he wanted to address business directional signs.

Kathy Barnard stated the public hearing addresses proposed changes to the Sign Ordinance. She stated the Planning Board subcommittee continues to work through the process with regard to business directional signs and noted a meeting has been scheduled for 1/11/16; noting such is a separate process.

Jerome Holden asked if changes to business directional signs would be presented on the 2016 ballot.

Kathy Barnard replied no.

Rob Houseman stated the process of a subcommittee is to generally forward recommendations to the Planning Board. He stated the Board then engages in its own discussion and debate to determine if the issue merits further review and public hearing process; noting the public hearing process is defined by statute.

Jerome Holden questioned the makeup of the Wayfinding Sign Committee.

Kathy Barnard stated the Board would address such following input relative to the proposed changes to the Sign Ordinance.

Mary DeVries stated the Chamber of Commerce noticed member businesses regarding this evening's public hearings and provided the following comments from those businesses; better to hold public hearings in the spring (May), difficulty understanding the language of the ordinance and that the language of ordinance is unclear. She stated she would forward the comments to the Chamber of Commerce Board of Directors and try to define what specifically in the ordinance is unclear.

Kathy Barnard requested Ms. DeVries forward the information to the Board in the spring so that it could be included in the 2016 Work Program. Referencing the PowerPoint presentation, specifically last sentence of [3], she asked how such would serve a new business if the business has a soft opening and how the soft opening would affect the 30 day advertising period.

Rob Houseman stated soft openings have previously been dealt with administratively; noting the advertising period would depend upon the length of time of the soft opening.

Mary DeVries asked if it could be any thirty day period.

Rob Houseman replied no.

Mary DeVries asked why.

Rob Houseman stated the intent of the proposed change is to announce the opening of a business; he reviewed potential scenarios/examples of such.

Mike Hodder stated the intent is to create a structure that would be known to and the same for all businesses; noting from the day the business opens or reopens, that business has thirty days to fly a flag announcing such.

Stacie Jo Pope stated the Board is trying to create an even playing field for everyone; to be fair and provide the same opportunities to all businesses.

Kathy Barnard asked Ms. DeVries if the businesses are aware of other signage that is available such as freestanding signs, sandwich boards, "Open" sign, etc.

Mary DeVries stated she believes the businesses have a better understanding of the signage however; any other additional opportunities could make a difference for both seasonal and year round businesses.

Mike Hodder asked Staff if wayfinding signs are included as part of 175:44.

Rob Houseman replied yes, if revisions are recommended for 2017.

Mike Hodder stated that if the proposed change to the ordinance passes in 2016, the issue could be revisited in 2017 when 175:44 is revisited.

Rob Houseman stated there has only been one occasion where a difference between the Town and an applicant in the interpretation of the ordinance has created an issue.

Mike Hodder stated the proposed changes came as a result of a ZBA case; noting the change is designed to clarify the language of the ordinance. He stated that if the changes become problematic, it can be rectified.

Member of the public expressed concern regarding the proposed changes noting that often times when a business is getting established, the business will not have a grand opening for 1-2 months following the opening of the business. She stated some businesses do not advertising their grand opening until after opening day and recommended changing "opening day" to "special event".



Jerome Holden recommended changing the language to reflect “30 days in a calendar year”. He asked if there would be a permit for such.

Rob Houseman replied yes.

Jerome Holden recommended the thirty day start time begin on the date of application to the Town.

Steve Durgan asked if enough consideration has been given to the purpose of the signage or, if it's more important to have a bureaucratic regulation that fits and is easily enforced. He stated that he hears the Board saying that a sign can be a competitive advantage and if that is true, he questioned whether a competitive advantage to the Town as a whole should be looked at. He questioned whether the ultimate purpose of signage should be to increase jobs and make businesses more productive. He stated many people in the Town see their children have to leave Town because there aren't employment opportunities to the extent that signage, among other things, helps to make the Town more competitive and therefore, sell more goods and services. He stated that such should be the ultimate goal. He questioned the harm in extending advertising during the soft opening in April throughout July when real customers arrive. He recommended flexibility without restrictive language that makes it difficult for people to run a profitable business. He stated such is being debated around Town and that people are concerned regarding the stagnant economy and proposed changes. He stated he hopes that as the Board deliberates, the Board uses such as its overriding principle and not just enforce rules because they seem to be eliminating competitive advantage.

Kathy Barnard stated such is not the intent of the Planning Board and noted that a number of changes were previously made to the ordinance as a result of public input from local businesses.

Steve Durgan asked the Board to change its direction and asked why new businesses have to be limited to one consecutive thirty day period. He asked why businesses should be forced to choose when signage can be put up.

Vaune Dugan stated the Board is carefully considering the Town's appeal and trying to be sensitive to businesses.

Kathy Barnard asked Mr. Durgan if his issue relates to the “30 consecutive days” language.

Steve Durgan replied yes, however, encouraged the Board to be more flexible in other areas. He stated there are things that could be done to increase employment. He stated the Board is insinuating that the temporary sign is but a symptom of the problem that the Town has; noting the Board needs to be more flexible in trying to increase business rather than slow it down.

Referencing the previous revision to the Sign Ordinance, Stacie Jo Pope stated Mary DeVries and the Chamber of Commerce presented suggestions and the Planning Board incorporated many of those recommendations. She noted the temporary sign being discussed is extra signage above what is currently allowed by the ordinance. She stated the proposed changes are very much business friendly however, clarification is needed with regard to the language of the ordinance as noted by Ms. DeVries. She stated temporary signs need to be regulated because the ordinance has been taken advantage of by some individuals. She recommended the language remain as written; noting there needs to be a difference between new and existing businesses.

Jerome Holden recommended changing the language to reflect thirty days from the date the permit is issued. He questioned the makeup of the Wayfinding Sign Committee.

Rob Houseman noted the following committee members; Paul O'Brien, John Thurston, Stacie Jo Pope (Kathy Barnard as an alternate to Stacie Jo Pope if absent) and members of the community including Julie Jacobs, Chris Patten, Roger Murray III, Paul Zimmerman, Lisa Beveridge as representative to the Chamber of Commerce and Rick Gagne as Chamber of Commerce President. He stated businesses are allowed the following signage; sandwich board, window lettering, flag, 2 business signs on the building (3 signs if business is located on the corner of two streets) and an “Open” sign.

The Board agreed to the following revision;

- Section [3] [a]; delete “shall” and change “lessor” to “lesser”

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

**It was moved by Vaune Dugan and seconded by Mike Hodder to accept the language of the proposed changes to the Sign Ordinance and move to Town Warrant. All members voted in favor. The motion passed.**

#### **Article IX. Shorefront Residential District (including deletion of §175-51)**

Rob Houseman reviewed the PowerPoint presentation for such, see attached.

Chairman Barnard opened the public hearing.

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

**It was moved by Mike Hodder and seconded by Stacie Jo Pope to move Article IX. Shorefront Residential District (including deletion of §175-51) to Town Warrant. All members voted in favor. The motion passed.**

## **II. Work Session**

### **Wetlands Ordinance**

Rob Houseman stated the New Hampshire Association of Natural Resource Scientists has formed a workgroup to develop a universal standard for the State of NH. He stated the Town’s ordinance specifies proximity to wetlands however, does not address wetland areas upland or down gradient. Speaking to the Kingston ordinance, he stated both Dan Coons and Jim Rines believes there would be an extra cost to the applicant and referencing the application of the Kingston ordinance to the Lyon King application, both feel that it would have had a greater impact to the wetlands. Referencing the Clement application, he stated the decision of the Board was not consistent with the application because there was an alternative location however; such was located in an undisturbed area and would have created a greater impact.

Referencing the Conservation Commission’s memo, dated 12/15/15, Kathy Barnard stated the Commission requested a joint meeting. She stated the Commission did not have an objection to the first two bullets of Rob Houseman’s memo, dated 11/12/15. However, referencing the third bullet, she stated the Commission questioned such because the U.S. Army Corps of Engineers does not define low values and functions of wetlands rather, the agency defines the criteria, standards and techniques used to establish a function and value for use by wetland scientists.

Mike Hodder stated the third bullet creates a financial burden for the applicant.

Vaune Dugan stated it appears the Kingston ordinance doesn’t work for Wolfeboro however, recommended revising the language of the ordinance to provide flexibility.

Kathy Barnard stated bullet #2 provides flexibility without additional cost to the applicant.

The Board scheduled a joint meeting with the Conservation Commission for 1/5/16.

### **Heritage Commission**

Kathy Barnard stated the Heritage Commission Committee has requested to disband.

**It was moved by Stacie Jo Pope and seconded by John Thurston to disband the Heritage Commission Committee. Kathy Barnard, Stacie Jo Pope, Brad Harriman, Vaune Dugan, John Thurston, Chuck Storm voted in favor. Mike Hodder abstained. The motion passed.**



Rob Houseman reviewed Town Counsel's email associated with the proposed language for the warrant article, dated 12/3/15; noting Town Counsel opined that the warrant article would be invalid if it included paragraph's 2 and 3 (information submitted by Maggie Stier to support the warrant article), see attached.

The Board agreed to forward the informational paragraphs submitted by Maggie Stier (paragraphs 2 and 3 of the email) to the BOS for inclusion in the Voter's Guide.

**It was moved by Mike Hodder and seconded by Chuck Storm to present the language for the Heritage Commission Warrant Article, as drafted by Town Counsel, and the informational paragraphs submitted by Maggie Stier for inclusion in the Voter's Guide to the Board of Selectmen. All members voted in favor. The motion passed.**

**III. Public Comment**

None.

**IV. Informational Items**

Rob Houseman reviewed the following informational items; HE Bergeron Field Reports for The Lake Motel, 2016 Planning Board schedule and SB 146. Referencing SB 146, he stated Cordell Johnston, NH Municipal Association, recommended the Board address the issue through the Special Exception or Special Use Permit process; noting the Town has the right to limit such. He expressed concern regarding the significant load to waterfront lots.

Mike Hodder stated he would prefer regulating the use through the Special Use Permit process.

**V. Planning Board Subcommittee Reports**

None.

**VI. Approval of Minutes  
December 1, 2015**

**It was moved by Mike Hodder and seconded by John Thurston to approve the December 1, 2015 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.**

**VII. New/Other Business**

Kathy Barnard stated the Wayfinding Sign Committee is scheduled to meet 1/11/16. She stated Paul Zimmerman requested Jerome Holden serve in his place on the committee during his absence.

Rob Houseman stated that when the Board comprised the members of the Committee, the Board discussed and agreed that the Committee should not include sign professionals and rather, utilize the sign professionals for assistance and guidance.

Stacie Jo Pope stated she doesn't feel appointing Mr. Holden is necessary and noted that such is not the standard practice of the Board to have proxy appointments.

*Board consensus that substitutes are not necessary however, the public is welcome to attend the meetings.*

**It was moved by Stacie Jo Pope and seconded by Mike Hodder to adjourn the December 15, 2015 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.**

There being no further business, the meeting adjourned at 8:57 PM.

Respectfully Submitted,  
*Lee Ann Keathley*  
Lee Ann Keathley

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



# Proposed Zoning Changes

Planning Board

Public Hearing

December 15, 2015







# Agenda

Sign Ordinance changes presentation

Public Hearing

Shorefront Residential District and Shorefront

Timber Harvest changes

Public Hearing

# Sign Ordinance Proposed Changes

Table 1 Type of Signs Permitted by District for Each Business

KEY: P = Permitted; NP = Not permitted

Type of Signs	VR, R, GR, RR and MW	Rural-Ag and Agriculture	C1	C2 PHRDD, Center St/Rte, 28 Mixed-Use B	C1-CBD Limited Business District	Office, Residential, Institutional Overlay District
Projecting <sup>1</sup>	NP	P	P <sup>1</sup>	P	P	P
Residential accessory	P	P	P	P	P	P
Temporary public event	P	P	P	P	P	P
Temporary	P	P	P	P	P	P
Wall <sup>1</sup>	NP	P	P <sup>1</sup>	P <sup>1</sup>	P	P
Freestanding or ground <sup>1</sup>	P	P	P	P	P	P
Reader board	NP	NP	P	P	P	NP

## NOTES:

<sup>1</sup> The owner of a business which fronts on two publicly owned roads or a road and a municipal parking lot may elect to have up to three signs; provided, however, that the cumulative sign area does not exceed 62 square feet.



# Sign Ordinance Proposed Changes

Table 2 Size of Signs Permitted by District for Each Business						
Type of Signs	VR, R, GR, RR and MW (square feet)	Rural-Ag and Agriculture (square feet)	C1 (square feet)	C2 PHRDD, Center St/Rte, 28 Mixed-Use B D (square feet)	C1-CBD, LSA, Limited Business District (square feet)	Office, Residential, Institutional Overlay District (square feet)
Projecting	NP	16	16	16	16	12
Residential accessory	2	6				4
Temporary public event	48	48	48	48	48	48
Temporary Wall	6	6	6	6	6	6
	NP	The lesser of 10% of the face of the building or 24	The lesser of 10% of the face of the building or 24	The lesser of 10% of the face of the building or 24	The lesser of 10% of the face of the building or 18	The lesser of 10% of the face of the building or 12
Freestanding or ground	NP		24	24	18	6
Reader board	NP	NP	3	3	3	NP

## Sign Ordinance Proposed Changes

[3] Temporary signs for a new business and seasonal business. Temporary sign Special advertising devices, designed to advertise the opening or re-opening of a business, such as shall be limited to one banner or and pennant and streamers isare permitted for up to 30 consecutive days. The first day of advertisement shall be the opening day.

[a] Banner shall be mounted on the business and shall size shall not exceed the lessor of 32 sq. ft. or 25% of the face of the business.

[b] Pennant shall not exceed 20 sq. ft.

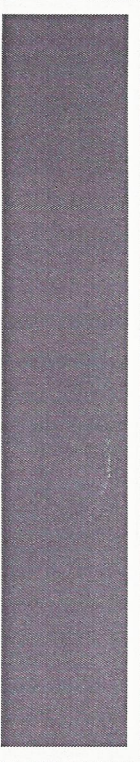


## Sign Ordinance Proposed Changes

(d) Projecting signs. Projecting signs shall be permitted in the Commercial C1, LBD and C2 Pine Hill Road Development District, Center St/Rte. 28 Mixed-Use Business District Districts only. A projecting sign shall not project horizontally in excess of six feet; it shall be erected so that the lowest part of the sign shall be at a height of not less than eight feet above the sidewalk or ground level, and it shall not exceed 16 square feet in surface area on each of two sides nor a total of 32 square feet on all sides.

(e) Wall signs. Within the Agricultural and Commercial Districts C1 and C2 Pine Hill Road Development District, Center St/Rte. 28 Mixed-Use Business District, no wall sign shall exceed 10% of the area of the building face to which it is attached and shall comply with the size requirements as listed in Table 2 above.

(f) Freestanding signs. Except as provided for in the C2-R28 and the C2-WC Districts Center St/Rte. 28 Mixed-Use Business District, freestanding signs shall not exceed 15 feet in height, including supports. One of the permitted signs within the C2-R28 and the C2-WC Zoning Districts Center St/Rte. 28 Mixed-Use Business District shall be permitted to have a sign area not exceeding 36 square feet and have a maximum in height which is the lesser of 20 feet or the height of the principal building. Such sign shall have a setback line of 20 feet from all property lines.



# **Article IX. Shorefront Residential District**

## **and**

## **§ 175-51. Shoreline timber cutting**

### **Article IX. Shorefront Residential District**

#### **§ 175-62. Purpose.**

*The purpose of this district is to maintain the integrity of the existing shorefront residential **district** developments and protect the shorefront from over-developmment. Further, the Town recognizes the importance of implementing water quality protection standards in order to protect the shorelands within the Town of Wolfeboro, since they are among its most valuable and fragile natural resources, and that the protection of these shorelands is essential to maintain the integrity and exceptional quality of the waters.*

#### **§ 175-51. Shoreline timber cutting.**

A. Where existing, a natural woodland buffer shall be maintained within 150 feet of any water body or watercourse as indicated on the United States Department of the Interior, 7.5 Minute Series (Topographic) Ossipee, Sanbornville, Tuftonboro, Wolfeboro and West Alton, New Hampshire - Carroll Co., Provisional Edition 1987.



**Article IX. Shorefront Residential District**

**and**

**§ 175-51. Shoreline timber cutting**

Public Hearing

**From:** Laura Spector-Morgan [<mailto:laura@mittchellmunigroup.com>]  
**Sent:** Thursday, December 03, 2015 2:59 PM  
**To:** Robert Houseman  
**Subject:** RE: Heritage Commission

Rob:

While I understand why paragraphs 2 and 3 were added, I think they are inappropriate as part of the ballot question. These are facts which should be shared at deliberative session, where people discuss, debate and amend the articles. They are not questions for the voters, and I would be concerned that a judge would find the entire article to be invalid as written, if challenged, as the second and third paragraphs come perilously close to, or cross over, the line of advocating.

Laura

Laura Spector-Morgan, Esquire  
Mitchell Municipal Group, P.A.  
25 Beacon Street East  
Laconia, NH 03246  
(603) 524-3885  
fax (603) 524-0745



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**From:** Robert Houseman [<mailto:planningdirector@wolfeboronh.us>]  
**Sent:** Wednesday, December 02, 2015 1:38 PM  
**To:** Laura Spector-Morgan  
**Subject:** Heritage Commission

Laura:

Attached please find a revision to your proposed ballot language re: Heritage Commission. Please review and comment.

Thank you.



"To see if the town will vote to establish a Heritage Commission pursuant to RSA 674:44-a through 44-d consisting of 7 members and up to 5 alternates to be appointed by the Board of Selectmen for terms of three years, with 2 initial members appointed for 1 year, 2 initial members appointed for 2 years, and 3 initial members appointed for three years; and further to create a heritage fund pursuant to RSA 674:44-d with monies from said fund allowed to accumulate from year to year to be held in the custody of the Treasurer and to be expended from the fund upon a majority vote of the Heritage Commission for its purposes without further action by town meeting.

A Heritage Commission serves an advisory role, much like an agricultural commission, and has no authority to regulate private property. Their primary duties are to advise and assist the planning board with the town Master Plan, assist the town in managing its historic properties, and work with other boards, commissions and nonprofits in protecting, preserving and promoting historic character town-wide. They typically have a non-lapsing heritage fund which accepts tax-deductible contributions, and often apply for grants to fund specific activities.

Center Harbor, Middleton, Moultonborough, Brookfield, and Wakefield are among the 55 towns statewide that have heritage commissions. Each individual municipality determines its own priorities."