

**TOWN OF WOLFEBORO  
PLANNING BOARD  
December 5, 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, Peter Goodwin, Members, Julie Jacobs, Steve Webster, Jane Nielsen, Alternates.

**Member Absent:** Vaune Dugan, Member.

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

**III. Public Hearings**

*Kathy Barnard appointed Steve Webster, Alternate, to sit in for Vaune Dugan, Member for the Beckwith Family Trust/Robert Beckwith, Lifetime Green Homes, LLC, and Granite State Adaptive applications.*

*Kathy Barnard appointed Jane Nielson, Alternate, to sit in for Roger Murray, Member for the Wolfeboro Area Recreation Association application.*

Roger Murray stated he is satisfied with said explanation regarding noticing Department Heads.

**Beckwith Family Trust – Robert Beckwith – Conditional Use Permit for Accessory Dwelling Unit**

*Michaela Beckwith, Recording Secretary, recused herself – Lee Ann Hendrickson submitted the minutes for this application.*

Kathy Barnard stated Roger Murray brought up a question as to whether notification to Town Department Heads is adequate with regard to the abutter notification process. She stated it has been the past practice of the Town to not send certified letters to Department Heads rather, they have been notified via email notification.

Kathy Barnard stated the Board conducted a site visit this afternoon at 16 Libby Street; members present at the site visit were John Thurston, Doug Breskin, Roger Murray, herself, Robert Beckwith (property owner), and neighbor Dennis Hart. She stated the Board toured the outside of 16 Libby Street and the neighbor's property.

Robert Beckwith noted the square footage as 748 and noted a separate entrance. He stated he will be placing an access door from his bedroom to the unit, with a separate entrance through the garage. He stated there is adequate parking as witnessed by the Board at the site today.

Roger Murray requested the applicant address the requirements for a conditional use permit.

Robert Beckwith stated there is adequate usable space, adequate access will be installed, with regard to environmental constraints, he stated the building currently exists and there are no proposed changes to the exterior of the building. He stated there should not be immediate neighborhood impact; noting the area to the rear of the house will be used for parking in addition to parking in front of the house. He stated there will not be any nuisance, hazard, or pedestrian and vehicular traffic.

**It was moved by John Thurston to accept the application as complete. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).**

*Kathy Barnard opened the public hearing.*

Dennis Hart, 20 Libby Street, stated he is directly affected by the building project (immediate abutter); noting he disagrees with Mr. Beckwith's statements that there is no impact because he has mud and silt coming onto his property in two different locations. He stated he assumed the site work would be done in accordance with Wolfeboro's ordinances and regulations and that the Town would enforce them. He stated such has not been the case. He stated the apartment that was built was done on a permit for a garage with storage above. He provided history on work he has done on his own property (drainage system, gutters, retaining wall); noting he and Mr. Beckwith previously discussed and agreed on a buffer (vegetative) between the two properties. He stated in June 2023 he planned to plant the arborvitae trees in the locations agreed upon and in August 2023 he and Mr. Beckwith agreed on the permanent location of the plantings (handshake). Following such, Caroline Chartier reported to him that Mr. Beckwith had reconsidered the agreement and would only agree to planting the trees directly against the backside of the retaining wall; noting the trees would not survive. He stated on September 1 he observed Mr. Beckwith starting to change the grade of the land behind his house in the location of the patio; noting the slope has been raised significantly and a large cement block retaining wall (4' tall x 8' wide) was placed. He stated his retaining wall ends 11' short of Mr. Beckwith's retaining wall. He stated the final grading done by Mr. Beckwith is too steep and there is now silt in his driveway and on his patio. On September 11, his wife attended the ZBA meeting and shared her observations. On September 12 while he was installing additional screening Mr. Beckwith approached him and told him to remove the mounting blocks as they are on his land and would not allow it. He stated Mr. Beckwith accused his wife of lying at the meeting. He stated a verbal altercation ensued and Mr. Beckwith threatened to headbutt him; noting he subsequently purchased security cameras. He stated he has retrieved his land survey drawing from Norway Plains Associates. Per the drawing, he stated his property is 4' off of Mr. Beckwith's foundation and his retaining wall is about 5' off of Mr. Beckwith's foundation; noting he will be installing his privacy fence on his land. He stated on September 13 there was a storm with significant rain and the mud and silt were flowing on his land, patio, and driveway; noting he has video evidence of such and displayed at the September 25 ZBA meeting. He stated on September 14 Mr. Beckwith installed rip rap; noting such was not properly installed in that it did not have fabric under the rocks to prevent the mud and silt from flowing. He stated there has been a lack of oversight of submitted plans, lack of guidance, understanding, and enforcement of the ordinances, and the lack of oversight of the submitted plans. He stated he would assume that the plans should include stormwater management and parking.

Derek Brown, 30 Libby Street, stated he has provided photographic evidence relative to the progression of the damage. He stated the back parking area is completely without topsoil since the Board last met in June; noting the area is completely impervious. He reviewed the history of the stop work order and his appeal to the ZBA. He read the letter from the ZBA to him. He stated he is in full support of Mr. and Mrs. Hart.

Audrey Cline, speaking for Roger Kent (a direct abutter), stated the ZBA affirmed that Section 175-128, C.2., applied to this property which states that any use of land involving the arrival, departure, or storage of motor vehicles should protect adjoining lots and the general public from nuisances and hazards such as accelerated runoff of surface water from land covered by impervious materials. She stated she believes the Board has the authority to ask for a site plan that includes existing features and drainage; noting the plan does not include driveway and parking areas, grading is not accurate, drainage plan, and block wall. She reviewed the definition of impervious surface. She noted the property is a residential lot in the C1 District. She stated she is flabbergasted at the quality of the application that was submitted; noting the application is sorely limited. She reviewed the first application and the checklist associated with such; noting the proposal does not comply. She stated the zoning states that 30% of the total habitable floor area of the single family dwelling or 750 SF, whichever is larger. She stated the maximum square footage of the ADU is not 748 SF rather, 288 SF less than such. She stated zoning cannot be waived.

John Thurston confirmed that Ms. Cline does not believe the application meets the total habitable floor area criteria.

Audrey Cline stated the area cannot be more than 750 SF; noting such is the largest permitted SF.

John Thurston stated the applicant notes the SF as 746. He asked what Ms. Cline would like the Board to consider.

Audrey Cline requested the Board acknowledge that zoning cannot be waived and address the drainage issues.

John Thurston questioned what the Board is supposed to refer to in the definitions.

Audrey Cline stated she may have made an error in her calculations and would review such.

Luke Freudenberg, 68 Center Street, stated he supports the ADU. He reviewed the following facts that he believes cannot be disputed; Mr. Beckwith applied for a building permit to build a barn and garage and was issued the permit by the Planning Department; he was issued a permit for a duplex by the Town of Wolfeboro. He stated he feels Mr. Beckwith has been hurt by the process by receiving permits and then having the ZBA pull those permits, this year has been the wettest year for rainfall, and Mr. Beckwith has followed the Town's process. He stated there have been drainage problems on Libby Street for a very long time and Mr. Brown's property has been worked on by the Town of Wolfeboro. He stated the Master Plan calls for more housing in Wolfeboro. He stated he can understand where Mr. and Mrs. Hart is coming from however, when the project is done he hopes the problems are alleviated. He discussed the thirty day appeal process; noting there is no documentation that there is such an appeal.

Derrick Brown argued Mr. Freudenberg's comment that there was always an issue with drainage on Libby Street and stated the issue started twenty years ago slowly with the church property. He stated the work done on his property by the Town of Wolfeboro was a result of the Town's oversight on Les Beckwith's property. He stated the issues today are a result of bad business practices. He stated he met with Ms. Cline through notification of receipt of an abutter notice. He stated the Town's communication process has been abysmal.

Audrey Cline stated that just because she is elected to the ZBA does not mean that she gives up her rights as a citizen of Wolfeboro. She stated she is representing a direct abutter that cannot speak for himself on a piece of property that her daughter grew up on; noting this application is very personal to her. She stated her issues are with zoning regulations protecting neighbors in the Downtown core where single

family dwellings still exist and development is happening. She stated to do it right zoning needs to be followed.

Regina Brown, 30 Libby Street, stated her mother-in-law saw her backyard that she loved and enjoyed ruined by bad practices in this neighborhood (from down the street, Les Beckwith's property, the church and now another unit). She stated she is not against building the unit rather, she just does not want to be impacted; noting her mother-in-law has been financially impacted (porch and driveway repair). She requested the drainage be reviewed by the Board, Planning Department, and Town.

Robert Beckwith distributed a letter from Goose Corner Landscaping who has provided property care to both his and the abutting property during 2022 and 2023; noting the letter represents no changes/impact to the properties. He stated the impervious driveway for the ADU previously existed. He confirmed the silt that went onto the Hart property; noting he had not installed the rip rap or silt barrier in time before the rain however, since it was installed there has not been an issue. He stated he has a CO (Certificate of Occupancy) for a garage and storage; noting the building exists. He stated now he is asking to be able use the second floor storage as an ADU.

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

*Kathy Barnard re-opened the public hearing.*

Marge Hart, 20 Libby Street, confirmed Goose Corner Landscaping is also their landscaper; noting that Dave Whitcomb stated the rip rap was not installed properly, there was no fabric put underneath therefore, there will continue to be a problem. She stated they continue to have problems.

*Kathy Barnard closed the public hearing.*

Roger Murray asked Mr. Beckwith if he would be willing to install fabric behind the rip rap.

Tavis Austin recommended re-opening the public hearing.

*Kathy Barnard re-opened the public hearing.*

John Thurston stated the direct abutter of Mr. Beckwith is taking the brunt of the water flow and recommended extending the wall to past the abutter's garage and install an infiltration trench to allow water to drop into crushed stone and get it below the surface of the grade so the water does not continue to run down over the hill. He stated he is trying to mitigate the water to the rear of the abutter's property.

Robert Beckwith stated the back yard is going to be lawn; noting the area currently consists of fill. He stated in writing from the landscaper that there is no impact on the rainiest season ever. He stated he applied for a garage with storage above until financing was available to move forward; noting when financing became available, he applied for an ADU however, was advised to apply for a duplex. He stated now he is back to applying for the ADU and questions the applicability of the landscaping issue. John Thurston asked Mr. Austin if there is credibility to Section 175-128, C.2. where it mentions accelerated runoff of surface water from land covered by impervious materials.

Tavis Austin stated that is the opinion held by the ZBA however, not the opinion of Town Counsel nor the Department. He stated as far as the lot allows for 100% lot coverage, he does not know how any Board

would determine that a lot that is allowed 100% lot coverage would be accelerating water or excess water. He stated it has been largely observed that the majority of the water that's creating the issue is coming from the church property; noting the water might be accelerated in its downward travel but it is not being increased in volume. He stated no one has demonstrated an increase in volume because of anything that occurred on the Beckwith parcel. He stated Town Counsel also advised that water that drains between two properties is a civil issue. He stated he would answer the question another way and stated that if someone wanted to build an attached garage on Libby Street and landscape their yard the permitting process would relate only to the building of that garage. He stated there are no regulations specific to the grading or alteration of the yard. He stated it is hard to do anything when the allowed coverage as voted on by the citizens of the Town is 100%. He stated most of the zones allow 40% or 30% lot coverage largely to reduce issues like this however, in this particular case you have a lot that is immediately downgradient of a similar 100% cover parking lot that zoning laws can apply to. He stated when the application for the ADU originally came in, the original determination was that the two-car garage would satisfy the requirement for the single family home and the ADU. He stated Mr. Beckwith also indicated at the time he submitted the application that additional parking spaces would be provided behind the building. He stated the larger question is whether that area could be improved with a parking area or impervious surface without zoning and the answer is yes. He stated then there were issues regarding the stop work order however, in speaking with counsel the stop work order relates specifically to that for which the permit was issued. He stated in that case all of the sitework that has been the subject of the question was addressed with the original building permit which received a CO; noting there was no site work permitted with the duplex. He stated the stop work order that was raised at the request of the abutters and the ZBA related to that which related to the duplex. He stated one of the solutions proposed was the installation of a retaining wall; noting that in order to install said retaining wall in an effective location Mr. Beckwith would have to receive a Variance. He stated Mr. Beckwith was not interested in going back to the ZBA for a Variance after being denied everything else therefore, two separate 4' walls were installed because those are landscaping features. He recommended the Board review the parameters; noting the applicant is requesting a 748 SF accessory dwelling unit that meets all of the items in the checklist and is regulated by law. He cautioned against finding a nexus or connection between placing conditions related to landscaping.

John Thurston asked if the Conditional Use Permit takes into consideration environmental impact.

Kathy Barnard replied yes.

John Thurston recommended installing a grass bump to allow water flow around the wall and install an infiltration trench.

Audrey Cline requested the Board to disregard the calculations she provided; noting she made an error. She stated the ZBA determines whether specific sections of the zoning applies; noting the attorney's opinion does not prevail. She stated Mr. Thurston is designing a drainage plan however, believes it is the responsibility of the applicant to submit such and further reviewed Section 175:128.

Derrick Brown stated that due to poor Planning Department support specifically when recommended to go from an ADU to a duplex, such triggered the parking requirement. He stated Mr. Beckwith continued to work on the parking area after the stop work order was issued.

Suzanne Ryan asked if the Board has a copy of the ZBA Notice of Decision. She stated counsel wrote the findings in the Notice of Decision and believes the Board should have a copy of such.

Robert Beckwith stated there are photographs that depict the existing driveway as of six/seven years ago.

Kathy Barnard stated the applicant meets all the requirements for an accessory dwelling unit except for the Conditional Use Permit criteria. She stated such references site suitability, usable space, adequate access, and absence of environmental constraints such as flood plain and steep slopes.

Peter Goodwin stated he is sympathetic to the issues of runoff however, the structures that are on the property have not increased the amount of runoff since the structures have been built. He stated he does not understand why the drainage and runoff issues are a problem; noting that if this particular ADU application was located in an area where there are no runoff issues the discussion regarding such probably would not have occurred. He stated the Board is reviewing a structure that is not being changed in its configuration other than on the interior; noting the issues are associated with the structures and not the runoff. He stated the runoff issues are not trivial and should be dealt with by the Town; noting the abutter's have rights that need to be dealt with. He stated the Board is dealing with a structure and a change in use of that structure; noting the runoff issue is not relevant to this particular application.

Steve Webster agrees that runoff is a problem however, adding mitigation may help.

Brad Harriman stated the Board should not be putting a condition of approval regarding landscaping and therefore recommends Mr. Beckwith mitigate the runoff onto abutting properties through sloping the lawn area and installing infiltration trenches.

Roger Murray stated the application meets the requirements for an accessory dwelling unit; noting it is the Board's responsibility to determine whether the application meets the requirements set forth in the ordinance and stated he believes it does. With regard to the conditional use permit, he stated the applicant meets such; noting an argument can be made that none of the houses on Libby Street have adequate access however, this is no different from what is there now. He stated he does not believe after looking at the slope today that there is a steep slope and does not believe the application poses a hazard to pedestrian or vehicular traffic. He stated he is appalled at how the application was handled; noting it was a disservice to both the applicant and abutters.

Doug Breskin has nothing further to add following the Board's comments.

Kathy Barnard stated the application meets all the criteria in the accessory dwelling unit. She stated the property is located in the C1 District; noting the applicant is required to address environmental constraints and runoff issues. She stated the Town needs more housing.

Tavis Austin stated the Board can add a condition relative to drainage however, recommended the Board tie it to findings of the Conditional Use Permit back to the regulations that the Board is using on the ADU.

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

**It was moved by Kathy Barnard to approve the Robert Beckwith Accessory Dwelling Unit application because it meets all the criteria 157-571 A., B., C., D., E., the property is serviced by municipal water and sewer, the applicant lives in the existing home, the existing site plan provides the parking areas, the proposed project has been designed for one dedicated parking space and the area of the dwelling unit meets the criteria.**

Relative to the Conditional Use Permit, Kathy Barnard stated there are some environmental concerns.

John Thurston recommended the following condition; the landscaper will provide a mitigating grass bump to move the water from the side yard to the back of the yard and create an infiltration trench 18" deep x 10' long x 2' wide filled with crushed stone and lined with filter fabric.

**Kathy Barnard amended her motion to include Mr. Thurston's recommended condition of approval to the Conditional Use Permit. John Thurston seconded the motion. Roll call vote: Steve Webster – yes, Peter Goodwin – yes, Roger Murray – yes, Kathy Barnard – yes, Doug Breskin – yes, John Thurston – yes, Brad Harriman – yes. The motion passed (7-0-0).**

Respectfully submitted, Lee Ann Hendrickson

**Wolfeboro Area Recreation Association (AKA "The Nick") Site Plan Review for new indoor recreation building**

Holly Williams Aucoin, Executive Director of The Nick, distributed handouts to the Board and reviewed the submitted application and requested waivers.

Doug Brodeur, The HL Turner Group, reviewed the submitted site plan application and existing stormwater management and catch basins.

Kathy Barnard questioned the amount of lot coverage.

Doug Brodeur replied yes, noting the proposed building's coverage.

Peter Goodwin questioned the original site plan submitted regarding the proposed/current application does not increase the number of structures.

Doug Brodeur reviewed the proposed waivers and required architectural design standards.

Kathy Barnard questioned the proposed steel frame building.

Frank Lemay, Turner Group, reviewed the steel frame design and proposed exterior finishes.

Holly Williams Aucoin stated clear span buildings are required for indoor sports clearance; noting the steel frame building is cost effective and the exterior finish will look residential.

Frank Lemay stated the proposed exterior design will include wood finishes.

Holly Williams Aucoin noted the building is not visible from the road.

John Thurston questioned the proposed building sign and its compliance with regulations.

Julie Jacobs questioned the exterior finish / metal look of the building.

Frank Lemay replied enhancing the exterior finish is an option, noting cost is always a factor.

Steve Webster suggested using a stucco-type metal panel.

Frank Lemay stated they are willing to look into alternative exterior finishes.

John Thurston questioned the roof pitch and aesthetic of the proposed lobby area.

Frank Lemay replied the roof will include a lodge type feel with large timbers.

**It was moved by Peter Goodwin to grant the requested waivers. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).**

Kathy Barnard stated the application is complete.

**It was moved by Doug Breskin to accept the Wolfeboro Area Recreation Association, AKA The Nicolas J. Pernokas Park, application as complete. Jane Nielsen seconded the motion. All members voted in favor. The motion passed (7-0-0).**

*Kathy Barnard opened the public hearing.*

Rich Masse, resident, questioned the changes between the original plan submitted and current plan with regards to stormwater management; noting the location's existing filtration system and catch basin.

Holly Williams Aucoin addressed the existing stormwater management and current impervious surface areas.

Doug Brodeur replied the current drainage system drains into the existing catch basin; noting the proposed building would use the existing system.

John Thurston questioned the drainage for the proposed building.

Doug Brodeur replied the new building will utilize the existing drain system in addition to its own foundation drain.

Holly Williams Aucoin stated The Nick has never had an issue with stormwater management and drainage.

Audrey Cline, resident, questioned the building use, whether sprinklers are required or necessary, and use of Town water.

Frank Lemay, Milestone Engineering, replied the building will include a fire suppression system and noted the property is not on the Town water system.

*Kathy Barnard closed the public hearing.*

Tavis Austin reviewed the conditions of approval for the application, see attached.

**It was moved by John Thurston to approve the Wolfeboro Recreation Association AKA The Nicholas J. Pernokas Park Site Plan Review application subject to the conditions of approval. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).**



Kathy Barnard stated the findings of fact specific to the original permit issued in 2001; setbacks, height, and coverage comply, requested waivers have been justified, exterior metal siding, proposed cutoff lighting, landscaping, adequate parking, and building access have been addressed.

**Lifetime Green Homes, LLC – Special Use Permit for 6-unit multi-family building**

Kathy Barnard stated this meeting will address the Special Use Permit application; noting the full site plan application will be reviewed at a future meeting. She reviewed the Conservation Commission's memo.

Jeffrey Brem, Lifetime Green Homes, LLC, reviewed the Special Use Permit application for 15 Willow Street including access, parking, number of units, and sprinkler system. He noted snow storage as a previous Board concern and stated no waivers are requested.

Jeffrey Brem reviewed the Conservation Commission letter and their concerns. Regarding the pool, he stated that such is proposed and that a rain garden for pool backwash and filtration is also proposed. He reviewed the stormwater report including stormwater management during and post construction. Regarding invasive species removal, he stated a qualified botanist will be monitoring the matter during construction and a monthly report will be provided. Regarding prior use of property, he stated newly excavated materials will be tested during construction. He reviewed the location of the proposed building in relation to the Bridge Falls Path and the requirement of a Shoreland permit.

Kathy Barnard requested Mr. Brem address RSA 175-10.1 regarding the factors the Board needs to consider while reviewing this application.

John Thurston questioned the drainage, ledge on the property, and test pit for profile purposes.

Jeffrey Brem stated a rain garden is proposed for drainage.

John Thurston questioned whether the chlorinated water from the pool would spill over into the lake.

Jeffrey Brem replied yes.

John Thurston questioned the location of the water line and crossing Center Street.

Jeffrey Brem stated permission will be requested from the Wright Museum as well as the State for approval to cross Center Street.

Doug Breskin questioned how the findings of soil testing will be addressed (referencing the Conservation Commission's letter).

Peter Goodwin questioned the maintenance of the parking area pavement.

Jeffrey Brem stated the details of maintenance are included in the full site plan.

Roger Murray stated he agrees with reviewing RSA 175-10.1 c.

Kathy Barnard questioned the wetland setbacks.

Jeffrey Brem reviewed alternatives noted and included in a 6-page report in the application, see attached.

Doug Breskin questioned the appearance of the building and aesthetics.

Jeffrey Brem replied the materials were selected using the Town's architectural design standards.

**It was moved by John Thurston to accept the Lifetime Green Homes, LLC Special Use Permit 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*

John Sandeen, 6 Wyanoke Gate Lane, questioned the proposed building in regard to the setbacks. He questioned the building size.

Jeffrey Brem stated the plans were different scales.

Maggie Stier, Heritage Commission, expressed concern about the history of the property. She suggested an archeological study be completed and suggested the Board review the full site plan application and not just the special use permit application. She stated the Heritage Commission has concerns regarding access to the property and visibility of the proposed building. She questioned the pathway from the property to the Bridge Falls Path.

Jeffrey Brem replied that an archeological study has been completed. He stated access is off of Willow Street; noting there is an easement. He stated the public currently utilizes the property.

John Thurston questioned the connecting path from the proposed building to the pool and questioned whether the wetlands are being delineated.

Jeffrey Brem provided information regarding the connection path/proposed covered walkway regarding frontage and wetlands.

Suzanne Ryan, resident, questioned whether the Board of Selectman has reviewed the proposal.

Brad Harriman replied yes, and noted such is on the December 6 agenda.

Suzanne Ryan questioned the wetlands being an issue with the property abutting Town property. She reviewed some history of Willow Street; noting the Town of Wolfeboro bought the railroad bed/tracks. She questioned deeds and easements with regard to access and suggested the right-of-way and length of Willow Road be determined.

Audrey Cline suggested the Board consider the overall intent of special use permitting from zoning ordinances.

Rich Masse, Wolfeboro Waters Committee, stated the Committee endorses the Conversation Commission's letter of concern. He questioned whether the Town's stormwater regulations are applicable to this application.

Kathy Barnard replied yes.

Jeffrey Brem stated the stormwater management plan has been submitted to the Board.

Rich Masse expressed concern regarding the stormwater management plan and report; noting performance is a factor. He asked the Board to review the report to ensure concerns are addressed.

Bill Swaffield, Abenaki Water Ski Club, expressed concern regarding safe passage and questioned the location of the proposed docks.

Jeffrey Brem replied one slip per unit and one permanent dock total is proposed.

Kathy Barnard suggested showing the docks on the full site plan and referenced State requirements relative to such.

Jeffrey Brem stated the proposal will not include docks if there are issues with permitting such.

Kathy Barnard stated the stormwater management report has not been received.

Ken Perry, resident, questioned previous projects constructed by the LLC with regard to energy efficient buildings.

Jeffrey Brem noted his other projects include green initiatives.

John Sandeen expressed concern for NH lakes and water conditions; noting the property abuts the headwaters of Lake Winnepesaukee and includes granite outcrops. He stated the site plan should include mitigation for blasting regarding ground water required to construct ground level parking.

Kathy Barnard questioned the blasting plan.

Jeffrey Brem noted the full site plan review will include more information.

Suzanne Ryan questioned whether the Technical Review Committee has reviewed the application.

Tavis Austin replied no and noted that the TRC's comments are non-binding.

Jeffrey Brem stated the TRC issues are consistent for both the special use permit and site plan review applications.

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

Kathy Barnard asked the Board how they would like to proceed.

Roger Murray stated federal and State permits are required and suggested continuing the hearing until the full site plan has been reviewed.

Tavis Austin stated the continued hearing needs to be noticed in the newspaper.

Peter Goodwin recommended continuing the application to January 16.

Jeffrey Brem questioned the application submittal.

Tavis Austin stated a stormwater management plan needs to be submitted with the application.

**It was moved by Peter Goodwin to continue the Lifetime Green Homes, LLC Special Use Permit application until January 16, 2024. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).**

### **Granite State Adaptive – Site Plan to Construct Agricultural Therapeutic Equine Facility**

Kathy Barnard stated this application requires a Special Exception (per Town Counsel).

Tavis Austin stated Town Attorney recommended site plan review be held for the special exception, noting that Town council agreed the application will require a special exception.

Kathy Barnard stated the site plan is typically reviewed by the Planning Board after the Board of Zoning and Adjustment reviews the application for a Special Exception.

Jim Rines, Horizon's Engineering, spoke to the Special Exception and support of neighbors.

The Board agreed to hear the application tonight.

Jim Rines, Horizons Engineering and representing Granite State Adaptive, reviewed the current property, site plan application, and requested waiver.

Jennifer Fraser, Granite State Adaptive Founder and Executive Director, reviewed the program and the mission of the agency.

Roger Murray questioned the square footage of the proposed arena and barn.

Jennifer Fraser replied the proposed barn will be 120' x 36'.

Roger Murray questioned public use.

Jennifer Fraser replied yes, by reservation.

Kathy Barnard questioned customer transportation.

Jennifer Fraser replied their current clientele uses cars and small buses.

John Thurston questioned whether the public will be visiting the property to view the animals.

Jennifer Fraser replied yes.

Kathy Barnard stated the neighbors seem to be in favor of the proposal.

Doug Breskin recommended a condition of approval include conditional on ZBA approval.

Roger Murray questioned whether the property is serviced by a private septic system.

Jim Rines replied the proposed facility will have a new septic system.

**It was moved by Kathy Barnard to grant the requested waiver. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).**

**It was moved by Kathy Barnard to accept the Granite State Adaptive Site Plan Review application as complete. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).**

Kathy Barnard opened the public hearing.

Ray Osborne, 33 Jennifer Circle, expressed support for the organization and proposal.

Ashley LaRoche, 3 Jennifer Circle, stated she fully supports the proposal, noting personal experiences with the program.

Tavis Austin reviewed the following conditions of approval;

1. Plan Set: Materials as received on November 14, 2023; specifically Cover Sheet: Granite State Adaptive, date 11/13/2023 and Sheets 1-4 namely existing conditions, proposed conditions, proposed grading west and proposed grading east
2. Applicant shall be responsible for the payment of all recording fees for Notice of Decision.
3. Applicant shall provide architectural rendering of the proposed stable/arena/multi-use building with exterior materials list for Board/Staff review.
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.

Doug Breskin stated that full cut-off lighting becomes an additional condition.

Roger Murray stated the conditions of approval also include the alteration of terrain permit and approval for septic system.

Tavis Austin noted two additional conditions of approval;

5. Lighting includes full cut-off lighting.
6. NHDES Alteration of Terrain and Subsurface approval are required.

Kathy Barnard stated the findings of fact include neighbors in favor/support of the proposal, requested waiver justified, Alteration of Terrain permit, snow storage, lighting, and zoning compliant.

**It was moved by Roger Murray to require a Special Exception. John Thurston seconded the motion. All members voted in favor. The motion passed (7-0-0).**

**It was moved by Roger Murray to approve the Granite State Adaptive Site Plan Review application subject to the conditions of approval. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).**

#### IV. Discussion items

##### Maker's Mill Site Plan

Tavis Austin reviewed the submitted plan, recommending the Board decide if the change is a substantive change requiring a new public hearing.

John Thurston questioned the planting of trees and stated such needs to be planted.

The Board agreed that the change was not substantive and did not require a public hearing.

**It was moved by Doug Breskin to consider the Maker's Mill's proposed revisions as minor changes and not needing full site plan review. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).**

#### **Shorefront Residential**

Such was tabled.

#### **Technical Review Notes**

John Thurston stated there is a legibility issue and proposed the Town Planner rewrite the notes and attach the Technical Review Committee notes.

Tavis Austin stated he will prepare a summary document from the TRC notes.

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

None.

#### **VI. Approval of Minutes November 11, 2023**

**It was moved by John Thurston to approve the November 11, 2023 Planning Board minutes as submitted. Doug Breskin seconded the motion. Kathy Barnard, Doug Breskin, Steve Webster, John Thurston, Roger Murray, Brad Harriman voted in favor. Peter Goodwin abstained. The motion passed (6-0-1).**

**It was moved by Roger Murray to adjourn the December 5, 2023 Planning Board meeting. Doug Breskin seconded the motion. The motion passed.**

The meeting was adjourned at 10:54PM.

Respectfully Submitted,  
*Michaela M. Beckwith*  
Michaela M. Beckwith

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