

**TOWN OF WOLFEBORO**  
**PLANNING BOARD**  
**August 4, 2020**  
**MINUTES**

*Chairman Barnard opened the virtual meeting at 7:00 PM.*

Kathy Barnard read the following script:

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically. **However, the Planning Board has jointly decided to proceed with a 'hybrid' meeting format allowing for members of the public and Board to attend and participate in the meeting in-person or virtually.**

In accordance with RSA 91-A: 2, III, the Board has one member joining the meeting remotely, which a public body has the authorization to allow.

At this time I would like to take a roll-call vote of ALL members present. For those participating virtually, please indicate why your attendance is not reasonably practical and if you have any other individuals present in the room with you.

**Members Present:** Roll call: Kathy Barnard – yes, Peter Goodwin – yes, attending remotely (acknowledged there is one present with him), Brad Harriman – yes, Susan Repplier – yes, Mike Hodder – yes, Vaune Dugan - yes, John Thurston - yes, Julie Jacobs (alternate) - yes.

**Members Excused:** None

**Staff Present:** Matt Sullivan, Director of Planning and Development, Mary Jane Shelton, Recording Assistant.

Votes taken during this meeting will be via roll call vote for all members.

In accordance with Emergency Order #12, for members of the public, this is to confirm that we are:

1. Providing public access to the meeting by telephone, with additional access possibilities by video or

other electronic means through GoToMeeting. All members of the public and Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #+1 (646) 749-3122 followed by the audio access code 918-242-429, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.

2. Providing public notice of the necessary information for accessing the meeting; we previously gave notice to the public of how to access the meeting in-person or using GoToMeeting and in, and instructions are provided on the Town of Wolfeboro website at wolfeboronh.us on the Virtual Town Meeting Login Information page.

3. Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem accessing the meeting via phone or computer, please immediately call 603-391-8489 OR email [planningdirector@wolfeboronh.us](mailto:planningdirector@wolfeboronh.us) In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Thank you.

#### **I. Scheduled Appointments/Public Hearings:**

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##### **Julie and Tom Fergus - 49 Center Street, Tax Map & Lot #204-47**

##### **Case #2020-19 -1st Floor Accessory Dwelling Unit Lower Level - Conditional Use Permit**

##### **Formal Submission/Public Hearing**

Vaune Dugan recused herself as she is the manager of the LLC located next door to the subject property. Julie Jacobs will take her spot for this public hearing.

Tony Fallon explained that he and his wife have a purchase and sales agreement on the subject property and their plan is to have their primary residence on the 1st and 2nd floors. The 1st floor will consist of kitchen, living and dining areas along with an accessory home occupation space for his architectural business, which will be 300 sq. ft. or less which complies with the 1,000 sq. ft. maximum for a home office. Upstairs will be 3 bedrooms, with a 4th bedroom used as a sewing room. The accessory dwelling unit, per the ordinance, is not visible from Center Street. It is on the basement level. The lower level screen porch is the location of the entrance to the accessory dwelling unit.

When the current owners bought the property in 1989, it was a three family home. It was at one point an antique store with an interior design business. More recently it has been used as a single family dwelling. Tony Fallon showed a proposed floor plan for the accessory dwelling unit and compliance with the 750 sq. ft. maximum, or 30% of the finished space.

The accessory dwelling unit will be 747 sq. ft. The total finished square footage is 2,616, with the accessory dwelling unit representing 29% of that. The floor plan for the primary residence was then shown along with the proposed exterior signage replacing the existing sign.

The prior business, Architectural Attic, had a site plan developed by Land Tech in 2000 for the one acre lot. Tony retraced that plan, showing nine parking spots and one closer to the house as well as an existing concrete block garage. There is also a side yard/patio.

Kathy Barnard added that the property is located in the Wolfeboro Falls Limited Business District and as such, an ADU is allowed.

Tony Fallon commented that this is a 1860 brick straight front colonial. In 1999 it was a three family dwelling and then a retail location for 15 years. The ADU is not separate, as it is in the basement, and is not integral to the structure, making it compliant with the regulation. The street appearance from Center Street is that of a single family dwelling. The ADU access is not visible from Center Street. The square footage percentage complies. There is plenty of parking (11 spaces), and one space can be designated for the ADU. The remainder of the building will be for a primary residence with an accessory home occupation.

The meeting was opened up for questions from the Board:

Julie Jacobs inquired if there was an additional door/entrance to the accessory unit. Mr. Fallon replied there is only one entrance. Julie Jacobs further inquired if there was an egress window in the case of fire. Mr. Fallon identified the egress windows on the exterior diagram.

John Thurston had the following questions:

1. The application is under the name of the current owners, Tom and Julie Fergus, however the application was completed by/for Tony Fallon the potential buyer. Matt Sullivan stated that the applicant has authorized Tony Fallon to represent them and Mike Hodder read an email wherein the owners appointed Tony Fallon as their agent.
2. Will the ROW to Wolfgang Pizza represent access to the ADU? Tony Fallon stated that there is an easement and a set of steps leading between the properties.

Mike Hodder asked which parking spot will be dedicated to the ADU as required in the ordinance. Tony Fallon identified the parking spot just to the left of the number "9" on the plan as being the one to be dedicated to the ADU.

Mike Hodder then noted that the ordinance requires an interior door in a common wall and requested that Mr. Fallon identifies such on the plan. Mr. Fallon stated he was unaware of that requirement. However, in light of such, he pointed out the existing door at the top of the basement stairs.

Julie Jacobs questioned if the label of ADU was the correct designation and not an accessory apartment. Matt Sullivan clarified that ADU was the correct designation for this property.

Matt Sullivan then stated for the record the following conditions:

1. Any signage presented is subject to a Town of Wolfeboro sign permit.
2. The unit may not be conveyed separately without Planning Board approval.
3. Any modification of the proposed building plans may require further Planning Board review.
4. The approval is subject to all Town of Wolfeboro permits.
5. The ADU parking spot should be formally designated on the final plan set.

Kathy Barnard stated that the application appears complete. **John Thurston made a motion, and was seconded by Mike Hodder, to accept the application. Roll call vote: Peter Goodwin - yes, Susan Repplier - yes, Mike Hodder - yes, John Thurston - yes, Brad Harriman - yes, Julie Jacobs - yes, Kathy Barnard - yes. The vote was unanimous (7-0) to accept the application.**

Kathy Barnard opened the meeting to public comment.

Vaune Dugan stated, as an abutter and an architect, her opinion is that the ceiling of the ADU and the floor of the primary residence serve as a “common wall” and satisfy the terms of the ordinance for a door in a common wall between the two units.

Matt Sullivan proposed that the door at the top of the basement stairs is in a wall that is shared by the two dwelling spaces.

Mike Hodder reiterated that the ordinance language states...”shall be connected”.

Jim Rines of White Mountain Survey proposed a conditional approval and referenced a similar situation with the Albee/Wright Museum application last fall.

After further discussion, Tony Fallon stated he would agree to leave the door at the top of the basement stairs as is, thereby meeting the requirement of a door in a common wall.

In addition to the conditions previously outlined by Matt Sullivan, Kathy Barnard clarified that, for approval, the condition of the units sharing a common wall with a doorway between the units must be met.

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Public comment period was closed.

**Mike Hodder moved that the Planning Board approve Case #2020-19, Tax Map #204-047 for an accessory dwelling unit at 49 Center Street with the conditions enumerated by the Planner.** Matt Sullivan recommended a 6th condition that the plans be modified to clearly delineate the interior door in the common wall as well as the designated ADU parking

spot. Kathy Barnard also asked that it be specified that the Fallons will be the new owner/occupants. **Mike Hodder amended his motion for approval to include not only Conditions #1 through #6, but also reference Mr. & Mrs. Fallon as the owner/occupants. John Thurston seconded the motion. Roll call vote: Susan Repplier - yes, Brad Harriman - yes, John Thurston - yes, Mike Hodder - yes, Julie Jacobs - yes, Peter Goodwin, Kathy Barnard - yes. The approval was unanimous (vote of 7-0 in favor).**

The next case was then read into the record:

**Ann Romney - 27 Greenleaf and 89 Claflin Lane, Tax Map & Lot #243-22 & 23  
Case #2020-20 - Boundary Line Adjustment - Two Lots  
Formal Submission/Public Hearing  
Agent: Jim Rines, White Mountain Survey & Engineering**

Jim Rines introduced himself as the agent for Ann Romney and identified the properties for which she is requesting a minor boundary line adjustment. The existing area of Tax Map 243-22 is 1.83 acres and there is a 5,075 area near the southern shore to be added to this lot and removed from Tax Map 243-23. The acreage for Tax Map 243-22 will be increased from 1.83 acres up to 1.95 acres. Conversely, 89 Claflin Lane will be reduced from 2.93 acres to 2.81 acres. There is no change in either the water frontage nor road frontage. The purpose of the adjustment is that the Romneys wish to build an outdoor pavilion and there is a roadway that passes through this area. The advantage to this adjustment is that they will not have to remove as many mature trees in the affected area. The section of the ordinance for form factors states that the squared value of the perimeter divided by the squared value of the area cannot exceed 36. In the existing condition, Tax Map 243-22 has a form factor of 41.5, and with the boundary line adjustment it will improve to 40.3. Tax Map 243-23 has a form factor of 37.4 which will increase slightly to 40.1. Both are non conforming, and one will become more conforming while the other will become slightly less conforming. Jim Rines stated he has submitted a waiver from Article VI Section 175-53 2(B). The applicant believes the application is in harmony with the adjacent lots in the neighborhood. The two subject lots do not currently adhere to the form factor and this boundary line adjustment will not materially change that. The applicant believes that the configuration is consistent with reasonably sound planning practices and ensures environmental integrity by reducing the number of trees being removed and both properties are served by municipal sewer and water.

Kathy Barnard stated that a waiver had previously been granted for the subject properties when four lots had been reduced to three. She also stated that Jim Rines had come to TRC a few weeks prior regarding this issue.

Jim Rines explained that the reason these lots do not conform is because they were originally developed under the open space preservation option which no longer exists. Many of the lots in the subject development are uniquely configured and their form factors are not what they would have been had the current ordinance been in place at the time.

Kathy Barnard commented they should be applying for a shoreland permit. Jim Rines stated they will be submitting a permit by notification since they are disturbing less than 1,500 sq. feet in less than 900 sq. feet of impervious coverage.

Vaune Dugan questioned how the applicant, emergency vehicles and abutters access their respective properties. Jim Rines explained the two subject parcels have two separate 911 addresses and access from different routes.

John Thurston questioned if the application involved any wetlands setbacks. Jim Rines explained the project is not in any wetland buffers, etc.

Kathy Barnard expressed again that the Board had previously granted a waiver for the form factor on the subject property, and based on the presentation it appears to be improving. In addition, Jim Rines' testimony provided justification for granting of the waiver.

**Mike Hodder made a motion, and Vaune Dugan seconded it, to grant the waiver requested for the form factor based on the testimony given. Roll call vote: Susan Repplier - yes, Brad Harriman - yes, Peter Goodwin, John Thurston - yes, Vaune Dugan - yes, Mike Hodder - yes, Kathy Barnard - yes. The vote was unanimous (7-0 in favor of granting the waiver).**

Kathy Barnard stated that with the waiver being granted, the application is considered complete. **Mike Hodder made a motion to accept the application as complete. Motion was seconded by Vaune Dugan. Roll call vote: Susan Repplier - yes, John Thurston - yes, Brad Harriman - yes, Vaune Dugan - yes, Mike Hodder - yes, Peter Goodwin - yes, Kathy Barnard - yes. Unanimous vote 7-0 to accept the application as complete.**

Kathy Barnard opened the meeting for public comment. With no comments forthcoming, the public comment period was closed.

Matt Sullivan presented the four proposed conditions which he stated were standard for a boundary line adjustment and reconfiguration of nonconforming lots. The conditions are:

1. The plan set submitted with the application is incorporated with the approval. The plan being referenced is dated July 14, 2020.
2. The applicant is responsible for monumentation, certificate of monumentation and updated plans.
3. The applicant shall supply a mylar plan for recording at the Carroll County Registry of Deeds and provide payment of all recording fees.
4. All of the documentation submitted with the application packet is incorporated as part of the approval.

**John Thurston made a motion to approve Case #2020-20, Tax Maps 243-022 & 023 with conditions stated. Motion seconded by Mike Hodder. Roll call vote: Susan Repplier - yes, John Thurston - yes, Brad Harriman - yes, Vaune Dugan - yes, Mike Hodder - yes, Peter Goodwin - yes, Kathy Barnard - yes. Application is approved unanimously (vote of 7-0 in favor).**

Kathy Barnard read the following case into the record:

**Town of Wolfeboro - 201 Forest Road (Carry Beach), Tax Map & Lot #228-54  
Case #2020-21 - Special Use Permit/Site Plan Review  
Wetlands and Wetlands Buffer Impacts for Parking Lot Stormwater Management and Reconfiguration  
Formal Submission/Public Hearing under RSA 674:54**

Brad Harriman recused himself as he has an affiliation with a company that will be bidding on the job. Julie Jacobs will act as his replacement on the Board.

Kathy Barnard stated the importance of this project with respect to water quality issues, specifically in Winter Harbor.

Matt Sullivan stated he is representing the Town of Wolfeboro and specifically the Public Works and Parks & Recreation Departments. He did perform the review for the Board on this application, but felt comfortable presenting this evening as well.

The project was approved by the voters in March, 2020 as part of a \$450,000 bonded warrant article to make improvements to Carry Beach, specifically focusing on the parking lot as well as a few peripheral areas. There was a study done in 2018 regarding the Winter Harbor watershed to study different threats to water quality. Carry Beach was identified as one of the higher priority threats to that area.

Proposed improvements of the site:

1. Placement of water quality swales along Forest Road.
2. Tree filters within the parking lot for stormwater storage and treatment.
3. Parking lot improvement: paving and addition of a sidewalk for handicap access to the bathroom and beach areas.
4. Retaining wall to be constructed the length of the beach.
5. A water quality swale along Forest Road all the way to the "carry".
6. A ramp leading to the mat that will provide full ADA access to the beach.

Matt Sullivan stated there are two reasons the plan necessitates the Board's review:

1. Two wetland impact areas which trigger a State of New Hampshire wetlands impact permit, which has already been received and was favorably reviewed by the Conservation Commission. However, the wetlands permit triggers a special permit use review through the Planning Board.

2. The parking lot reconfiguration is a borderline project with respect to Planning Board review as it is a modification of an existing parking lot and actually improves the impact of the parking lot from a stormwater management perspective. However, this reconfiguration triggers Planning Board site plan review based on placement of pedestrian walkways, installation of portable toilets and a few other small site modifications.

The total wetlands impact (one area being 372 sq. ft. and the other 1,360 sq. ft.) is 1,732 sq. ft. There are some additional peripheral buffer wetlands areas but are already existing disturbed wetlands and are not in natural habitats. These are very low quality habitats. Erosion siltation controls will be in place throughout the project to protect the wetlands. The wetland area on the southern side will be paved over with vegetation planted within it and become a permanent impact where the other locations will be grassed over and become part of the landscaping element.

Access to the site will not be significantly modified. Vehicle access will remain at the current location on Forest Road and will be paved and more formalized than the existing entrance. The concrete pad to the eastern side of the entrance was expected to be used for a shed to check beach passes. It has since been decided, with consultation with Parks and Recreation Department, to widen the area slightly and place the shed in the center of the access aisle so that passes can be checked on the driver's side window. At this time, no gate will be installed. Entrance will be monitored and staff on site during the hours of the beach ordinance.

John Thurston asked if the attendant gate box/shed will meet the setback. Matt Sullivan responded that it would not. It will be within the front setback of 30 feet in the residential district in which it is located. Matt Sullivan stated no waiver is needed and will check into whether the structure will be removed during the off season.

The existing fence will be moved approximately 2 to 4 feet closer to the road right of way. Objective is to slow traffic down while also minimizing shoulder parking which is currently occurring in this area.

Primary proposal is that the parking area is being formalized. Installing tree wells for stormwater management which is connected to an underground detention system. Current parking lot is an informal gravel and dirt lot without delineation. The proposal is for 30 standard parking spaces and 2 ADA spaces. Delineation may help to control the number of cars and thereby protect the quality of the beach through stormwater management.

Mike Hodder commented that the Town must be aware of the parking reduction and the possible repercussions. Vaune Dugan commented that the organized delineation of spaces may actually improve efficiency and effectiveness of parking resulting in a comparable number of parking spaces available. Matt Sullivan added that the delineation will also contribute to safety in the area as well as providing ADA access.



The ADA sidewalk will wrap around the parking area and lead to both the proposed bathroom facilities which will be portable ADA toilets. Screening around these is proposed as well. The proposal is to trend away from using the existing septic system, but are not proposing to remove it at this time.

Another part of the proposal is to install an underground detention or leach field to collect the stormwater gathered on the site. This system was recommended by the project engineers.

The biggest change in the parking lot is the grade which will be angled so the flow is away from the Lake bringing it into the retention system and the swale by the roadway. The objective is to have a substantial impact on stormwater.

At the location of the “carry” on the western side of Carry Beach there is a very narrow right of way and modifications are being proposed.

John Thurston questioned the space allowed for making a right hand turn when first entering the parking lot. By moving the center island slightly, he felt it would provide easier access and possibly another parking space. Matt Sullivan agreed the turning radius looks tight and will have it rechecked, noting that it already will be modified due to the change in placement of the gatehouse shed.

Julie Jacobs asked for clarification on the sidewalk. Matt explained the walkway is on grade concrete and around the perimeter to the bathroom and ADA ramp. There are parking spots where individuals will have to cross the parking lot to access their cars. Julie Jacobs suggested a stop line be painted on the center spaces to indicate the entry direction.

The size of the parking lot islands and their purpose as stormwater drainage was discussed. Matt Sullivan discussed the trees that will be removed as well as the landscaping and a retaining wall along Forest Road.

The “Carry” area, which is historic, will be left open. Kathy Barnard and John Thurston voiced concerns about accessibility of the area for not only kayaks, but also bob houses, snowmobiles and Granite Man Triathlon participants. Matt Sullivan will be having that area reviewed based on this input.

Proposed lighting consists of existing lighting which will be replaced with a downfacing light and possibly a light on the gatehouse shed.

Snow storage will be relatively straightforward since there is no curbing and there will be no salting nor sanding.

The “carry in, carry out” policy for waste disposal will continue. There will be no solid waste removal.

Kathy Barnard asked what landscaping is planned around the portable toilets and gatehouse shed which are located along Forest Road. Her concern is how this will affect the visual appearance as one approaches the beach area driving down Forest Road. John Thurston suggested using Baker Blue spruce trees due to their size at maturity.

Kathy Barnard inquired if there would be a gatehouse shed within the setback area at Albee Beach. Matt Sullivan believes that there will be and that, per the ordinance, it performs a necessary function.

John Thurston and Mike Hodder commented that the voters were very prudent in their vote to pass an ordinance on Carry Beach. Mike Hodder added that the Board of Selectmen didn't see it the same way. Brad Hariman noted that the Selectmen's vote was not unanimous.

Peter Goodwin commented that he thought the plan was well thought out and that as time goes by he expects there will be modifications for improvement.

Matt Sullivan recapped comments given:

- analyze turning radius at entrance and examine size of tree wells
- review landscaping at entrance with an eye toward the visual appearance of the area as visitors approach the beach via Forest Road
- consider painting a line along the middle row of parking spaces on the northern side to deter vehicles from pulling through the space upon exiting
- how cueing will be handled at the gatehouse shed
- making sure that, on the western side where swale improvements are being done adjacent to "carry area", any necessary adjustments are made to accommodate kayaks, bob houses, snow mobiles, etc. legal rights to use that area to cross

Kathy Barnard wanted the record to reflect the rationale for the gatehouse shed so that it could be referenced if need be for Albee Beach. Also to note is that the purpose of this project, and the resulting reduction in parking spaces, is to address the water quality issues in Winter Harbor and safety issues related to the current situation which are in line with the Master Plan.

John Thurston asked for a formal rendering of what the gatehouse, etc. will look like with the landscape screening proposed. Matt Sullivan suggested a building plan.

Julie Jacobs questioned the water source for the foot wash indicated on the plan. Matt Sullivan pointed out it was a seasonal water line and will look further into placement of the line under the asphalt and other uses -- i.e., water for plants, etc.

**Kathy Barnard, noting that the Board reviewed the special use aspect as well as the site plan review aspect, made a motion to support the Carry Beach project with the**

recommendations suggested due to its positive impact on the water quality, while being aware of the project intrusion into the wetlands. Mike Hodder seconded the motion. Roll call vote: Mike Hodder - yes, Susan Repplier - yes, Vaune Dugan - yes, John Thurston - yes, Julie Jacobs - yes, Peter Goodwin - yes, Kathy Barnard - yes. Motion passed unanimously (vote 7-0 in favor).

**II. Action items:** None

**III. Public Comment:** None

**IV. Other Business/Discussion:**

CIP Update: Weekly meetings in process.

NH Housing Appeals Board: Kathy Barnard advised that any site plan or subdivision related to housing can be appealed to that Board.

**V. Adjournment:**

Mike Hodder made a motion to adjourn which was seconded by John Thurston.

Roll call vote: Susan Repplier - yes, Brad Harriman - yes, Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard - yes. Vote was unanimous (7-0 in favor).

There being no further business, the meeting adjourned at 9:12 PM.

Respectfully Submitted,  
Mary Jane Shelton

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