

TOWN OF WOLFEBORO
PLANNING BOARD
July 11, 2023
APPROVED MINUTES

- I. Call to Order at 7:00 p.m.:** Chair Kathy Barnard called the meeting to order in the Great Hall, 84 South Main Street, at 7:00 p.m.

II. Introduction of Planning Board Members:

Members Present: Kathy Barnard (Chair), Doug Breskin (Vice-Chair), Brad Harriman (BOS Representative), Vaune Dugan, Peter Goodwin, Roger Murray, John Thurston

Alternates Present (who vote if designated by the Chair): Julie Jacobs, Jane Nielsen

Staff Present: Tavis Austin

III. Public Hearings:

- a) ***APPLICATION WITHDRAWN: ROBERT BECKWITH, 16 LIBBY STREET, Tax Map & Lot# 217-13, Case# 2023-06: Conditional Use Permit for an Accessory Dwelling Unit***
- b) ***RESCHEDULED TO AUGUST 2023: LIFETIME GREEN HOMES LLC, WILLOW STREET, Tax Map & Lot# 204-017, Case# 2023-12: Site Plan Review and Special Use Permit for 8-Unit Multi-Family Condominium - Formal Submission/Public Hearing***
- c) ***E.A.C. LLC and SAWYER LLC, 50 & 60 SOUTH MAIN STREET, Tax Map 217 & Lot# 58 & 59: Design Review for Site and New Building for HUNTER'S SHOP N' SAVE***

Chair K. Barnard: This is a Public Hearing for EAC LLC c/o Hunter's Shop N' Save -Sawyer LLC, located at 50 and 60 South Main Street, Tax Map & Lot 217-58 & 59, Case# 2023-11. This is a Site Plan Review for a new grocery store. The first item is the Design Review Meeting.

Planning Board Member Roger Murray brought up the issue of the need for a Special Exception in accordance with Section 175-43 of the Wolfeboro Zoning Ordinance: Non-Conforming Structures. After that meeting [on 6/20/2023], I asked Tavis Austin, Director of Planning & Development, to check with our attorney, who is here tonight, and who is going to explain more about this issue.

Walter Mitchell Esq. on Merits of Application, Special Exception, and Estoppel: The Chair of the Planning Board has asked that I make a few preliminary remarks to frame the issues that are going to be discussed by the Planning Board this evening, related to this Application, and frame it - not only for the Board - but for the audience.

I'm Walter Mitchell, our law firm is the Mitchell Municipal Group. My partner, Laura Spector-Morgan, does a lot of the work for this Planning Board, but she had to be at another Town this evening. So, I'm pleased to be here [remarks are paraphrased, below]:

1) The first category of questions before the Planning Board tonight is:

The merits of the Application, and it will be considered just like any other application before this Board. I have no further comment on that, as the Board knows how to address those things.

2) If the Board approves the merits of the Application, there's a second layer of questions, that is:

- Does the language of the ordinance require this Applicant to get a Special Exception to expand this building because the building is Non-Conforming to the Town Zoning Ordinance? We have made, our office has made, a recommendation to the Planning Board as to how to interpret those provisions, but that's not our decision to make. That's a decision that the Planning Board makes.
- So, if the Planning Board finds that a Special Exception is required, then that should be incorporated into the Board's approval [of this Application] as a Condition of Approval.

3) The third category of questions related to this Application is:

- Something that's a little unusual, and that is a question involving what's called "estoppel." [The legal term] "estoppel" is, very simply, when circumstances arise that an Applicant has been innocently misled to think, in this Case, that the Zoning Ordinance does not require a Special Exception.
- [If the Applicant] spends a large amount of money designing plans for this building; then, if the Board decides that a Special Exception is indeed required, do those circumstances relieve the Applicant of the technical obligation to get the Special Exception?
- That may very well be an issue for this Applicant. But our advice to this Board is that it [the Planning Board] doesn't have the authority to make a decision on the question of "estoppel."
- If we get to that point, this [Planning] Board should be referring that question to the Board of Selectmen, which is the proper body to make such a determination. And the [Planning Board] Chair has made us, basically, give everybody a "heads up" as to those things that are involved in this discussion tonight.

Chair K. Barnard, Order of Proceedings for a Public Hearing:

- We first hear from the Applicant, who explains the Application to us. At that time, Planning Board members can ask questions until they're comfortable getting all their answers.
- Then we determine if the Application is Complete. If it is, I'll ask for a Motion to Accept the Application as Complete.
- At that point, I can open the Public Hearing. During the Public Hearing, if members of the public could try and keep their remarks to five minutes or less, we would really appreciate that.
- At the close of the Public Hearing, we'll ask the Planner if he has any Conditions [of Approval], and close the Hearing, and then deliberate.
- As far as the Applicant is concerned, if you would comment on the Stormwater Management and Drainage issues, the [exterior] Lighting issues, also the Parking, and the Architectural Standards.
- We have sent to you the latest letter that we received from the Wolfeboro Waters Committee. And so, if you could just comment on that, as well as any other items you want to bring up.

Randy Tetreault, Norway Plains Assoc, Project Summary: I'm the Project Surveyor and Project Manager for the Application that's before the Planning Board. We've been before this Board and before the Technical Review Committee [TRC] numerous times:

- This is a formal Application for Site Review, to rebuild Hunter's Shop N' Save grocery store. The location is on South Main Street, Glendon Street, and School Street. It's in a Commercial C-1 Zone.
- The proposal is simple: it involves an expansion, or an extension, to the original [building] footprint by approximately 3000 square feet [SF]. So, 3000 SF of additional space from the [previously] existing footprint. To that end, in the narrative, it says the final square footage will be 15,668 SF.

This is just under the perceived 25% threshold.

- We've brought various versions, amended versions, before the Board. They were preliminary and conceptual designs [of the site and the new building].
- This formal Application has a pretty complete set of Plans; hopefully, everybody's had a chance to take a look. There are larger versions [of the Drawing Set] available at Wolfeboro Town Hall. In my narrative, I indicate which sheets and which items they're associated with. For instance, Parking Standards are shown on Sheet C1, Note 11. Lighting is on Sheet L2. If you have the narrative, you can follow along. Paul Blanc is the engineer who will be speaking to a lot of these issues.
- There was a Minor Lot Line Adjustment involved in this Site Plan, it was approved by the Planning Board in June. The boundaries that are shown on the Plans that you see tonight reflect that.
- The Parking is similar to what we've discussed before, it meets it [the Zoning requirements], not counting the additional off-street parking that can be required. For the audience, anybody who hasn't been here before, it encompasses the whole parcel that everybody considers Hunter's Shop N' Save, including the Walgreens parcel [with existing Walgreens building], and the adjacent gravel area that was located behind the former Hunter's building. So that's the Site Plan.
- The Conditions of Approval [for the Minor Lot Line Adjustment] were: that there would be reciprocal easements for parking, drainage, utility connections, and so forth. That would be part of this proposal. Let's start with the questions about the drainage.
- They were different, varying views on how the Stormwater Regulations applied, and if they applied.
- In our opinion, the Stormwater Regulations don't necessarily apply in this case, because we were taking Existing Impervious Areas and covering and rebuilding them on Existing Impervious Areas, so there are no Additional Impervious Areas. So, that wasn't what questions to the compliance to the regulations.
- There was a question on Disturbance. "Disturbance" being: what's going to happen in the area where that new building is built, at the periphery around [the new building] and so forth? For Stormwater Management purposes, I'll let Paul Blanc speak to this.
- For Stormwater Management purposes, "Disturbance," or Disturbed Areas, are mostly protected from erosion by sedimentation controls during construction.
- It's the finished Impervious Areas that are an issue, as far as long-term Stormwater Management. In other words: how we start out with Impervious Areas and how we finish with Impervious Areas. In this case, 99.8% [of the proposed Impervious Areas] are going to be the same. The only place where it might differ slightly - on the Walgreens parcel associated with this project - is a bit of the periphery around the gravel lot that is in the rear [fronting School Street]. But generally, all the Impervious Surfaces remain under the proposal.
- There have been questions about the details on that Stormwater Management. The owner put a foot forward and said he would do the best he can to come up with Stormwater Management and treatment. There's been concerns that that doesn't go far enough. So, I'll let Paul Blanc speak to the response on the Wolfeboro Waters letter, and to their suggestions, and we'll go from there.

Paul Blanc, Norway Plains Assoc, Summary of Stormwater Management Plan: So, all the stormwater from this area, all the way around the property, will be coming through this system here, which is a filter system. This is a filter system and then [the stormwater] goes out through this Vortechs System, and then out into the Town drainage system [South Main Street right-of-way].

- We're going to be treating all the stormwater coming off the [new building] roof. That will collect into the storm drain system, go through the Vortechs System, which is located at the southwest corner of the Hunter's site. So, the roof runoff does not go through to fill terrace systems, it goes straight through to the catch basins system here. That was a question that the Wolfeboro Waters Committee [WWC] had.
- The other question they [WWC] had was, "Could you take the storm water and put it underground and infiltrate into the ground?" It's a great idea we've used in a lot of places; however, this is

Woodbridge Soil, it doesn't allow for infiltration. The infiltration rate is zero inches per hour to point six inches per hour, which is nothing. Because of the 8% pitch, we will be digging so deep in the ground, it would just be storing water under the ground and then it would fill up, there would be no way [for the stormwater runoff] to get out because you would have to tie into the catch basin out here, which is only about four feet deep. So, we looked into it, it just wouldn't work.

- We are removing the pollutants. For TSS [Total Suspended Solids] removal, we'll meet that. For phosphorus removal, we'll meet that. We're just shy of the [recommended] nitrogen removal by 15%. That's from the studies that were done by different universities and research centers.
- We'd like to get credit for other things that we're doing: we're removing total copper, all copper zinc is all the same. And we're removing some hydrocarbons with this, which are not part of the regulations. Infiltration is definitely the best way to get rid of nitrogen phosphorus. We can't do it here. We're doing our best. We might get some small infiltration with the trench drain here. But in the back [north part of site, fronting School Street], it's minimal to nothing.
- This Sheet [of submitted Drawings] shows what the Vortechs System looks like. The Filter System is over to the right. It's very simple maintenance.

Paul Blanc on Site Lighting Plan: The Landscape Sheets are up, so there's the [Site] Lighting Plan. What you see in that darker blue are the lights that exist there today. Shown in that light, light blue are our proposed lights. And, as you can see, our Lighting Plan shows that the proposed lighting does not spill outside of the property. The lights in the back, along School Street and Walgreens, will be replaced with downward or dark-sky-compliant lights. That's what we're proposing.

Chair K. Barnard: So, you feel as if you've complied with the Site Plan Requirements, for Lighting?

Paul Blanc: That is correct. We did just as it was written in the letter that the Planner sent to me.

Paul Blanc on Site Landscape Plan: On the Landscape Plan, we're adding some trees, replacing some trees, adding some low-lying perennials and, down in the [southwest] corner, by the Vortechs System, that's going to have more plantings. We hired Woodburn & Co. Landscape Architecture LLC, and they put together these plants.

P. Goodwin: In the previous way that this building and parking lot were construed, were any of the pollutants which you're removing actually removed, or were they just all going to the lake?

Paul Blanc: Everything was just going right to the lake before, which is unfortunate. So, what we're doing now is a big improvement and that was the goal. That's what the owner wants to do.

P. Goodwin: And, basically, the entire surface was impermeable before and now it is still impermeable.

Paul Blanc on WWC Concerns: That is correct. If you want to talk about nitrogen phosphorous coming off the roof, what Wolfboro Waters Committee [WWC] was concerned about, it was coming off the roof and going into the system so that they were concerned about overburdening those filter systems. It's actually going to go to the Vortechs System, down through here. But yes, to answer you, everything that was 100% impervious before now, we're treating it. That's the goal.

Chair K. Barnard: So, for the landscaping, you're coming more into compliance than you were before.

R. Murray: Could you elaborate on the landscaping on the School Street lot?

Paul Blanc: Yes. The landscape architect has provided this tree, as required, in the parking lot. That's where she's going to be planting that big tree, right there. That's what that symbol is.

J. Thurston: That's an elm tree.

Paul Blanc: It's going to be an elm tree, thank you, John.

R. Murray: Is that one of the six-foot fences running along the residential property?

Paul Blanc on Existing Site Retaining Wall and New Fence: Roger is asking, right along this property, about the fence. That's a fence that will be some screening for that resident right there. So,

while you're looking at School Street and our parking area there, that will be a fence. So it will be on a retaining wall, which is be about this high, and on top will be a fence.

Chair K. Barnard: Any other questions?

J. Thurston: So, the fence sits on top of a wall. Does it exceed six feet? What's the story with that?

Tavis Austin: It's a structure on the property line that could be 30 feet tall. So, it will be less than that.

J. Thurston: Just wanted to get that out.

Paul Blanc on Existing Site Retaining Wall and New Fence, Re-grading of Walgreens Parking Lot:

So, the reason we have that retaining wall there is because it's a switchback. At the beginning of this process, John, I think it was you who requested that the stormwater be captured, instead of sending it to School Street, untreated, into the Town drainage system. We're sending it back onto the site, so we tilted [regraded] the site back to do that. Therefore, we need the retaining wall, so we could capture the stormwater and direct it to soil back there. We want the fence on top of that retaining wall for a couple reasons: 1) So someone doesn't walk over it in the middle of the night, and 2) as screening.

J. Thurston: So that's a bonus for the stormwater area, actually.

Paul Blanc: It's a big bonus, which is great, because before, it [stormwater runoff] was sheeting off directly into School Street and carrying the pollutants off.

Chair K. Barnard: Any other questions?

V. Dugan: Is the wall on the corner closest to the Post Office to remain, or to be replaced?

Paul Blanc: Is this the wall down here? That's going to remain, it'll stay the same.

V. Dugan: Right at the [southwest] corner.

Chair K. Barnard: Is it, you pretty much said, then. Okay, is someone here to speak about the architectural?

Zach Smith, Harriman Assocs: My name is Zach Smith, Harriman Associates, presenting to you tonight. I'll keep this pretty short, to cover all the building stuff, due to Application timelines. What was seen in the Design Review is the same thing that's I'm showing today.

Zach Smith, Harriman Assoc, Summary of New Building Design: So, here is the site within some context. This proposed building is on top of the hill. This picture is taken about halfway up the side of the hill. We all know the site well. If I were to walk down South Main Street towards downtown, you would see more of this hill.

- Within context, you get an idea of how it fits with the scale of the buildings adjacent to it. It is not terribly tall, it's within the character of the buildings around it. Even though it's on the edge of downtown, it is a fairly commercial-looking building.
- From the [architectural] designs we've iterated, it [new building] still does have some of the supermarket characteristics of the higher walls. We did try to soften those sides of the building with gables, as discussed last time, and awnings and different colors and materials and banding: all those types of things help break down that scale even further and give it a character that is more fitting within the context that we're putting it.
- The materials, looking at the front of the building and at the front entry: the lower three feet is a full-wythe brick band, so those are real bricks which will have some depth. Above that you'll have off-white and white clapboard [siding]. That clapboard is the main material.
- On the backside of the building, it's all that same clapboard material, with a five-inch reveal. There's a white PVC band, so it'll be a constructed band, but we're using a PVC-type material or proposing a PVC-type material, with darker clapboard.

- Above that, the awnings will be a green color, similar to the dark green seen throughout town and on the former Hunter's awnings and their sign, showing here, at the entrance. There will be a Sunbrella-type fabric. Yes, we understand there will be maintenance associated with any fabric awnings. The frames will be aluminum, technically demountable, but we don't foresee those being demounted in the winter.
- The flatter awning, in the middle there, along the backside by the Receiving Area, is an exposed wooden frame system. So, it will be a wood joint material with black standing-seam metal roofing on top.
- Flanking the entries and in a couple places along the building, we have our black, rustic-looking light fixtures, often used for commercial storefronts.
- More views of the building on top, you still see the entry, pivoting towards South Main Street. You're seeing the building with the gable. One of the comments that came up in the last meeting, something I still would like to explore, is the top "eyebrow" window. Probably we can give it a bit more of an arc, to help match some downtown [buildings] with arches. We have about another foot [to work with] before we start to get in the way of the structure.
- All the windows are real, we're proud of that. None of these windows that we're showing are fake windows.
- Next rendering shows our largest, blank public-facing façade [facing Glendon Street], which we're hoping can be used for fixturing to display flowers and plants and produce. Some things seasonally, to help activate that side a bit. Yes, they are still large sides. This is a bit of a compromise and a lot of the things that we do as professionals here: that's where it ended up.
- We did move some of the equipment. I don't think Paul mentioned the dumpsters, which did moved around to the backside of the building, so they're not seen along the main parking lot side anymore.
- You can see that, at about the middle of the north elevation there. Those dumpsters will be fully screened along with all the other equipment along that side. And then the backside, the east elevation, that directly abuts the backsides of the buildings fronting Union Street, is a large expanse of building with not much on it. There is a fence that we're not showing there, at about four feet high on that side. We did incorporate a retaining wall into the building, that's what needed to be done. So, the grade is coming up along that side of the building. If you see where that brick band is on my left, by the time it gets to the back, it's a bit above that. So, the scale of that [east elevation] does shrink.

Chair K. Barnard: Do you feel as if you've substantially complied with the Architectural Standards and the Site Plan Regulations?

Zach Smith: As they're written, yes.

J. Thurston: Do you think you've complied with the roof screening?

Zach Smith on Roofscape: I think so. At this point of the design - we're about 60% to 75% through Construction Documents - there are only miscellaneous roof vents, including plumbing vents. All of our mechanical ventings are through a system that is ground-mounted, which was discussed previously. We do not foresee any equipment being mounted up there [on the roof].

J. Thurston: So, on that long side there, you said there will be a fence on top of that wall, also? So, it will go halfway up that building?

Zach Smith on Retaining Wall for New Building: Yeah, so different than the area that Paul was talking about, where it actually turns into a retaining wall. We had to build up to the building foundation, where the retaining wall becomes one with the building, and so it's not really sitting on top of the wall. It's kind of sitting along the grade. But yes, at its highest it would match his retaining wall height and then slope down towards the front of the building: what we consider our 00 grade.

J. Thurston: So, have any neighbors asked to have screening over on that side?

R. Tetreault on Landscape Screening at Site Perimeter: We previously thought we had to do a double retaining wall back there. But it can be done structurally with the building, That area is going to be flat along there. A white fence will run along there. We show screening on the Landscape Plan at the corner abutting the Residential-Use properties, but we didn't propose any [planted] screening along that fence line. We're only four or five feet from the building. We'd have to get a landscape easement from several neighbors, doesn't make sense to do that. So: screening where the site abuts the residential areas, and a white fence along the back [rear lot line] of the commercial properties that face Union Street.

D. Breskin on Mechanical Equipment: On the School Street side of the building, I see you have a transformer pad, a generator pad, that fluid cooler pad. Is there any provision to screen those from view and protect them?

Paul Blanc on Equipment Screening: We'll have to screen them as needed. Some of those can't be screened; but once we get specs on it [the equipment], yes, they can be screened out. We need specs to figure out how far the distances are between the actual unit and where the screening can be placed.

Chair K. Barnard: What about the noise issue from the mechanical units? Has that decreased?

Zach Smith on Equipment Sound Levels: So, I never heard the previous units [at the old building]. I couldn't get a sound rating for those units, either. Technically, I know those units were quite old. The units that we're putting in are newer and meet newer noise regulations, so I can assume they're quieter, and I would hope they would be well-maintained for how much they're paying for the units. Hopefully, they'll operate more quietly and they are in a slightly better location than they were previously: now closer to Walgreens and further away from those abutting residential neighbors, who previously spoke about the noise level. That's the most I can say: I don't have a way to measure those two sound levels.

Chair K. Barnard: Okay, thank you.

R. Tetreault: Yes, there was a discussion with the Abutter, subsequent to the Planning Board Meeting. Anybody that had concerns with that didn't exactly understand the heights and how that would look from the different sides. And after that discussion, he seemed to be okay with it. So, I just wanted to let the Board know that.

V. Dugan: What was the fence that was along the east elevation and what will it be?

Zach Smith: So, it's a white PVC fence.

V. Dugan: And not chain link?

Zach Smith: Not a chain link fence.

Chair K. Barnard: Any other questions? Okay, thank you.

R. Tetreault on Truck Loading Area, Future Pick-Up Window, Complete Application: Okay, so at [previous] meetings we talked about the offloading and loading for Hunters, the fact that there will be one small spot for offloading small box trucks, in the back.

- We also talked about a Pickup Window [for medication] on the far side of Walgreens. We're now calling it a Future Pickup Window. We don't want to get hung up and complicated, since Walgreens doesn't yet know exactly how that's going to work. They're probably going to have to come back before you, the Planning Board, to show you those details. We set up the Walgreens parking lot for that possibility.
- We've submitted the materials which we believe to be worthy of Acceptance of this Application as Complete. We can answer more questions from the Planning Board or respond to Public Comments.

Chair K. Barnard: Could you comment on the overall safety of the site improvements?

R. Tetreault on ADA Compliance, Delivery Hours, Site Drainage, Snow Removal: We've tried to do a better job with the ADA compliance. There are ADA parking spaces in a similar location as before, near the southeast corner of the new building. The grades associated with those ADA parking spaces are better and the sidewalks associated with them meet current ADA requirements. I'm not sure if that was the case [for the old building].

- We also have some ADA parking spaces on the northwest side of the new building, with more space for people to get onto a sidewalk and access the new ADA entrance.
- For deliveries, we discussed hours of operation at the last meeting. You were given general hours of operation, general hours of deliveries. It's similar to what was done before, but better, because we've widened the areas for the trucks to travel so that they can get in and out more easily.
- Julie brought up [the possible conflict on-site, between pedestrians and large trucks making deliveries]. Hunter's will keep that to a minimum; that must be done by scheduling and the managers should be able to handle that.
- We've done things, drainage wise, with the diversion pump that's going to redirect stormwater from shooting down onto South Main Street, the way it does now, and try to direct it towards the on-site systems for stormwater management.
- There were questions about snow plowing, how it [the new speed bump] would hold up over time: we'll have to see. It seems better than an infiltrated drain, because of maintenance and winter weather issues. I think generally, we've done the best we can, to get to this point. Thank you.

Chair K. Barnard: Okay, any other questions from Planning Board Members? If not, I'd entertain a motion to Accept this Application as Complete.

Vice-Chair Doug Breskin made a motion to Accept this Application as Complete. Vaune Dugan seconded the motion. The motion passed unanimously.

Vice-Chair D. Breskin on Purview of the Planning Board: I have a statement to make before opening the Public Hearing. I expect everyone in attendance tonight wants Hunter's Market to be rebuilt. When reviewing any Site Plan or Application, including tonight, the Planning Board is required to follow the Ordinances and Bylaws approved by the voters of Wolfeboro. It may be inconvenient, expensive, or time-consuming to comply with these Ordinances; however, the Planning Board must follow the laws of the Town. I'd also like to mention that the Public Comment portion of the Hearing we're about to enter, is meant to give the public an opportunity to know inaccuracies or omissions in an Application. Public Comments should not address issues that are outside the purview of the Planning Board. Thank you.

Chair K. Barnard: Okay, so I'll open the Public Hearing now. Does anyone have comments?

L. Freudenberg My name is Luke Fruedenberg, 68 Center Street. I'm not here tonight as a Selectman, or as a member of the Zoning Board of Adjustment, which I sit on. I fully support Hunter's being rebuilt, and I think everyone in this room does. As for the Special Exception that you [Planning Board] could consider sending to the Zoning Board of Adjustment. I think that would do a real disservice to this Applicant. I don't feel in the current capacity, the Zoning Board of Adjustment, which I sit on, could handle it. And I want to go to the actual gravity of the Special Exception and why Legal [Counsel] may be advising you to make that in your Conditions [of Approval] during disasters with federal legislation. I'll see disaster happens at a municipality has something as damaged as infrastructure related like a gas station, or a grocery store. Let's say there's only one of those

municipality, federal law and even in when it comes to town law, for instance, when it comes to a town and its ability, if we want to build a library, we don't have to follow zoning, we can you know, cursory you know, come to before zoning or come before planning for an informal type meeting. The town is going to follow that in federal law, okay, if you're going to if you're in a federal situation with a disaster, for instance, a fire you know, burns down a vital infrastructure piece of that people rely on the planning board your board can have some alleviation of responsibility and to alleviate the applicant have some responsibilities. So I just feel that it would be a disservice to put a special condition upon this application and send it to a zoning board that I feel could not handle getting the job done in a timely and efficient way. It's my personal opinion, but I stand by it. I think a lot of people have worked. I think the applicant has worked very hard to do many of the things that have been asked for stormwater well, before coming before this planning board, I think the applicant has a vested interest not only in rebuilding the store, but in this community, henceforth, paying his employees the entire time while this is while this whole process is going on. I think we as a town, need to realize and we as elected members, this town needs to realize that sometimes the best thing for government to do is get out of the way thank you. Thank you.

Suzanne Ryan I'd like to thank my ZBA counterpart Luke, for the backhanded remarks to the Zoning Board of Adjustment: that he felt we couldn't handle that. I think it was totally out of order. But on a technical question relevant to the plan before you. I'm wondering if we could get a sense of if this plan is approved tonight. With conditions I'm sure there will be. Is that default, approving the plan for the drive thru pickup? There hasn't been a lot of discussion about circulation and so forth. And I think I heard the engineers say that they would be coming back for a separate site plan for that function. And if that's the case, I hope it's very clear on the approval that it does not include the pickup, but somebody answer that please.

R. Tetreault Okay. Yeah, yes. Was that that was what we wanted to do read along. It got to a point where they were going to be some details regarding how exactly that was done. You know, it's probably gonna be done by the tube system and all that and then you know, whether we're going to infrastructures and we didn't want to muck it up with with disapproval. So we thought that would be an easy and quick way to do it. Just to come back with a minor site review, either amendment or a separate thing and I think

Chair K. Barnard Okay, thanks.

Tom Bell, Resident. My name is Tom Bell. resident is where I agree with Luke, we need this building. We need this shopping center, the great people. They've done wonderful work for us over the years. curious whether there was a analysis of coming in to deliver goods from the school side School Street side, the deliveries from the parking lot have always been a problem. I've always been challenging. And that seems to me to be a an interesting way to come in to deliver all of the produce and things that come into the store. So I'm curious whether that was considered and that also seems to me to be a logical way for the drive-in pickup for the Walgreens. Okay.

Chair K. Barnard Thank you. Randy [Tetreault], do you want to speak to that?

R. Tetreault Yes. So as the board knows, we went through various versions of showing templates with the with the trailer trucks and how they were able to come in that way, as far as entering on Main Street, coming down, turning, backing up with deliveries and exiting out back onto Main Street as far as the school street side. That's going to only be limited to small box trucks for just one area in the deli section, I think in the back of the store. So that so what happened originally when we first started for everybody who didn't, wasn't around them. We had shoppers at the Hanford people come up in the

actual truck drivers and everybody to see if we could get in the back because it would have been optimum if we could get everything in the back. But just based on the parameters we had with Union Street, Linden Street, School Street, we could they couldn't make the swing and they said, you know absolutely can't do that. That's the only way we can go in is the way we've shown and we did prove that by templates for the board in the design review meetings.

Chair K. Barnard Okay, thank you. Anyone else?

John Sandeen, Resident. John Sandeen from Okay Lane. I would also like to comment about the delivery location. Because as I look at the plan, the delivery location, and we all know what the situation is with trucks and delivery, even though management has wonderful plans. The trucks are going to come during the day when we don't want them there. And they're going to be driving back next to the the Walgreens. And if you look at the plan, there are three handicap spaces directly next to the delivery line. So effectively, you're going to block people from getting access to Walgreens to pick up their prescriptions. Secondly, you're going to block the access of 10 parking spaces behind the building because they have to go walk right through where the trucks are going to be parked. I would suggest that you want to look at the space where you used to have the entry the deliveries and if you look at the plans, there is a very nice spot there which says for bike racks, I think bike racks could go someplace else. And the delivery could go right where the bike racks would be. That's my comment.

Chair K. Barnard Okay, thank you

R. Tetreault So if you've indulge us while Paul gets the cycling up there I think it's it needs to be known that this is the setup for the shopping site for the hunters building. Walgreens already has an existing situation and they have existing delivery system and so forth. That's functioning right now. So you know I live in the area I packed I packed there I've seen trucks in there in non optimum hours in front of Walgreens. What we tried to do is we tried to set up so that when the trucks deliver at the off hours, you know, we can't wave a magic wand over and if somebody isn't, you know, in an odd situation, but that is the best place to go through there. They're not going to block off the handicap spaces because they're gonna go through around and back into that delivery spot. So those spaces will be open. You know, now it's for a split second when they drive through there. They go by those faces, you see, you see what I'm talking about. So and then they back in and hopefully they do it under the hours that are being put forth so that there isn't any problem with blocking off spaces. Again, the bike racks the bike racks are an addendum that was brought up at the TRC meeting by various members. And so that wasn't why we didn't put the the entrance place there. And the gentleman is correct. That's where they used to come in. And in this particular case, a lot that drove that back entrance for deliveries had to do with the internal makeups of the building. You know, and maybe if the board wants we could have hunters management speak to that. I mean the board has you know hasn't seen building plans because we haven't got far enough to approval to have building plans, but there are interior plans on how the interior of the school is going to be set up. And that that is one of the things that drives where you where you offload as well. Any questions about that?

Chair K. Barnard Well, what about moving the bike racks? Would that help any?

R. Tetreault Say that again?

Chair K. Barnard eIf you were to move the bike racks to a different location?

R. Tetreault I don't know that that would matter at all. I'm a little confused by that. Because we're the only delivery is going to be made at the far left rear end of the property Kathy, you know, the

deliveries are the trucks are gonna come in, they're gonna go down they're gonna back up into there. Okay, and inside of the store, that's where they need to. That's what's been designed is areas to offload to get the rest of the stuff around the store. I'm speaking to something I know is out of my lane a little bit, but certainly if you'd like to question the, you know, the managers or the owner that are here, they could speak to that better than me.

Chair K. Barnard Thank you anyone else want to speak? Okay.

Rich Masse, Wolfeboro Waters Committee Rich Masse Wolfeboro Waters Committee. I want to acknowledge Paul Blanc addressing the issues that were raised by the Wolfeboro Waters. I do just want to make sure I understood completely what was being said was a little bit difficult sometimes to see where the pointer was from where I was sitting in the back. So my understanding is that the issue with infiltration of the roof runoff has to do with the types of soils that underlie the site if that's That's my first question. Also, it's my understanding that the runoff as it is intended to be directed by the current plan would bypass the filtration systems on South Main in on Union Street, and would go directly to the vortex system. So that's that's my second question. Just a theoretical question in the best of all possible worlds, I thought, while I acknowledge that when possible, you want to infiltrate water from a roof? And apparently that's not the case here. However, my question would be, if we had that best of all possible worlds and we subtract we subtracted that runoff from the vortex system, would it make any difference in the amount of time in the amount of material that would be flushed out of that vortex? In other words, since the additional runoff from the roof in the end means that there's more siltation coming out of the out of that into the town's systems. So those would be my questions. Just to broaden the discussion for a little bit. As the letter from Wolfeboro Waters pointed out. Filtering or infiltrating water from a roof runoff is not unique to the site. It's been done at the Kingswood high school already. And it's sometime in the future the new public safety building is going to be coming before this board. And the board should expect that runoff from the roof of that structure will also come up again. It's the position of the Wolfeboro Waters that runoff from a roof, especially the size of the buildings we're talking about is a significant issue if it doesn't get captured and infiltrated inevitably ends up in our lakes. And so it's Wolfeboro Waters will continue to urge the planning board to take that into consideration and to look at that issue, if not here than in future developments. Okay. And if if Paul wouldn't mind answering

Chair K. Barnard Yes, I'll ask him to. Thank you. Okay, Paul.

Paul Blanc Thank you for the questions. Can you hear me okay? Makin sure there's...So, to answer your question about the roof runoff, the roof runoff will be going to the vortex system and that's been sized for that runoff.

J. Thurston See if there's a there's a filter.

Paul Blanc Yes, yes, it goes through that filter that's been sized for that it's actually upsize for the bigger storm. So it's all been designed for that. Right from the beginning. Woodbridge Soils again, you can't infiltrate into it because it has a zero inches per hour rate. So that's just not going to work. A great idea, it's a great way to do things and infiltrate right back into the ground. I mean, that's that's the best way to treat these things.

Paul Blanc What was the other question? I'm sorry. Oh, about the fill. So if you put fill on the B horizon, but let's say you do 24 inches with the with the grades of this, we're still gonna be down eight feet into the sea horizon. So you have no infiltration again, it's just about it's just the soils will not infiltrate.

Tavis Austin So I believe the last question was whether the amount of flow off the roof would cause sedimentation.

Paul Blanc Oh, so no, it's been sized for that. That's we've accounted for that flow. And actually, for the bigger storm events, that's what we went for. We could we could have just went to the front what's called the first flush or the winning storm and decides without being much smaller unit and would ask Dan Craffey [owner] ones go sorry, do you want to go with the bigger unit? And I said yes, let's do it and max out the size of what we got. So I'm really happy we went with that actually.

J. Nielsen So can I just like to make a comment. So once this particular system is in, you will be ahead of your neighbors as far as collecting all of the runoff from the street and from the roofs and all of that and collecting it and filtering it. So it doesn't go into the name into the lake. This this particular cell system would be you'd be way ahead of anybody else in town. I take it

Paul Blanc I can't speak to everybody else in town. I can speak the least but yes, we're doing the best we can. And that's the idea. I know the building next to us the bank there they tried putting up some goods into their system, which is great. We're actually gonna be adding hoods into the catch basins as well as another means of taking out some of the pollutants and sediment and floatables, actually, like cigarettes and stuff like that.

J. Nielsen So even even even things that come from say Main Street or this particular building, it goes out on Main Street it's it's it's going to end up in the lake. It will unfortunately but um, but there's you know, so what I'm saying is you you people are ahead of the curve, and as in as much as doing your part to collect your rainwater runoff and phosphates, I think

Paul Blanc Exactly right. Thank you.

J. Thurston So, I'd like to make one comment. So the wall on the on this side. That's actually going to be built up. So it's actually going to be retaining stormwater, holding it back from running over that wall onto your property?

R. Tetreault So, you know, John, that's going to be above grade so anything's going to be pitched back that way. Quickly, say going back to the soil part, because I'm more of a layman to some of the engineering then most people would realize. So we had geotechnical borings done for the building so we knew it could meet the structural requirements as far as making a rent while on the backside behind on the El Centro and Coronavirus and so forth. So, in that report, when we looked at that report, there was fill material that was put in there all the time. That is not all of you know, your high grade gravel material is more of silty sand filled, so that gets put on the original soil, which is the wick rich soil that cough that Paul talks about, which is a pan soil and if anybody understands that Mark goes down and it only goes sideways. It doesn't, it doesn't go down like if you're doing a protest and it's gonna see both the sides. So, so that was a reason why we couldn't do the standard underground storage and infiltration stuff along with the grades along with the grading and how deep it would have to be but I just wanted everybody to know that that's where the soils information comes from not just have a book somewhere. I mean, we had actual geotechnical borings that we went on to see what the depths of the soil was and how compacted it was. So that was a reason for that analysis. I assume that the vortex device is going to have a regular maintenance program on it. Yeah, in fact, we have to put a maintenance program on the plans theater. We looked into some other systems and again, I'm not the expert on those jellyfish and there's a few other things that require much more maintenance much more expensive maintenance over time and when we explain that to the owner you know, this was the

winning went within steal anything could beat middle ground. So hopefully I answered your question. They will have to be maintained just like Public Works was maintaining that catch basin at the bottom that was getting filled up with sand and salt over the years and this should be a much better situation.

Chair K. Barnard Okay, thank you. Any other member of the public want to address this issue? Okay, Planning Board Members, any other comments or questions? Okay, Tavis, do you have some Conditions for us to consider?

Tavis Austin I have a couple of fairly standard recommended conditions. One is it refers to the plans as materials received by June 19. Applicant shall submit a survey as built to the town upon completion of construction to verify compliance with dimensions as submitted by the planning board or to the planning board that would include the Vortech system. Applicant so the first recommended conditions the following plans as amended to the date of this approval are incorporated into the approval of those plans set materials as received by June 19. Of this year. Number two applicant shall submit the survey as built to the town upon completion of construction to verify compliance with the dimensions as submitted to the planning board. That would include things like the vortex system and the building itself as long as along with the fence. Number three applicant should be responsible for payment of all recording fees as a notice of decision and all documentation submitted in the application package by the applicant and then the 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 a conflict in case of conflicting information between documents and most recent documentation, and this notice hearings will generally be determining. Going back to the earlier discussion that Walter had for the public and the board, I do have an alternate or an additional condition of approval. To suggest if the board wants to entertain it. That is to say recommend a condition number five, prior to issuance of a building permit the applicant shall obtain the special exception or expansion up to but not to exceed 25% of the original footprint, unless otherwise relieved to such condition by a finding of municipal estoppel by either the board of selectmen or a court of law

Chair K. Barnard What about a bond for this project?

Tavis Austin I don't recommend the bond in the case of this because there are no public improvements being made if the board wants to require construction observation agreement for drainage and landscaping that could be determined after the fact. Okay, if you make the conditional we can determine the 110% value after the fact. Okay,

Chair K. Barnard Any other questions before we do that? Okay, then I'm gonna close the public hearing. Board members. How would you like to proceed?

J. Thurston Madam Chairman, I'd like to make a motion that we approve case number 2023 Dash 11, For 50 and 60 South Main Street Wolfeboro, New Hampshire tax map lot 217 Dash 058 comma 217059 with any recommendations, conditions.

D. Breskin I'll second that.

P. Goodwin Which which Conditions are you including? One through Four, or One through Five? I think you should have that. Define One through Four and One through Five.

J. Thurston One through Four. Those were the first [set of] conditions we have. We have to approve the second to the last one.

D. Breskin We have to approve it? Is that what we said?

J. Thurston Yes. The Fifth Condition.

D. Breskin Well, I believe you can include that Condition as part of our motion.

J. Thurston Okay. I'll include that, as part of my motion. So, that's One through Five.

Chair K. Barnard Okay. So, a motion has been made. Is it still seconded?

D. Breskin It's still seconded, with Conditions One through Five.

Chair K. Barnard Okay. All right. Thank you. Okay, any other comments? All in favor? I'm sorry?

Tavis Austin You need to do the Findings of Fact.

Chair K. Barnard Okay. You don't want to go through those, Tavis? I thought you were going to do these. Okay, well, I'll go through this. This Applicant has met, substantially met, I think, the Storm-water Management Regulations. They have substantially met the Lighting and Parking, as well as the Architectural Standards. They have addressed the Safety Issues on-site and taking those into consideration, in the reviewing of the site. Anyone else want to add any findings? Therefore, it seems that they have substantially complied with the Site Plan Regulations. Is that adequate?

P. Goodwin I'm concerned about the condition because of the misrepresentation given to the Applicant. And I question whether we should have that, [but] I really don't know the answer to it. But I wonder whether that is something that we should consider and maybe we should end up having a motion about that, singularly, as to whether we should add that Fifth condition?

Chair K. Barnard Could you speak to that?.

Walter Mitchell Esq. You asked me to speak to it. I mean, I'm...

Chair K. Barnard The Fifth Condition.

Walter Mitchell Esq....not here to advocate on that particular point. All I can tell you is: if you leave off the requirements of this, in our opinion, if you leave off the requirement of the Special Exception AND your Approval is challenged in court, the likely outcome is that a court would say that the Planning Board did not have the authority to ignore that requirement. And I think I understand your thoughts behind wanting to ignore that, or to facilitate this project. And I think that's done appropriately, under the circumstances, by a finding of estoppel. But again, this [Planning] Board doesn't have the authority to speak to that. It would be the Board of Selectmen that has that authority.

Chair K. Barnard Okay, thank you. Did you have something, before we vote, Roger?

R. Murray I think under the circumstances, as I'm the person who brought this up, I think under the circumstances, I would delete the request that the Applicant obtain a Special Exception. Instead, refer this matter to the Board of Selectmen, and urge the Board of Selectmen to use municipal estoppel, so this can go forward.

Chair K. Barnard

Okay, thank you,

D. Breskin Roger. I think that the way we've worded the Conditions, is such that it does give the Board of Selectmen the option to do so.

Chair K. Barnard Okay, any other comments? Okay, the motion has been made and seconded, to approve this project with the Conditions mentioned. All in favor please say aye.

PB IN UNISON Aye.

Chair K. Barnard Opposed? [None opposed] Abstentions? [No Absentions] Okay, all right. Thank you all very much for coming.

IV. Discussion Items:

a) Town Lighting Situation, Response to Patty Cooke's Concerns:

Chair K. Barnard

I've asked you to speak to this issue that Patty Cooke brought brought up.

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NOR PARAPHRASED FOR BREVITY**

Tavis Austin Yes, basically the planning board has received an email from Patty cook regarding lighting of hunters parking lot and the utilization of town poles to do so. There are a couple of photos involved. This is an issue that came before the zoning board not long ago, years ago with the Municipal Electric department had a program whereby residents could essentially petition the town for the installation of what were called utility lights. So throughout the town, there are some two to 300 utility lights that were installed by M Ed and typically light commercial parking lots and similar structures. There's three of them on the town hall parking lots, and they are literally throughout town as you saw in the lighting plan for hunters a couple of moments ago. There were some 10 or 15 lights that surround that parking lot that were put in under just that program. That program is no longer in place. It is not the position of immediate this time to accept applications or provide lighting on utility poles for private lighting. The essence of the question that went to the Zoning Board of adjustment not long ago was whether or not said lights need to comply with the zoning regulations. The zoning board did not actually act on that question, but addressed the one light raised in the appeal or in an appeal and suggested that the town needs to remediate the light pollution for lack of a better phrase. So I think one of the, you know, one of the staff level suggestions and this isn't just me, this was the code officer and the director of MED was to have a discussion suggesting that perhaps a town manager address address this solution, or this issue, if you will, with the board of selectmen to see if the town wanted to pursue a program to remediate lights over time or what the town approach to set lighting could would should be moving forward. One of the issues that's coming up is the original lights that were installed with the high pressure sodium and MED can no longer fix maintain repair replace in kind what have you the high pressure sodium lights at the same time as there is a rental arrangement and each play in position for each of the lights. Anyone that has these lights pays rent and MED for providing light therefore MED is somewhat obligated to keep providing light sensors, the contract in place. So what most often happens is that the high pressure sodium when that fails, breaks or needs to be replaced for whatever reason gets replaced with an LED light and the one that swapped out an incandescent for an LED knows what happens oh my goodness, it's so much brighter. So the gist of this email as I look at it, I'm sure that he or she is that he could speak to

this further. is really what does what does the town want the town to look like? Should we continue the ideology of simply replacing it because there's a rental program? We've provided the service over time. And then the other question is. I suppose it's not really in the email but how should the planning board incorporate these slides if legally able to and to Site Plan Review, such as the one that was just approved? Oh,

Chair K. Barnard Okay. Patty, why not speak to this issue?

Patty Cooke, Resident Patty cook I actually don't laugh, but I actually promised myself I wouldn't speak at this meeting. Number one, thank you to the board for bringing this up. And Tevis sincerely thank you for a great explanation of the situation. So thanks. We all get it the things change over time. Unfortunately, Pete and I had an experience the past six months, where because we couldn't get answers by emails or meetings. We were forced to hire an attorney and present a case to the zba to get a situation resolved. That was a replacement of a sodium light to an LED pack life on a town pole. It was lighting up our backyard. And it took us six months and attorneys fees to resolve that. As a taxpayer and a business owner. I'm really disappointed about that. That aside, what we came to find out and again 10 times change over time this lighting program was in place. It did have criteria as far as an application when a private citizen wanted to put a light on a pole. They were supposed to apply, the Selectmen were involved in their approval. There are multiple steps and as far as we could ever get from the information we obtained during our case, those steps were never adhered to. We were never able to get any documentation as to how a private light at that time sodium was on a pole to light of commercial properties parking lot. Okay. To Tavis" point, it changed over in our case in January in December. We presented it starting with emails in the first of January. The problem I'm having is twofold. The Selectmen and the planning board are well versed with my issue with the town lighting for the past five or six years. My Business is design and aesthetics. I think a good indicator is the project we did at the Pickering house and at the Samuel Avery building. It matters to us and I think our goal was to set a benchmark for the town to follow suit. Instead, I have been told by various town employees that the backlit sign I don't want to pick on businesses with the backlit signs that some businesses don't count as backlight because now they're not considered backlit neon. They're backlit LED that's playing terminology. The lit signs in our real estate offices that are white LED lights. That is sign it's up to for dispute as to how interpret. All I can say is having come here for over 60 years, having been a full time citizen since 2010. Having been a personal investor in a town to save a property and the character this town and to watch this lighting situation chip away is heartbreaking. So I suggest number one each of you drive around the town docs. You drive around even the church our zoning, is it clear that light packs on Wall Mounted light packs are not allowed. They are everywhere. It is a case of enforcement. LED has made them worse. They're bright, it's a case of enforcement. But these things were in place and now it's gone. Way past. So I'm in real estate construction. I work with electricians, the cheapest way to light a space is to slap a LED white light pack on a wall to bright light. Anyway to keep it shorter because I ramble all I can say is that philosophically to me, it is wrong for anyone including the Pickering house Inn to have a light on a town pole, lighting my commercial parking lot, period. That is part of the big kids game of having commercial property. And because of this slide, and because of it just sliding and sliding. If you drive around this town, it's everywhere. I don't know at this point how it does get fixed. There will be hard feelings, there will be people thinking, you know I can get hit in the parking lot. I don't know. But I just think it's a shame. There hasn't been a set and clear path on this. And it is changing the dynamic and aesthetics of the town. The last point that I want to make because poor Jim Pineo is....I sent him an email Monday morning, and I don't know Pisces is the planning board. And this is antidotal but I want you to hear this. We are fortunate enough to have a travel writer from a very, very major publication national publication. Stay at the Pickering how soon to do yet another feature on our end. We just got word today. The Pickering How soon is number four in New England and number 12 in the United States by Travel and Leisure magazine. So I'm thank you because we've worked hard for that. But I'm going to say we had writers staying at the end and Sunday night with plans that I was having breakfast with them. Monday morning. Sunday night. I got a series of photographs from their cell phone with question marks. I couldn't sleep that night. I sat with Peter and said how do I respond to this? So I

went up for my breakfast at our inn and I swayed the entire article off of the Pickering house in off of Wolfeboro because their questions to me again and again. It was such a quaint New England nice town. Why does your waterfront look like this? Why are your life's like this? They ran down the list that all of us don't want to talk about and I didn't know what to say.. And it was a really bad time. So the sad thing is I'm working to sway an article as far away from my in and as far away from the town as I can and we're transitioning it as best I can to how funky design translates to residential and I'm making up all the stuff because I was tap dancing for 45 minutes having breakfast but if I am getting that kind of feedback from a national travel writer who came here because she knew we were getting Travel and Leisure again, it was a nightmare and it was embarrassing and I was disgusted. So that's it

Chair K. Barnard Thank you, Tavis you said that the area's gonna be meeting with the board of selectmen.

Tavis Austin Well, I don't know if that's set to happen. But that was the recommendation of the Town Manager, Barry, Jason and myself. Yes.

Chair K. Barnard Okay. If you could let us know, John and I will write down...

J. Thurston We did try to reach out to Barry at one point and I guess we wrote him but we never heard back from Barry, except for his comments that MED is municipal and they weren't under the purview of the Planning Board. They were under the purview of the Selectmen.

Tavis Austin But that is the position of town council. Yes. That doesn't mean that needs to be the end of the discussion. But I mean, the the impact at the planning board level, given the number of parking lots in town that are illuminated by these lights, it's the same number of parking lots it would then be in front of the planning board to have whatever the cost lighting plan approved for their parking lots.

J. Thurston Well, I think I think what would what listening and hearing from people in town is they want us to enforce 100%, fully cut-off, shielded lighting. And they want us to enforce the wall packs that people just put up on this side of their buildings. They want to enforce the after-11-o'clock-your-lights-are-on-motion-only. That they're shielded down, so they don't shine on to the other people's property, because they're fully shielded kind of lighting. I mean, that's, that's what we've asked for the last two years and we had the Lighting Committee, which the voters approved. We should be supporting the will of the voters.

Chair K. Barnard So, Tavis, if you could alert John and I so that we can go to the Board of Selectmen meeting and explain to them what the ordinance says. And the Town really should be paying attention to it. So if you could do that.

Tavis Austin I can do that.

R. Murray The town should be abiding by the regulations.

J. Jacobs I have a business question about this, that you use the words of rent. Someone is renting the light that's on the pole. They're paying for that light that's coming off the pole. There's got to be some sort of a paper trail that says who, what, where, when and why and how much. And I think that yeah,

Tavis Austin I think that exists.

J. Jacobs What I think so could be is is there an stops a stop date on that rental is there so

Tavis Austin that's the interesting balancing point. Because if you hypothetically Some hunters are still on the screen if all of a sudden a letter comes out from the town that says, Dear municipal light renter effect of this date, these lights will no longer be here. I think that might that could really scare a lot of businesses. It could just

J. Jacobs it could be staggered. It could be staged, it could take a couple of years. So it doesn't have to be overnight, but it's also something to think about from the Town's aspect that jeez, we're way out of compliance. We got to fix this. This is how it's gonna happen. It might not be fun, but this is how it's gonna happen. You're gonna have to stand up for yourselves and we're gonna work with you, but we can't keep doing this.

Chair K. Barnard Any other comments? Go ahead, Peter.

P. Goodwin One of the issues that we have here is that the LED lighting is so much more efficient than previous other kinds of lighting. You also find that the high pressure sodium lighting was a an orange light and it tends to be the LED tends to be a blue light. And it turns out that our eyes are much more susceptible to the blue than they are to the others. And so therefore, what we need to do is if we're going to pass any regulations or look to how we deal with this, is we need to look for some of the technical specifications as to how the light impacts people. And it is you know, if you ended up bringing in a similar wattage led to what they had with sodium vapor, it would be so bright, you know, it would light up everywhere. And so therefore, I think that if we're going to make any modifications to what we do, we need to make sure that we are doing this in a realistic way, which may mean that we reduce the wattage of those LED lights so that we can make them so that they're fine. Or perhaps what we need to do is also make it so that those lights are of a wavelength which is not going to be as bothersome to people and I completely agree with you in that these things are too bright and they're not right. But, you know, it is one of these things that we need to also look at some of those technical things because the technology has changed from when those lights were put up long ago.

Patty Cooke Okay, quickly, but I'm just going to say to your point it technology has trained change tremendously. You're right LED lights, the cheapest ones were the brightest ones or the previous ones, between lumens and kelvins. And all this stuff. It makes your head hurt. It's very complicated. But I guess my suggestion and maybe I'll take this on, there's a number of towns that have transitioned to LED lighting that is not bright, white lighting, more to the point it is consistent throughout the town. That's part of the issue. And I guess I raised this and I don't know the answer, the technology will continue to change. And so it is a hard thing to say do we set the Kelvin lumen LED? It's way too technology for me. But to your point, but the other pieces it's not just the light fixtures themselves, it's inconsistency. And so as you drive around our town, it's not all of them are bright. Bright, are sort of bright or not bright. It's all very it's because of that.

P. Goodwin But as you say it is associated with literally in some ways the change in color temperature. Yes. And so that needs to be something that is dealt with

Patty Cooke and it's hard to figure out. I have a 12,000 square foot house that I'm designing right now. And that's what we're going through so it's it is but what towns are learning and other towns have figured it out.

P. Goodwin So I think we can bend so that's why the regulations need to be written associated with those kinds of issues. Yes.

Chair K. Barnard Yes, yes, you can.

J. Thurston So Peter, the point that the lightning committee tried to wrestle with was just what you described, we had a separate meeting just on the light spectrum and the benefits and the colors and, and so what we decided was again, if it was shielded, the light would be in your face, and if it was off after 11 o'clock at night, the light wouldn't be in your house. So that's how we were able to be consistent because there's so many variables with lights and the lumens and how bright and how they look. So if it's shielded, and if it was off after 11 o'clock at night, people could enjoy the property and those problems would be addressed.

P. Goodwin I will actually say that you had your meeting your lighting meeting a number of years ago. I mean, it really was it was a committee that worked a few years ago. And I think that the technology has changed so that we need to pay attention to that as well as what you were doing. I mean, it seemed dark sky compliant. I mean, that's a given. But there are also some other issues which I think we can add into a regulation so that people are using proper, proper colors. And it turns out that you know, the what the bluer colors are really bad for people who want to go and look at the stars. So you know, even if they reflect off the ground, they go up into the sky. So we need to be talking about all the issues I'm not saying that, you know, we need to go along with yours, as well as perhaps some new things.

J. Thurston So some of the issues that everybody really should be aware of is the health issues that this this medical studies out there that have a high concentration of breast cancer in women where the lights are on all night. It messes with the anxiety of use, keeps them going they become hooked on medicine, it causes high blood pressure and then there are serious health effects to lighting to people's human body, not to mention the rest of the insects and the rest of the people that want to go out there and enjoy the night sky and and the critters and the rest of life that has to form their functions of life. So it's not a it's not a it's not an issue where you just move up from Massachusetts and you're scared to live in both worlds. So you turn all the lights on on your house and you light up all the backside of your house because that's really what we're seeing and we don't want that. I don't want that to happen to off, bro.

Chair K. Barnard Okay, well, maybe we should put that on on our list to look at the lightning regulations and see if there's anything we could add. Yeah. Okay. All right. Public comments. Anybody want to make any comments?

V) Public Comment:

Brodie Deshaies, Resident Thank you, Bob ready to shake his will for New Hampshire? Tough evening. I could imagine I wouldn't when I've sat in your seats. So bravo to all of you for making a tough decision. Just want to congratulate you on that. But um, I just want to talk about Mr. reskins comments and the statement you read before which I really appreciated which was some of the comments unrelated to the application that happened during the hearing, which I found. I wasn't gonna say anything about any regarding the hearing, but I just felt while most people's comments were in order, I felt as if some of the comments regarding the zoning board were a little bit unwarranted, especially from someone who serves in the municipal government and serves on that board. I I have my own problems with the zoning board, you know, and sometimes I agree with that they do sometimes I don't agree with what they do. Same with planning, same with every board in this town, but I served as a library trustee and Walker. I serve as a school board member in Governor Wentworth Regional School District. I'd never tried to throw a board I serve on under the bus and say as if my board wasn't capable of handling a complex issue that needs to be, you know, strongly considered and well thought out. So I felt as if those kinds of comments you know, going forward by the planning board should have be gaveled out of out of order. Other than that, I had one question, which is about how a stop hold works, because I don't feel as if, you know, too bad everyone left instead of watching the rest of the

meeting and kind of figuring out how the process works. How does the board of selectmen get involved if they decide to get involved in the stock build process? Or you know, if they don't does it just automatically go to the zba I think everyone can have left assumed you know, you guys approve the application. It's all done, you know, and I think other people would have left them in like, well, there's still an open question, but I guess I'll read about it on Facebook, but I'd rather hear from you guys rather than secondhand on Facebook with three different opinions that aren't are all the incorrect opinions on it.

Chair K. Barnard Can you comment on that, Tavis?

Tavis Austin Sure. The short version is the legal advice to the planning board was that neither the planning board nor the Zoning Board of adjustment have the statutory authority to determine whether estoppel has or has not occurred. So what's going on in this case, and I don't want to go into the definition of estoppel. But there's basically three criteria that establish municipal estoppel. In layman's terms, if somebody comes in and asks a question and has given an answer, and then relies upon that answer to make a significant investment in the furtherance of a project and then they same or different municipal entity makes a determination that is counter to the original determination upon which they were applied. It's basically saying Go ahead, buddy. apply, apply. Oops, sorry. Yeah. Meanwhile, you're out X number of 1000s or hundreds of 1000s Whatever you may have. That's been a small estoppel. Loosely paraphrased, I apologize for the attorneys and former attorneys in the room. So what the recommendation was, is that the board of selectmen or New Hampshire court of law do have under the statute the ability to determine if estoppel has or has not occurred.

Brodie Deshaies So does the applicant have to go to the board of selectmen or go to the court to help because determination

Tavis Austin Because Wolfeboro is a small town I shared with some of the Selectmen that happened to be in the room. I said, could the Selectmen have this at the next available meeting? And oh, by the by here's what the planning board's council believes was or was not estoppel for them to consider and their deliberations and I believe that will be addressed long before a building permit could be issued anyway.

Brodie Deshaies Okay, so the board is no one needs to approach the board, it's like in the house and they can just do it themselves.

Tavis Austin Functionally, what's happening is I will be likely having a conversation with the town manager tomorrow, putting together a memo bullet points, you know, by dates, here's what happened. Here's what was relied upon. Here's what occurred, here's what the legal advice was. And then that will be put in front of the Selectmen.

Brodie Deshaies Okay. And it'll be on their agenda and everything I assume.

Tavis Austin Correct.

Brodie Deshaies All right. Thank you for clarifying that. And thank you for letting me provide input,

Chair K. Barnard Okay. Anyone else? Okay. All right. We've got some minutes that we need to go through.

Tavis Austin That's up to Kathy. Kathy, there was another public comment too.

N Sabet Stroman, Resident My name is Sabet Stroman and I was actually going to write this email with pictures attached and send it to the town manager. But it also applies to you guys. Last Saturday, I think it was Saturday when we had the big concert in the park, the first one of the season. I took my family and we

sat on a picnic blanket and look to our right with trash spilling all over the sidewalk or whatever that parking lot area is from the big building that now has all the restaurants in it. And I don't know whether that's a I feel like that's kind of within the planning board's purview. Or going back to the issue of enforcement. It was incredibly unsightly. And I'm not kidding. I've got pictures that I'm happy to send to you guys that show trash all over around. And then we've got those three ugly tanks. And I'm not sure whatever was resolved about that, but I'd like to know the status of what is happening to protect the town and what we see from all of the trash and the and the tanks and what's going on with that.

Chair K. Barnard We didn't address it. For the first...What's the name of the one in Market 21? You know, we address the issue of they're not sure if they've complied,

N Sabet Stroman They haven't complied. I was there yesterday looking at it, and it looks while I was there this weekend. It looked a little bit better on Sunday. I mean, I think one one suggestion for the owner of that building is maybe I get he's got a tight space, but maybe he could have a trash service come every single day. And if the trash service comes every day, it keeps the trash can lids down and keeps the trash off of the ground. But you know, I hope that you guys can find a way to change how that looks because it's incredibly unsightly, especially when we're having this wonderful concerts in the park. Right. Thank you

Chair K. Barnard I totally agree with you.

VI) Minutes: _____ made a motion to approve the Planning Board Minutes of 6/20/2023. Seconded by _____. Approved unanimously.

VII) Motion to Adjourn:

At 9:00 p.m. John Thurston made a motion to adjourn. Chair Kathy Barnard seconded the motion. The motion passed unanimously.

Meeting Minutes respectfully submitted,
Elvia M. Nicolescu