

**TOWN OF WOLFEBORO
PLANNING BOARD
September 7, 2021
DRAFT MINUTES**

I. **Call to Order:** *Chair Kathy Barnard opened the meeting at 7:00 PM.*

II. **Introduction of Planning Board Members**

Members Present (In-person): Kathy Barnard, Chair, Mike Hodder, Vice-Chair, Brad Harriman, Selectmen's Representative, Vaune Dugan, Peter Goodwin, John Thurston, Members, Julie Jacobs, Alternate.

Member Absent: Susan Repplier, Member.

Staff Present: Tavis Austin, Director of Planning and Development, Lee Ann Hendrickson, Recording Assistant.

Kathy Barnard appointed Julie Jacobs, Alternate, to sit in for Susan Repplier, Member.

III. **Public Hearings**

**Kent & Nicole Handfield
Boundary Line Adjustment
Tax Map #54-18-12 & 13**

Ray Bisson, Stonewall Surveying, stated both lots were subdivided in 2000; noting the best location for the placement of the house is located on the property line. Therefore, the applicant is proposing an adjustment to the lot line (a conveyance of 2.6 acres. He stated a woods road runs through both lots therefore a deeded easement for access to both lots is proposed. He noted test pits have been conducted on both lots and showed the location of such on the plan and stated that all existing monuments have been recovered on the properties. He stated a waiver is being requested for Section 174-7.C for ground control. He stated the proposed boundary line adjustment is an overall improvement and provides a suitable building lot for both properties. He stated the proposal meets the form factor requirement and creates a scenic view of Lake Wentworth.

Peter Goodwin verified the view would be maintained over time.

Ray Bisson stated the rear of lot 54-18-13 is very steep therefore, the proposal utilizes the buildable area for one lot.

It was moved by Mike Hodder and seconded by Peter Goodwin to grant a waiver for Section 174-7.C. All members voted in favor. The motion passed.

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

Chairman Barnard opened the public hearing.

Mike Hodder asked who monitors the conservation easements on the lot and who are the easements to the benefit of.

Ray Bisson stated there is a 71-acre open space area in which the association owns the rights to the open space and monitors the wetlands. He stated such was created in 2000 when the subdivision was created.

Mike Hodder stated the lots are owned by the same owner and confirmed that the access easement would be provided to the individual purchasing the lot.

John Thurston questioned the proposed width of the driveway easement.

Ray Bisson stated the width of the driveway is 14' and the easement noted on the plan is 30'.

John Thurston asked if 30' is wide enough for access by the MED and Fire Department.

Ray Bisson replied yes.

Tavis Austin reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of this approval, is adopted by reference as part of this approval: *"Handfield Lot Line Adjustment Located off: Beach Pond Road, Wolfeboro, Carroll County, New Hampshire, For: Kent & Nicole S. Handfield, 4 Henson Oaks Lane, Rockville, MD 20850"* as received August 10, 2021.
2. The Applicant shall submit a Mylar for recording at the Carroll County Registry of Deeds.
3. The Applicant shall be responsible for the payment of all recording fees to the Carroll County Registry of Deeds for Notice of Decision recordation.
4. 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.
5. The Applicant shall be responsible for Monumentation and updated plans to be stamped by a Licensed Land Surveyor, Landscape Architect, certified Wetlands Scientist, and Professional Engineer as applicable.

Kathy Barnard asked if there is a bonding requirement.

Tavis Austin replied no.

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

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the Kent & Nicole Handfield Boundary Line Adjustment application, Tax Map #54-18-12 and 54-18-13, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

**Goodhue Hawkins Real Property, LLC
Site Plan Review; Boat Trailer Storage Area @ 121 Filter Bed Road
Tax Map #190-26**

Jim Rines, White Mountain Survey & Engineering, stated the applicant is requesting a boat trailer storage area at 121 Filter Bed Road. He reviewed the existing conditions plan and proposed access; noting the area would be gravel and regraded. He stated the applicant is to create an area for organized storage of the boat trailers that are presently scattered around the existing boat storage building and along the side of Filter Bed Road so that the area is "cleaner" looking. He stated the area would be a gravel area and will only be used for storage of empty boat trailers and the area would not be lighted, signed or plowed in the winter and there would be no

litter storage. He stated that due to the remote nature of the area and the size of the lot, the applicant is requesting a waiver from Section 175-15, E.(4)(q) which requires the depiction of all buildings, wells and leach fields within 150' of the property. He stated the rationalization for the request is that there are no off-site buildings, wells or leach fields within 150' of the location of the proposal on the property. He stated there is a disturbance of more than 20,000 SF therefore, they are required to adhere to the Town's Stormwater Management Regulations.

It was moved by Mike Hodder and seconded by Kathy Barnard to grant a waiver for Section 175-15(4)(q). All members voted in favor. The motion passed.

John Thurston asked if there would be more trailers stored on the property than boats stored across the street.

Jim Rines replied no.

Mike Hodder asked if the parking regulations are applicable and whether a waiver is required.

Tavis Austin stated he did not view the proposal as an expansion of use and therefore didn't request a waiver.

Kathy Barnard questioned the width of Filter Bed Road and asked if the road were to become a Town road would the roadway be wide enough.

Jim Rines stated he spoke to the owner regarding such; noting the owner supports a right-of-way easement if it is needed.

Tavis Austin stated the proposed parking lot is not substantial to the site to require an easement and noted there is no one to dedicate the easement to at this time. He stated the Mylar plan will depict the future Filter Bed Road location and such will be memorialized.

John Thurston asked when screening requirements are enacted.

Tavis Austin stated the applicant has proposed the correct number of trees for the parking area and noted the area is surrounded by woods. He stated the proposal addresses the existing issue of parking trailers along the roadway.

Vaune Dugan asked if two trees are proposed.

Jim Rines replied yes, and shrubs.

Vaune Dugan asked why trees aren't proposed along the road and why the location of the proposed plantings was chosen.

Jim Rines stated the proposal is internal to the property lines; noting the applicant owns Filter Bed Road in fee. He stated the proposal is an improvement over the existing situation.

Peter Goodwin stated he has a real issue with contours map and final grading; noting it is difficult to see the comparison and further reviewed such.

Vaune Dugan recommended a cut and fill diagram.

Mike Hodder referenced the proposed site plan; noting such shows the snow storage areas however, there is no intent to plow the area. He questioned the possibility of screening in the future.

Jim Rines stated there would be plantings in the future.

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

Chairman Barnard opened the public hearing.

Kathy Barnard questioned the number of trailers that will be stored.

Jim Rines stated as many trailers that are possible.

Tavis Austin recommended the following recommended conditions of approval;

1. The following plan, as amended to the date of this approval, is adopted by reference as part of this approval:
Plan Set: Plans Prepared by White Mountain Survey and Engineering, Inc. Consisting of Sheets 1-5, D-1 and Sheet 1 of 2 of the As-Built Site Plan (), and L-01, and related narrative, prepared by White Mountain Survey and Engineering, Inc. as Received August 17, 2001.
2. The Applicant shall submit a Mylar for recording at the Carroll County Registry of Deeds.
3. The Applicant shall be responsible for the payment of all recording fees to the Carroll County Registry of Deeds for Notice of Decision recordation.
4. 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.
5. The Applicant shall not be permitted to store boats on trailers; storage of trailers only.
6. The area will be a gravel area and will only be used for storage of empty boat trailers.
7. The area will not have litter storage, be lighted, signed or plowed in the winter.

Peter Goodwin asked what happens if a trailer is sold in the winter and the area is not paved.

Tavis Austin stated it is reasonable for Goodhue and Hawkins to access a trailer.

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

It was moved by Mike Hodder and seconded by John Thurston to approve the Goodhue and Hawkins Real Property, LLC Site Plan Review application, Tax Map 190-26, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

IV. Public Meetings

(a) Drive-Thru Memo; Zimmerman

The Board discussed Mr. Zimmerman's letter, dated July 9, 2021, and agreed there are no changes in the Board's opinion on the matter based on his recent letter. The Board agreed there are current processes in place to address the matter.

(b) Wolfboro Library Landscaping

Kathy Barnard stated the Library Landscaping Committee has scheduled an in-person and virtual stakeholder meeting for September 8th at 1:30 pm.

(c) Tighe & Bond Letter; Brewster

Tavis Austin stated Brewster never called and requested inspections throughout the construction process for Toad Hall and that he asked Tigh & Bond to perform a final inspection; noting the report states substantial conformance with the final approved plan. He stated there is no record of Brewster contacting the engineer for inspections.

The Board discussed the fact that Brewster pledged to do something and never did and feels that Brewster should be made aware of the issue and failure in oversight of the project.

Mike Hodder stated he wants to know why Brewster never contacted Tighe & Bond to perform the inspections.

It was moved by Peter Goodwin to send a letter to Brewster notifying them that they did not fulfill the obligations of the Planning Board in that they were required to contact the Town's engineer to perform inspections and requested comment to the Planning Board.

Discussion of the motion:

Peter Goodwin stated the end result is correct.

John Thurston questioned the integrity of the project and expressed concern that Brewster did not contact the engineer. He stated Brewster should be put on notice.

Mike Hodder seconded the motion.

Kathy Barnard recommended including the Tighe & Bond letter, dated 8/25/21, with the Board's letter.

Tavis Austin confirmed the Board is requesting a response from Brewster.

All members voted in favor. The motion passed.

(d) 2022 Planning Board Meeting Schedule

Peter Goodwin questioned whether November 1st is an election day.

(e) Cooke Letter RE: Signs

Tavis Austin stated a letter was received regarding the illumination of signs at the real estate agencies. He stated the Lighting Committee reviewed the issue and agreed that illuminated elements inside a structure and the brightness of such should not be regulated by the Planning Board. He recommended bringing forth language for Town Warrant.

Kathy Barnard stated the issues noted in the letter need to be enforced.

John Thurston stated he understood the Lighting Committee would review other comparable communities as to how the matter is addressed.

Tavis Austin stated most communities do not regulate such as signs. He stated he would forward recommended language for consideration that came from the Lighting Committee.

Mike Hodder stated the Board received a final draft from the Lighting Committee that didn't include this issue. He stated he is hesitant to re-open discussion of a change to the language. He stated he agrees that it is not considered a sign.

Tavis Austin stated the material that is being lit is the display of material and not a sign. He recommended changes to the sign regulations and not to the lighting regulations.

Mr. Haggerty, 6 Shady Lane, stated he feels the matter is a slippery slope and asked the Board to give consideration to the integrity of the Downtown area; noting the lighting is not in keeping with the characteristic of the Town.

Tavis Austin stated the Board has very limited control over the inside of a building.

Vaune Dugan stated the lighting regulations address spillage of light onto abutting properties and questions light penetrating outside the building and onto the street.

(f) Master Plan Implementation Committee

Tabled to the September 21st meeting.

(g) Taylor Home Concept Review

Tavis Austin stated there was a recent TRC application for a new structure at Taylor Homes on Bay Street. He stated the application brought to Staff's attention a deficiency in the language of the Wetlands Conservation Overlay District. He stated when an area of disturbance becomes the existing condition and/or if an area previously disturbed is to be redisturbed, does it need to come back to the Board for a Special Use Permit review. He stated this case the disturbance is soil as opposed to a structure. He noted the ordinance is silent on the matter. He requested the Board think about a potential change to the ordinance in the future. He stated the Board approved the four-phase site plan in the 1990's; noting 3.5 of the phases are built and noted the roads and infrastructure are private. He stated the proposed structure exceeds the height limit and will be requesting a variance from the ZBA; noting following such the applicant will submit an application to the Planning Board.

(h) Abenaki Trail Discussion

Tavis Austin stated he has been approached by several people and organizations requesting to construct trails; noting the regulations make it difficult for trails to be constructed. He stated the trails at Sewall Woods, The Nick and Abenaki do not connect due to wetland issues, money and permitting issues. He showed a conceptual bike trail at Abenaki and reviewed connectivity issues to other corridors within the Town. He recommended developing a policy to allow for the construction of trails without Planning Board approval.

John Thurston stated there still may be a need for State permits.

Tavis Austin requested from the Board to allow Staff level review of the proposals rather than Planning Board review and/or Special Use Permit review process.

Julie Jacobs asked if access for emergency vehicles has been considered.

Tavis Austin replied yes.

John Thurston asked if Bridge Falls Path would become a walkers only path if bike trails are constructed in other areas throughout the Town.

Mike Hodder stated he likes the idea of streamlining the process, however, would like to see general public input; noting there is no allowance for public input if the proposals are reviewed by Staff.

Peter Goodwin discussed his experience with constructing a trail and NHDES involvement; noting NHDES has its own process and doesn't feel the need for the Planning Board to be involved.

Tavis Austin stated that due to the Wetlands Conservation Overlay District, currently the Planning Board does have to be involved; noting such requires a Special Use Permit for walking paths and bridges.

Kathy Barnard stated all trail construction needs to be treated the same.

Julie Jacob stated the trails in town need to connect.

John Thurston stated he supports the idea.

(i) Elaine Devereaux – 399 Pleasant Valley Road

Tavis Austin stated the applicant received a variance to decrease the lot frontage on one lot and will be submitting an application to the Planning Board.

V. Public Comment

None.

VI. Other Business/Discussion

Mike Hodder requested a list of all matters going to public hearing.

Recording Secretary Position

Tavis Austin stated the Planning Board and ZBA are in need of a recording secretary.

Law Review

Kathy Barnard stated the NH Municipal Association has scheduled a virtual Land Use Law Conference for September 18th.

Police Commission Meeting

Kathy Barnard stated she and Susan Repplier attended the Police Commission meeting on August 19th to inform them they have been hearing a lot of concerns about noise and the affect of such on the quality of life. She stated the Chief of Police explained the Department has followed up on 3-4 complaints however, noted that such is not in his jurisdiction but would respond if the situation warranted such. She stated they reviewed the licensing of golf carts at Port Wedeln and it was recommended that it would be easier if the neighborhood association would get involved with the noise complaints. She stated she asked about increasing fines; noting the Chief stated such is a BOS issue.

Mike Hodder stated it sounds like the Police have limited ability to make changes on the ground with regard to short term rentals. He stated the BOS could increase fines however, it appears that nothing solid is being proposed to address the issue with short term rentals.

It was moved by Mike Hodder to disband the Short Term Rental Committee.

Discussion of the motion:

Kathy Barnard asked the Board to wait until after the Committee's next meeting.

Mike Hodder withdrew his motion.

Housing Opportunity Zones

Tavis Austin stated he is working with Counsel to develop language regarding such.

Dunkin Donuts Traffic

The Board discussed the issue of traffic from Dunkin Donuts backing up onto Center Street and the safety issues related to such.

VII. Approval of Minutes

August 17, 2021

Correction: Page 1, Members Present; strike Vaune Dugan and add "Chairman Barnard appointed John Thurston, Member, to sit in for Vaune Dugan, Alternate."

It was moved by Mike Hodder and seconded by Peter Goodwin to approve the August 17, 2021 Planning Board minutes as amended. All members voted in favor. The motion passed.

It was moved by Mike Hodder and seconded by Peter Goodwin to adjourn the September 7, 2021 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:02 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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