

**TOWN OF WOLFEBORO  
PLANNING BOARD  
October 3, 2023  
APPROVED MINUTES**

**I. Call to Order**

Chair Kathy Barnard called the meeting to order at 7:00PM.

**II. Introduction of Planning Board Members**

**Members Present:** Kathy Barnard, Chair; Doug Breskin, Vice-Chair; Roger Murray, Vaune Dugan, Peter Goodwin, Members; Julie Jacobs, Jane Nielsen, Steve Webster, Alternates.

**Members Absent:** Brad Harriman, Selectmen's Representative; John Thurston, Member.

**Staff Present:** Tavis Austin, Director of Planning and Development; Michaela Beckwith, Recording Secretary.

*Chairman Kathy Barnard appointed Steve Webster, Alternate, to sit in for John Thurston, Member.*

**III. Public Hearings**

**Christopher Melnik – 104 Filter Bed Road – Tax Map #189-009 Case #2023-16 – Site Plan Review – Conversion to Multi Family**

Christopher Melnik, property owner, requested permission to add a unit to an existing building he purchased on Filter Bed Road; noting there is no change in footprint or to the exterior of building. He stated everything has been updated to current code to accommodate three units. He stated the building was originally deemed a dwelling unit and an accessory dwelling unit. He referenced the waivers and stated there is nothing needed for a boundary survey as it is an existing structure with finished interior, water was brought in from the Town's water system, no changes to the existing private sewer system (when the system fails, there is a design plan ready to submit), electrical updated and separated per unit, no signage except the property number and exterior lighting has been added.

Roger Murray states the submittal of an 11x17 plan is sufficient and questioned the plan information. He stated the acreage should be added to the plan. He also stated the abutter information is not noted on the submitted plan.

Christopher Melnik stated the information was taken off the GIS map completed by Scott Bailey.

Steve Webster stated the septic plan includes notes for a 4.00-acre lot.

Roger Murray stated the plan needs to reflect the number of units, elevation of each unit and building sketch. He asked if the garage includes apartments.

Christopher Melnik stated when he purchased the building there were three existing units.

Tavis Austin stated the original building consisted of a single-family home with a six-bay garage in 1987. He stated the property was changed without Town permits prior to Mr. Melnik purchasing the property. He stated he spoke with legal counsel in regards to the application being an interior conversion.

Roger Murray stated he doesn't believe RSA 674:41 applies.

Christopher Melnik confirmed the Board requested floor/unit elevations, photographs and an amended site plan to reflect the number of units.

Vaune Dugan recommended language on the plan that reflects "existing duplex with a proposal for a triplex."

Peter Goodwin requested a line delineating the two units.

Roger Murray requested the width of the entrance road and northeast boundary setbacks.

Steve Webster questioned whether the proposed septic system includes the current proposal.

Christopher Melnik replied yes.

**It was moved by Doug Breskin to grant the following waivers; Sections 175-15.3., 175-15.4 a-g, 173-15e.4 a-g, 173-16 through 18, 173:20, 173:21, 173:22 (map out water supply). Kathy Barnard seconded the motion. All members voted in favor. The motion passed (6-0-0).**

**It was moved by Kathy Barnard to accept the application as complete. Doug Breskin seconded the motion. All members voted in favor. The motion passed (6-0-0).**

*Kathy Barnard opened the public hearing.*

Tavis Austin reviewed the following conditions of approval:

1. The following plans, as amended to the date of this approval are incorporated into the decision approval:  
Plan Set: Materials as received on August 15, 2023.
2. Applicant shall be responsible for payment of all recording fees for Notice of Decision.
3. All 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 suspended 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.
4. Site plan be amended to include the relabeling of the proposal from duplex to triplex, width of the road and northeast boundary setbacks.
5. Remove the driveway cutoff from the plan.

Kathy Barnard stated the application meets the criteria and setbacks for the Bay Street Limited Business District, the applicant has explained the request of waivers, meets multi-unit housing regulations, and meets housing needs.

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

**It was moved by Doug Breskin to approve the Christopher Melnik Site Plan Review application, Tax Map #189-9, subject to recommended conditions of approval. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (6-0-0).**

## **Michael & Andrea Masce – Voluntary Merger**

Kathy Barnard stated the application proposes that it will be more conforming.

Roger Murray questioned if the property is mortgaged.

Tavis Austin stated he is unaware.

Roger Murray read RSA 674:39-A as follows; *If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger, and shall be recorded with the notice of the merger pursuant to paragraph I. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.* He stated this provision should be required as part of a lot merger application.

**It was moved by Roger Murray to approve the Michael and Andrea Masce Voluntary Merger, Tax Map 19-6, 19-7, and 20-5, upon the condition the applicant provides information that there is no mortgage on the property and if there is mortgage the applicant provides consent from the mortgagee. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (6-0-0).**

**Patricia and Kirk Titus – 54 Furber Lane – Tax Map & Lot #130-021 – Case #2023-17 – Subdivision**  
*Roger Murray recused himself.*

*Kathy Barnard appointed Julie Jacobs, Alternate, to sit in for Roger Murray, Member.*

Jim Rines, Horizons Engineering, reviewed his letter dated September 12, 2023, see attached. He reviewed frontage, acreage, right-of-way access and proposed cul-de-sac ownership. He noted the original waiver request is no longer needed.

Vaune Dugan requested further explanation of the deeded access to the new lot.

Jim Rines reviewed such as he referenced the submitted plan.

**It was moved by Kathy Barnard to accept the application as complete. Peter Goodwin seconded the motion. All members voted in favor. The motion passed (6-0-0).**

*Kathy Barnard opened the public hearing.*

Mike Gardina, 61 Furber Lane, expressed concern for traffic and the location for new driveway.

Tavis Austin stated the existing road is not going to change.

Kirk Titus, applicant, showed the location of the proposed new driveway by referencing the plan.

Tavis Austin confirmed there is no new curb cut for Furber Lane.

Mike Gardina asked if there is space between the driveway and property line.

Tavis Austin stated spacing is not required. He stated the proposal appears to meet code and recommended Mr. Gardina speak with Mr. Rines.

Michael Kinzmaier, 59 Furber Lane, asked if there is a setback requirement for a driveway.

Kathy Barnard replied no.

Tavis Austin reviewed the following conditions of approval:

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval: Materials as received 09/12/2023, specifically "Subdivision Plan, Patricia & Kirk H. Titus IV, 54 Furber Lane, Wolfeboro, NH 03894, Tax Map 130 Lot 21 dated 09/18/23, Project # 230525".
2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for the payment of all recording fees.
4. All 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 suspended 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 the submittal of the Certificate of Monumentation and updated plans including original stamps and signatures from an L.L.S., C.W.S., and licensed septic designer.

Tavis Austin stated there is a potential future element to this plan in regards to the "bulb"/cul-de-sac. He stated no action is required at the present.

Jim Rines stated there is a 50' parcel of land reserved for future plans; noting Lakes Region Survey completed such.

Kathy Barnard stated the application meets the requirements of the General Residential District, there is no snow storage requirements for a subdivision, no wetlands are located on the property, the form factor has been met, no setback requirement for the driveway and State Subdivision approval is pending.

**It was moved by Kathy Barnard to approve the Patricia and Kirk Titus Subdivision application, Tax Map #130-21, subject to the recommended conditions of approval. Peter Goodwin seconded the motion. All members voted in favor. The motion passed (6-0-0).**

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

### **Capital Improvement Program 2024-2033**

Kathy Barnard reviewed the members of the CIP; noting the Board is obligated to hold a public hearing on the matter.

Tavis Austin reviewed the CIP narrative and spreadsheet, see attached.

Kathy Barnard stated the Libby Museum and Community Center were included in the CIP spreadsheet.

Peter Goodwin asked if language could be included in the Library's project description that it would be paid for through grants.

*Kathy Barnard opened public hearing.*

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

**It was moved by Kathy Barnard to approve the 2024-2033 CIP and forward such to the Board of Selectmen and Budget Committee.**

*Discussion of the motion:*

Doug Breskin requested an amendment to the date of the Board of Selectmen presentation from 2024 to 2023.

Roger Murray requested an amendment to Page 8; Oak Street rebuild project; noting the figure in parenthesis is not correct.

**Kathy Barnard amended her motion to include the corrections noted by Mr. Breskin and Mr. Murray. Doug Breskin seconded the motion. All members voted in favor. The motion passed (6-0-0).**

Kathy Barnard confirmed the document would be available on the Town's website.

#### **IV. Discussion Items:**

##### **Jeff Brem: Conceptual Multi-Family; Willow Street**

Jeff Brem stated the address of the property is 15 Willow Street and he is proposing a 6-unit residential housing project. He stated there are six underground parking spaces and 9 additional parking spaces consisting of porous pavement. He stated a walkway out of the garage to a covered walkway and covered bridge is proposed. He stated all of the proposed improvements meet State wetland setbacks. He stated environmental, historical and archaeological studies have been conducted. He stated the proposed building would be fully sprinklered and reviewed connections to electric, water and sewer. He stated the material will be sourced using the architectural design guidelines and the design is currently being developed; noting the Town's standards will be followed.

Doug Breskin questioned the location of the parking; underground versus first floor.

Jeff Brem replied first floor.

Doug Breskin asked if the ground would be dug to accommodate parking.

Jeff Brem stated some of the parking is at grade and some is below ground.

Tavis Austin recommended the apartments not be proposed for the first floor due to language of the ordinance; noting the language states apartments are not permitted on the first floor.

Peter Goodwin questioned the visual impact from the Bridge Falls Path.

Jeff Brem reviewed the grades and stated the existing trees on the property will not be removed.

Peter Goodwin recommended the applicant submit architectural views from the Bridge Falls Path.

Jeff Brem stated he has received some State approvals, however, a Shoreland Permit will be required.

Tavis Austin stated the applicant would be submitting a Special Use Permit and 7-unit condominium (6 rental units and common area) application.

Roger Murray expressed concern for the location of snow storage in the wetland.

Jeff Brem stated the plans are not complete and currently all conceptual.

Roger Murray stated the setback requirement is not being met and ZBA approval will be required. He asked if docks are proposed.

Jeff Brem stated he believes the proposal complies with such. He stated he would like to propose docks however, is not sure whether the property can support such and questions the depth of the water in regards to docking and boats.

Kathy Barnard asked if Parks and Recreation has been contacted since they maintain the Bridge Falls Path.

Julie Jacobs questioned whether the snowmobile club has been contacted; noting additional signage and caution may be necessary.

Kathy Barnard opened the discussion to the public.

Tavis Austin stated the owner of lot 17 has expressed interest in constructing a single-family home.

Bill Swaffield, Abenaki Waterski Club, reviewed the current hours of the Club and stated the Club is willing to work with the developer if docks are proposed. He also stated there are other recreational uses that utilize Back Bay.

Jim Daignon, 98 Center Street, stated he appreciates the explanation of the proposed development; noting a lot of his concerns were addressed. He questioned whether blasting would be necessary due to bedrock.

Jeff Brem stated there is bedrock located on the property, however, doesn't anticipate blasting.

Jim Daignon questioned the stop sign at the crossing of the rail trail.

Tavis Austin stated signage will be addressed by the Department of Public Works; noting this discussion in nonbinding.

#### **Grace Garvey: Conceptual Reconfiguration of non-conforming lots**

Grace Garvey stated she has met with Tavis Austin and the TRC and noted a boundary line adjustment is proposed. She provided history of the property and distributed information to the Board. She stated the boundary line adjustment would create two equal area lots for both 42 and 48 Sewall Road; noting an increase in the setback for 42 Sewall Road is proposed.

Tavis Austin stated 48 Sewall Road is currently nonconforming.

Ken Perry confirmed the beach will be located on 48 Sewall Road following the boundary line adjustment.

Grace Garvey stated the dock will be included with the 48 Sewall Road and the beach will be included with the 42 Sewall Road property.

#### **LRPC Housing Update discussion**

Kathy Barnard stated Roger Murray and Tavis Austin are members.

Roger Murray referenced the Jeff Hayes letter from the September meeting. He also stated the Executive Committee voted to exclude housing fair share table.

Tavis Austin stated there is potential threat of a lawsuit; noting he would recommend adoption of the plan without the table and support the Economic Development Zone as outlined in the letter.

Vaune Dugan asked if there was any discussion regarding State funding for these efforts.

Tavis Austin stated there is a lot of question about how communities in general are supposed to provide subsidized housing when there is no mechanism to subsidize.

**It was moved by Peter Goodwin to submit a letter to Lakes Region Planning Commission to support the report without the table and support the Economic Development Zone. Roger Murray seconded the motion. All members voted in favor. The motion passed (6-0-0).**

#### **NRI Map Update**

Tavis Austin stated he, Kathy Barnard, Dan Coons, and Lenore Clark met and agreed that the maps are out of date. He reviewed the cost associated with such; noting there are ample funds available in the current budget to pay for the update through the vendor Lenore Clark received an estimate from.

Kathy Barnard stated the maps have not been updated since 2013.

#### **V. Public Comment**

None.

#### **VI. Approval of Minutes**

**September 19, 2023**

**Corrections:** Pages 1-4, change spelling of “Maase” to “Masse”

**It was moved by Peter Goodwin to approve the September 19, 2023 Planning Board minutes as amended. Vaune Dugan seconded the motion. All members voted in favor. The motion passed (6-0-0.)**

**It was moved by Roger Murray to adjourn the October 3, 2023 Planning Board meeting. Kathy Barnard seconded the motion. All members voted in favor. The motion passed.**

*There being no further business before the Board, the meeting was adjourned at 9:05PM.*

Respectfully submitted,  
*Michaela M. Beckwith*  
Michaela M. Beckwith

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