

**TOWN OF WOLFEBORO
PLANNING BOARD
November 7, 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, Brad Harriman, Selectmen's Representative, John Thurston, Roger Murray, Vaune Dugan, Peter Goodwin, Members, Julie Jacobs, Steve Webster, Jane Nielsen, Alternates.

Members Absent: None.

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

III. Public Hearings

a. Beckwith Family Trust - Robert Beckwith – Conditional Use Permit – Tax Map #217-13

Michaela Beckwith, Recording Secretary, recused herself. Lee Ann Hendrickson, Administrative Secretary, will record the minutes for this application.

Kathy Barnard stated there was an error in the notice of the hearing therefore, the application will be re-noticed and heard on 11/21/23, 7 pm at the Wolfeboro Town Hall.

(Respectfully submitted, *Lee Ann Hendrickson*)

b. 105 Bay Street, LLC – Voluntary Lot Merger – Tax Map #204-105 and 204-2-3

Roger Murray suggested approving the application subject to three conditions from April 2023. He suggested the Board rescind the original approval to approve the current application.

It was moved by Roger Murray to withdraw the previous 105 Bay Street, LLC application approval. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).

Tavis Austin stated he does not object to the motion.

It was moved by Roger Murray to approve the 105 Bay Street, LLC Voluntary Lot Merger, Tax Map #204-105 and 204-2-3. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).

c. 105 Bay Street – Boundary Line Adjustment – Tax Map #204-2, 3 and 4

Bryan Berlind, Horizons Engineering, stated the two merged lots are vacant and the larger lot, Tax Map 204-4, is a developed lot; noting the latter has a leach field on site, will retain the waterfront, and become 4 acres following the adjustment. He reviewed the waiver requests; noting neither of the lots need septic or wells (municipal water and sewer is available), both are oversized lots per the zoning ordinance.

Kathy Barnard questioned whether the chapel building is located within the required setbacks.

Bryan Berlind confirmed the chapel complies with setbacks and referenced the application.

Roger Murray questioned if a waiver is necessary due to Town water and sewer.

Tavis Austin stated no waiver is required for such and noted the property would be required to connect to Town water and sewer if developed.

It was moved by Kathy Barnard to grant the waiver request for Section 174-9 A & B. The motion was seconded by Doug Breskin. All members voted in favor. The motion passed (7-0-0).

It was moved by Doug Breskin to accept the 105 Bay Street, LLC Boundary Line Adjustment application as complete. Roger Murray seconded the motion. All members voted in favor. The motion passed (7-0-0).

Kathy Barnard opened the public hearing.

John Thurston questioned the existing leach field on the property.

Richie Clyne, Bay Street, stated the sewer line was disconnected 20 years ago.

It was moved by Doug Breskin to approve the 105 Bay Street, LLC Boundary Line Adjustment application. John Thurston seconded the motion.

Kathy Barnard stated the waiver request was justified by the applicant. She stated the applicant has submitted necessary information which was reviewed by Board members and noted the chapel is allowed to remain because it is a religious institution. She stated the application meets the form factor; noting one of the lots is becoming more conforming (the other lot is already conforming).

All members voted in favor. The motion passed (7-0-0).

Roger Murray recommended the Notice of Decision for the lot merger be recorded prior to the Notice of Decision for the Boundary Line Adjustment.

d. Ethel D. Black 1993 Trust & Paula Garvey 2009 Trust – Boundary Line Adjustment

Randy Tetreault, Norway Plains Associates, noted he is representing both Trusts. He stated the proposal includes a boundary line adjustment between two properties that are currently nonconforming and owned by members of the same family. He stated both lots are serviced by municipal water and sewer and no further development is being proposed for either site. He stated that one of the lots will become more conforming. He reviewed the waiver request, Section 174-7; noting such is not applicable because the properties are on Town water and sewer. Regarding the reconfiguration of nonconforming lots, he stated the Board can review the lots and determine whether the proposal is a betterment; noting he believes the proposal meets the intent of the ordinance.

Kathy Barnard questioned whether both lots are currently non-conforming.

Vaune Dugan asked if there is a change in the side setbacks due to the change in frontage.

Randy Tetreault replied yes and reviewed such on the plan; noting the setbacks will comply with all current requirements.

Vaune Dugan questioned whether the current buildings on each lot will also meet setback requirements.

Tavis Austin stated the Board has the ability to modify setback requirements.

John Thurston questioned utilities and services for each lot.

Randy Tetreault stated there is no change.

Tavis Austin reviewed the following recommended conditions of approval;

1. The applicant be responsible for the payment of recording fees for the Notice of Decision and Certificate of Monumentation.

Kathy Barnard opened the public hearing.

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

It was moved by Roger Murray to approve the Ethel D. Black 1993 Trust & Paula Garvey 2009 Trust Boundary Line Adjustment as shown on the plan prepared by Norway Plains Associates entitled "Boundary Line Adjustment Plan, 42 & 48 Sewall Road, Wolfeboro, Carroll County, New Hampshire for Ethel D. Black Trust & Paula D. Garvey Trust, October 2023" with side setbacks equaling 15 feet and subject to the condition of approval. Doug Breskin seconded the motion.

Kathy Barnard stated the findings include both lots being nonconforming; noting the boundary line adjustment reconfigures the nonconforming lots. She stated the Board has the authority to determine setbacks; noting the Board determined the setbacks are in harmony with lots within the zoning district. She stated the configuration is an improvement and noted modification to the side setbacks.

All members voted in favor. The motion passed (7-0-0).

e. Nicholas & Kelly Collopy – 2-Lot Subdivision – Tax Map #244-38

Randy Tetreault, Norway Plains Associates, stated the property is located on Canopache Road and serviced by private water and sewer: due to the lack of pressure in the Town water line the applicant received a waiver from the Town to not tie into the line. He noted a cemetery is located on the property and noted on the plan. He noted both lots have frontage on Canopache Road and have the right to pass and repass with a recommended 50' right of way. He stated there are no waiver requests.

Peter Goodwin questioned the septic system location on the new proposed lot.

Randy Tetreault showed the Board the location of such on the plan.

Vaune Dugan confirmed the well circumference is located on the plan that is included with the application.

Randy Tetreault noted Town water will not be used due to a pressure issue.

Kathy Barnard questioned the accessory building on the new proposed lot.

Doug Breskin stated the proposed building in question measures 20' by 40'.

Randy Tetreault stated there is no across the road potential.

Kathy Barnard asked if the garage meets current setback requirements.

Randy Tetreault replied yes.

Doug Breskin questioned the location of the cemetery and requested the easement language.

Randy Tetreault stated he would need to reference the cemetery deed.

Roger Murray stated he was under the impression the Town is not approving subdivisions on roads that have not been brought up to Town standards. He stated the application is creating a 50' right of way and substandard lots across the road.

Randy Tetreault stated separate entities are not being created across the road.

The Board discussed the proposed lots on the application regarding frontage, road, and lot viability.

Vaune Dugan stated the Town approved subdivision recognizes the road.

Tavis Austin stated the Board approved Canopache as a platted road.

Vaune Dugan asked if there is a note on the plan that references the previous plan.

Randy Tetreault replied yes.

Vaune Dugan stated the current proposal shows subdivision approval by the Board in 2010.

Peter Goodwin questioned an easement being presently used by the Town.

Tavis Austin stated there is a no habitable space condition on the westerly-side lot/property.

Roger Murray questioned the amount of road frontage on the second proposed lot on Canopache Road.

Randy Tetreault reviewed the amount of frontage for both proposed lots noting that both comply.

It was moved by John Thurston to accept the Nicholas and Kelly Collopy Subdivision application as complete. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).

Kathy Barnard opened the public hearing.

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

Tavis Austin reviewed the following conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval:
Plan 1: Subdivision of Land, 62 Canopache Road, Wolfeboro, Carroll County, New Hampshire, prepared for Nicholas & Kelly Collopy, dated October 2023; File NO 385, Plan #C3399, Dwg. No. 22191 NHDES. As received October 17, 2023.
Plan 2: Topographic Subdivision of Land, 62 Canopache Road, Wolfeboro, Carroll County, New Hampshire, prepared for Nicholas & Kelly Collopy, dated October 2023; File NO 385, Plan #C3399, Dwg. No. 22191 NHDES. As received October 17, 2023.
2. The applicant shall be responsible for the payment of all recording fees.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. The applicant shall be responsible for preparing a Mylar for recordation; recording fees to be borne by the applicant.
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.

It was moved by Doug Breskin to approve the Nicholas and Kelly Collopy Subdivision application subject to the conditions of approval. Kathy Barnard seconded the motion.

Kathy Barnard stated there are no waivers, NHDES approval has been received, form factor meets the Residential zone requirements, no wetlands on the property, and conditions were added prohibiting structures on the westerly side of the road.

All members voted in favor. The motion passed (7-0-0).

IV. Discussion Items:

a. Conceptual Subdivision Review: Camp Road

Tavis Austin recommended the Board submit emails and hard copies to the file.

Doug Breskin stated the Board received letters from the following Camp Road residents who expressed concern: Carol Oldum, Amelia Clarke, Ophelia Clarke Wade, Madeline Clark Wade, Luca Clarke Shaw, Cosma Clarke Shaw, Max Beldner, Lila Beldner, and Nick Atkinson.

Randy Tetreault, Norway Plains Associates, reviewed conceptual application and information. He stated the plan was developed based on existing information (not fully vetted by Norway Plains Associates) to determine what is feasible for the property. He stated there are several reference plans that created the existing lots and access ways in 1979, 1980, and 1981 (Merten subdivision). He stated the owners would like to create 2 lots within the existing 4-acre lot. He stated the wetlands shown on the plan were previously delineated by licensed professionals. He reviewed the fee title of the right-of-way and noted he spoke with Barry Muccio, Municipal Electric Department, regarding a service line that runs through the property; noting he could not find an easement related to such. He stated Mr. Muccio is going to further research such. He stated he understands the concerns noted in the letters submitted to the Board. He reviewed the buffers (shoreland and wetland) noted on the plan and reviewed his conversations with Shane Folsom, Folsom Design Group.

Kathy Barnard questioned the information pertaining to the current conceptual proposal.

Roger Murray confirmed the historical information pertained to the Merton subdivision completed in the past.

Randy Tetreault reviewed the applicant's wishes and provided information on the proposed boundary lines, buffer, and frontage; noting the placement of future buildings.

Kathy Barnard asked Tavis Austin how the Board would determine which zoning district requirements to review given that both lots are partially in two zoning districts.

Tavis Austin reviewed the shorefront and district boundaries. He stated in this application, the wetlands would need to be re-delineated prior to making a decision on such.

Randy Tetreault stated the lot size in either zoning district could be met.

Peter Goodwin questioned the septic system, noting the current proposal states 15 feet above lake level and asked how the proposed lot compares to others on Camp Road.

Randy Tetreault replied he is unsure of the other lots.

Peter Goodwin stated other lots use a smaller vertical measurement for septic systems.

Randy Tetreault reviewed the septic, road, and form factor discussion from TRC.

Roger Murray referenced 174-9 E.4. and questioned whether the Camp Road roadway conforms to the subdivision regulations.

Tavis Austin stated a road was created and has been used as such.

Roger Murray questioned the Board approving subdivisions unless the roadway has been upgraded.

Referencing the most recent subdivision in 1981 that created the lots and roadway, Randy Tetreault stated the issue may not pertain to who maintains the road but with the standard of the road.

Peter Goodwin suggested ignoring the section of the property that goes to Turtle Island Road in regard to form factor.

The Board discussed the "dog leg" or "tail" section of the proposed property.

Roger Murray stated the application needs to include a wetlands map for setback requirements.

Kathy Barnard opened the public hearing.

Charlie Horskin, 59 Camp Road, expressed concern about an additional septic system being added to Camp Road noting rainwater, wetland portions of the Camp Road lots, road closures and the Whitten area marsh. He stated adding an additional building would increase the amount of run off into the lake. He suggested an environmental study be done. He also expressed concern regarding road maintenance, noting he has never met the property owner.

Rick Eaton questioned the 150' road frontage on the "dog leg" portion of the property. He also expressed concern regarding road maintenance with additional traffic and emergency vehicles' ability to navigate Camp Road.

Julie Brown, Wentworth Watershed Association, stated Camp Road includes Whitten Marsh and Mural Brook which directly feed the lake noting lake health is important when considering excavation and construction. She expressed concern with lake use from this property if developed and the impact on the property wetlands.

Randy Tetreault thanked the Board for their input noting the takeaway points include delineating the property wetlands, a new topographic map, frontage clarification and road maintenance.

Kathy Barnard stated the wetlands be addressed and requested an environmental study.

Randy Tetreault questioned the need for environmental study.

Peter Goodwin stated the form factor could be an issue and questioned such on the present lot.

b. Release of Surety: Village Corner Road

Tavis Austin reviewed the Release of Surety for Village Corner Road noting the bond is in good standing. He stated the transfer of \$200,506.55 is requested for road maintenance.

It was moved by Kathy Barnard to release the surety in the amount of \$200,506.55 for Village Corner Road. Peter Goodwin seconded the motion. All members voted in favor. The motion passed (7-0-0).

Tavis Austin stated he will notify the Board of Selectman to authorize the release of the bond.

c. Brewster Academy – Change to Condition of Site Plan Approval

Tavis Austin stated the Board approved the site plan application for the permanent ice rink with a condition noted for a particular building material to be used however, after a recommendation from two mason professionals Brewster is requesting a change to one of the conditions of approval. He stated the Board will need to make a determination whether approving the request is a substantive change that warrants a new public hearing.

Peter Gilligan, Chief Operating Officer for Brewster Academy, distributed handouts to the Board outlining the proposed change to the building material. He reviewed the process to complete the acoustic sound barrier wall around the chiller machinery noting the opinion of two professionals. The change Brewster Academy is requesting consists of a concrete wall with acoustic panels attached instead of concrete block. He noted the change significantly increases the noise reduction coefficient.

Tavis Austin asked if the structure would include a roof.

Peter Gilligan replied yes.

Tavis Austin questioned the construction of the roof.

Peter Gilligan replied the single pitch roof would face toward the Smith Center further dampening any sound from the chiller to neighbors.

Doug Breskin questioned the acoustic material of the structure noting it is meant for interior use.

Peter Goodwin questioned the longevity of the material.

Peter Gilligan replied 20 years.

Peter Goodwin questioned the use of said material outdoors.

Jane Nielsen asked what sounds are being deadened.

Peter Gilligan replied the sound of the chiller.

Julie Jacobs questioned what the building will look like.

Peter Gilligan replied 4 sides and a roof.

Tavis Austin asked how one would enter the structure.

Peter Gilligan replied a door would be installed.

Julie Jacobs questioned ventilation.

Peter Gilligan reviewed such; noting the space between wall and roof will provide ventilation.

Julie Jacobs questioned the exterior finish of the structure.

Peter Gilligan stated EIFS.

Doug Breskin questioned the roof material.

Peter Gilligan replied a metal roof using wood trusses.

Doug Breskin expressed concern regarding the metal roof reverberating sound from the chiller instead of deadening it.

Peter Gilligan stated the roof would be insulated.

The Board discussed the exterior finish of the structure.

Tavis Austin recommended the Board make a motion to approve the change of material.

Vaune Dugan stated the change is an improvement, noting the increase in sound reduction.

It was moved by Kathy Barnard to approve the change in material for the Brewster Academy Site Plan Review prior approval; noting the proposal is not a substantive change from the original approval and

is an improvement in the sound attenuation. Vaune Dugan seconded the motion. All members voted in favor. The motion passed (7-0-0).

d. Affordable Housing Discussion

Kathy Barnard stated Tavis Austin has put informational items and documents on the Town's website.

The Board discussed affordable housing and inclusionary zoning further including definitions, potential new regulations, and health and safety concerns.

e. The Nicholas J. Pernokas Recreation Park – Final Site Review for New Building

Roger Murray recused himself.

Tavis Austin reviewed the additional agenda item noting a full site plan review was included on Conditions of Approval and the proposed building is on those plans.

Holly Williams Aucion, Executive Director The Nicholas J. Pernokas Recreation Park, distributed information to the Board. She reviewed the original site plan approved in May 2002 and the proposed building noting a grant for funding requires Board and Town approval in the application.

Tavis Austin stated the site plan meets parking requirements and stormwater management regulations.

Holly Williams Aucoin stated the approved site plan includes tennis courts larger than the proposed building.

Julie Jacobs questioned the location of the proposed building.

Vaune Dugan questioned the proposed elevation.

Holly Williams Aucoin stated minimal excavation is required.

Tavis Austin stated the question for the Board pertains to requiring a new site plan for the proposed building.

Kathy Barnard stated a full site plan application is required.

Holly Williams Aucoin noted the grant application deadline is November 30, 2023.

The Board discussed The Nick's site plan review.

Steve Webster suggested adding the proposed building footprint to update the existing plan.

Tavis Austin recommended a motion noting the request is a substantive change from the approved site plan.

Holly William Aucoin asked if The Nick may receive conditional approval prior to December 5th meeting.

Kathy Barnard replied no.

It was moved by Kathy Barnard to entertain a site plan application on December 5, 2023 from The Nick. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).

Holly Williams Aucoin asked if The Nick is guaranteed a place on the December 5th agenda.

Tavis Austin replied yes, if a complete application is submitted by November 21, 2023.

Kathy Barnard replied yes, and noted Tavis Austin will help with the application process.

Kathy Barnard opened the public hearing.

Roger Murray, resident, stated he has given The Nick informal advice over the years and questioned the need for a full site plan application instead of a site plan review application for the proposed building.

Vaune Dugan stated the following needs to be addressed: proposed building footprint, grading, and drainage.

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

V. Public Comment

None.

VI. Approval of Minutes:

October 17, 2023

Corrections: Page 1, Members Present, Members Absent; note Steve Webster as an Alternate and Peter Goodwin as a Member

Peter Goodwin noted his impression with the quality of comment from the public and video presentation of the October 17, 2023 meeting.

It was moved by Kathy Barnard to approve the minutes of the October 17, 2023 Planning Board meeting as amended. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).

It was moved by Kathy Barnard to adjourn the November 7, 2023 Planning Board meeting. Doug Breskin seconded the motion. All members voted in favor. The motion passed.

The meeting was adjourned at 9:30PM.

Respectfully Submitted,
Michaela M. Beckwith
Michaela M. Beckwith

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