

**TOWN OF WOLFEBORO  
PLANNING BOARD  
July 9, 2019  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Brad Harriman, Selectmen's Representative, John Thurston, Peter Goodwin, Susan Repplier, Members.

**Members Absent:** Vaune Dugan, Vice-Chairman, Mike Hodder, Member, Dave Alessandroni, Alternate.

**Staff Present:** Matt Sullivan, Director of Planning and Development.

*Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Town Hall Great Hall.*

**I. Introduction of Board Members**

Chairman Barnard introduced the members of the Planning Board and Staff.

**II. Scheduled Appointments / Public Hearings / Public Forum**

**Welch Family Wolfeboro Associates Limited Partnership**

**Agent: Jim Rines, P.E., LLS**

**Boundary Line Adjustment/Reconfiguration of Non-conforming Lots**

**Tax Map #250-5 & 6, Case #2019-14**

Kathy Barnard read the item into record.

Jim Rines stated Lot #250-5 is the smaller of the lots at 0.50 acres while lot 250-6 is 5.32 acres.

Kathy Barnard asked if either of the lots have water frontage.

Jim Rines confirmed lot 250-5 does not while lot 250-6 has 477 ft. of water frontage when measured by the shore. He stated both lots are serviced by town water/sewer and the proposal is to configure the lot lines to accommodate an addition for 2 bedrooms and a bathroom to the existing structure. The larger lot does not conform to the form factor; therefore, have submitted a waiver in accordance with Article VI, § 175-53.2, B.

Kathy Barnard asked for clarification as to why the waiver should be granted.

Jim Rines replied this is consistent with the development in the neighborhood and similar to the Romney application approved last year. This is a small addition and would not change the current conditions; essentially it is keeping with what is there now.

Susan Repplier inquired about the lot line.

Jim Rines referred to the map and stated they are taking from one section i.e. green lot and adding to the red lot.

Peter Goodwin referenced the map and questioned what the nature of the land is to the northeast of area C.

Jim Rines replied it's fairly level upland and there are no wetlands.

John Thurston inquired about the septic system status.

Jim Rines replied it is town water and sewer.

Matt Sullivan stated the one difference between this and the Romney case is the Board did not formally choose agree to grant waiver for the form factor because it was more nearly conforming. He recommended to formally grant this waiver if deemed appropriate and noted this ensures the environmental integrity.

Kathy Barnard stated the applicant has provided some justification for the waiver of the lot shape and would entertain a motion to grant the waiver based on the testimony received: it's small a request, the lot would be in harmony with other lots in the neighborhood and as Matt Sullivan indicated, this would ensure the environmental integrity of the site.

**It was moved by John Thurston and seconded by Peter Goodwin to grant the waiver for the form factor provisions in accordance with Article VI, §175-53.2, B for the Welch Family Wolfeboro Associates Limited Partnership, Tax Map #250-5 & 250-6, Case #2019-14. All members voted in favor. The motion passed. 5-0.**

**It was moved by John Thurston and seconded by Kathy Barnard to accept the application as complete. All members voted in favor. The motion passed. 5-0.**

Kathy Barnard opened the public hearing for comments.

John Thurston stated for the life of the other piece, would the Board grant another waiver on that property where an exception was just given for the form factor; would they be able to do that again. He noted concern for setting a precedence.

Matt Sullivan replied because this is an even swap of 2 open spaces do not see it as an issue nor see a dangerous precedence being set as this is exactly why this waiver provision exists. This won't impact the neighborhood and doesn't impact the lake in any way.

Kathy Barnard stated it's really about the formula; it's an equal swap but the lot is so oddly configured.

Jim Rines noted this makes it more conforming.

Matt Sullivan read the following 4 conditions of approval:

The Planning Board may wish to consider the following conditions of approval.

1. The following plans, as amended to the date of this approval, are adopted by reference as part of this approval:  
Plan 1. Plan of Boundary Line Adjustment, Owner: Welch Family Wolfeboro Associates Limited Partnership, 11 Cherry Hills Circle, Bloomfield, CT, 06002, Project Location: Claflin Lane, Wolfeboro, NH, 03894, Tax Map 250-005 and 250-006, prepared by White Mountain Survey and Engineering, Inc., P.O. Box 440, Ossipee, NH 03864, dated June 11th, 2019.
2. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
3. The applicant shall submit 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 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.

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

**It was moved by Peter Goodwin and seconded by Susan Repplier to approve the application with conditions 1-4 for the Welch Family Wolfeboro Associates Limited Partnership, Tax Map #250-5 & 250-6, Case #2019-14. All members voted in favor. The motion passed. 5-0.**

**III. Public Comment**

N/A

**IV. Action Items**

**Daniel S. & Karen J. Helgersen**

**Lot Merger**

**Tax Map #190-59 and 190-60**

Kathy Barnard read the item into the record and noted one of the lots to be vacant.

Matt Sullivan confirmed and distributed the deed information to the Board. He noted lot 190-60 to be vacant, with the exception of a boat and 2 kayaks being stored; he is currently addressing the non-conformity issue pertaining to storing off site without a dwelling. Lot 190-59 is occupied by a single-family dwelling unit. This merger will create one lot of approximately 0.41 acres in size and does not create any non-conformity. Therefore, recommends the Board approve the lot merger.

Kathy Barnard inquired about the current lot size requirement.

Matt Sullivan replied 1 acre and it does not comply with the lot size; however, does further increase the conformity.

John Thurston questioned storing kayaks.

Matt Sullivan clarified the ordinance states parking storage of equipment on other lots where there isn't a dwelling is not permitted.

***It was moved by Peter Goodwin and seconded by John Thurston to approve the Daniel S. & Karen J. Helgersen Lot Merger, Tax Map #190-59 and 190-60. All members voted in favor. The motion passed.5-0.***

*Kathy Barnard noted there were no members present from the public.*

**V. Communications & Miscellaneous**

N/A

**VI. Work Session**

**SWFLBD Discussion**

Matt Sullivan referenced the zoning district information provided, see attached.

Kathy Barnard asked, if rezoned, the Board would not be touching the shorefront.

Matt Sullivan replied that's correct.

John Thurston asked for clarification to Kathy Barnard's question.

Kathy Barnard replied the Board would not be changing the rezoning of the shorefront.

Matt Sullivan noted the South Wolfboro district doesn't allow restaurants as a permitted or special exception use.

Kathy Barnard asked if The Cider press can expand 25%; 25% of the building and 25% of the use.

Matt Sullivan confirmed that to be correct.



John Thurston noted a benefit would be assisting with legally zoning i.e. storm water.

Susan Repplier asked if the Cider Press has plans to expand.

Matt Sullivan replied no.

John Thurston noted the concern is for the next owners.

Kathy Barnard stated they would be constrained due to lot size.

Matt Sullivan agreed.

Peter Goodwin asked what the restaurant was operating under.

Matt Sullivan stated in 1979 it was granted an expansion to a restaurant; a mix of grandfathering and variance that runs with the land.

John Thurston stated he preferred to see it a conforming use in that area.

Kathy Barnard stated changing the zone is not going to do that.

Matt Sullivan stated changing the zone alone would not; however, changing the zone and the permitted uses in the zone would.

Kathy Barnard stated the Board would also need to change the purpose.

Matt Sullivan agreed and asked Board members if there were any other parcels outside of the zone perhaps on the northern or southern side that members would like to see included.

John Thurston replied no.

Kathy Barnard suggested when discussing rezoning a site visit might be helpful.

#### **Revised PHRDD Amendment Review**

Matt Sullivan stated edits were incorporated and recommended the Board table it.

Kathy Barnard asked if there will be a public meeting.

Matt Sullivan suggested the people in the zone be notified; should invite all to discuss in November.

Kathy Barnard noted the information was sent to Mary Devries.

Matt Sullivan stated no formal action is needed and the Board should return in November to review.

#### **Proposed Amendment to Habitable Space Definition**

Matt Sullivan stated an amendment was made to the Habitable Space definition back in 2009 to allow bathrooms in accessory structures/detached structures and need to look into the history. He noted concern for the potential impact of having the functional accessory dwelling units currently being seen. These can be an issue i.e. renting these spaces. The amendment being proposed is the removal of bathrooms and toilets from accessory structures.

Susan Repplier asked if this is preventive.

Matt Sullivan confirmed and stated it would help.

Peter Goodwin asked if ordinances regarding Airbnb's should be changed.

Matt Sullivan stated there has been an increase in complaints/questions pertaining to Airbnb's. These are a permitted use; a system to do something that has been done around the lakes for years. The use itself is not a non-permitted use and happening more often. He has been in touch with Meredith as they are in the same position and they feel it can't be, nor should be, regulated. The types of complaints pertain to misuse of the property i.e poor behavior, noise complaints, etc.

Susan Repplier noted it would be helpful to find a way to assist in regulating.

Matt Sullivan suggested continuing to work with Meredith as they are putting together a committee and advocates.

#### **Proposed Amendment to Duplex Definition**

Matt Sullivan stated based on a conversation with the Code Enforcement Officer, the language pertaining to the duplex definition § 175-175 isn't clear enough pertaining to single family homes and proposed the following change:

*A building and accessories thereto principally used, designed or adapted with two dwelling units of similar proportions, the living quarters for each of which are completely separate. A single-family dwelling unit with an accessory dwelling unit is not a duplex dwelling unit. Conversion of a single-family dwelling unit into a duplex shall not be permitted unless the design or adaption creates two symmetrical units.*

John Thurston stated he is not in favor of limiting potential for a worker or working family.

Matt Sullivan noted an abutter contacted him asking if the property owner obtained approval to convert their home to which he replied no, as it's a permitted use as long as zoning standards are followed.

Board members agreed not make any adjustments at this time.

#### **CIP Meeting Schedule**

Matt Sullivan noted this schedule is informational, see attached.

#### **Master Plan Public Hearing Set - August 20<sup>th</sup>**

Matt Sullivan stated there roughly 2-3 meetings left and would like to set a public hearing date for the Master Plan to August 20<sup>th</sup> or the 27<sup>th</sup> where we would hear all the chapters.

Board Members agreed to August 27<sup>th</sup>.

#### **July 16<sup>th</sup> Meeting**

Matt Sullivan stated this meeting is cancelled and noted July 17<sup>th</sup> at 6:30pm there will be a DOT meeting.

### **VII. New Business**

Kathy Barnard asked about the Architectural Standards and Wayfinding signs.

Matt Sullivan stated a meeting will be held August 1<sup>st</sup> for the Architectural Standards and confirmed he is waiting to hear back from council on the Wayfinding Signs.

Kathy Barnard asked if that meeting in August will involve a farm stand.

Matt Sullivan replied possibly. He stated a special use permit with a site walk at Kenny Shores will occur either at 6/6:30pm (as the date approaches the time will be determined) on August 6<sup>th</sup>.

Kathy Barnard noted Vaune Dugan had inquired about the change in design pertaining to Goodhue & Hawkins.

Matt Sullivan replied he still awaited a response and will follow up with them immediately.

John Thurston noted concerned regarding the use of cement for boathouses; the cement is bleeding into the lake. He questioned if there is an alternative design i.e. steel.

Peter Goodwin suggested concrete footing with granite would be a better alternative.

John Thurston stated when materials are crushed up and on the ground differs from soluble and in the water.

Brad Harriman suggested prior to restricting folks from using building supplies, research should be completed.

Matt Sullivan stated he will look into alternatives and report back to the Board.

Susan Repplier inquired about approaching property owners with regard to maintenance.

Matt Sullivan replied depending on the property, there are cases where owners are ordered to demolish a building due to health hazards.

#### **VIII. Approval of Minutes**

June 4, 2019

***It was moved by Peter Goodwin and seconded by John Thurston to approve the June 4, 2019 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed. 5-0.***

June 18, 2019

***It was moved by Peter Goodwin and seconded by Susan Repplier to approve the June 18, 2019 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed. 5-0.***

#### **IX. Planning Board Subcommittee Reports**

N/A

***It was moved by Kathy Barnard and seconded by John Thurston to adjourn the July 9, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed. 5-0.***

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully Submitted,

*Cathleen LaPierre*

Cathy LaPierre

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

## Chapter 175. Zoning

### Part 1. Planning and Zoning

#### Article XVI. South Wolfeboro Limited Business District

##### § 175-97. Purpose.

The purpose of this district is to provide for the reuse and redevelopment of an old village center, providing for professional, business, limited retail and residential uses.

##### § 175-98. Dimensional controls.

Dimensional controls shall be as follows:

- A. Minimum lot area: 43,560 square feet.
- B. Minimum lot frontage: 150 feet.

##### § 175-99. Setback requirements, height requirements, coverage.

- A. Setback requirements:
  - (1) Front yard: 20 feet.
  - (2) Side yard: 10 feet.
  - (3) Rear yard: 20 feet.
- B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures; provided, however, that no such structure shall exceed a maximum footprint of 144 square feet.  
[Amended 3-14-2006 ATM by Art. 2]
- C. Percent lot coverage: 50%.

##### § 175-100. Permitted uses.



Permitted uses shall be as follows:

- A. Single detached dwelling.
- B. Duplex dwelling.
- C. Accessory home occupations.
- D. Accessory structures.
- E. Conversion of a permitted use to another permitted use and no changes to the exterior of the building or parking is required.
- F. Accessory uses.
- G. Antique shop.<sup>1</sup>
- H. Bed-and-breakfast.<sup>1</sup>
- I. Business services.<sup>1</sup>
- J. Professional offices.<sup>1</sup>
- K. Multifamily housing.<sup>1</sup>
- L. Personal services.<sup>1</sup>
- M. Artisan studio.<sup>1</sup>

<sup>1</sup>NOTE: Requires Planning Board approval under the provisions of RSA 676:4.

## § 175-101. Special exception uses.

Uses which may be permitted by special exception shall be as follows:

- A. Accessory home occupations, over 500 square feet.<sup>1</sup>

<sup>1</sup>NOTE: Requires Planning Board approval under the provisions of RSA 676:4.

## § 175-102. Other requirements.

- A. Parking is prohibited in the front (street) setback.
- B. For additional requirements, see:
  - (1) Article **XXII**, Off-Street Parking and Loading Requirements.
  - (2) Section **175-137**, Landscaping.



## **2019 CIP Committee Meeting Schedule**

### **August 6 – 8AM – Abenaki Lodge**

Approval of Minutes (October 2018)  
Process Overview  
Meeting Schedule  
BOS Goal Review  
MED presentation

### **August 9 – 8AM – Abenaki Lodge**

Approval of Minutes  
Police Department  
Public Safety Building  
Fire Department

### **August 13 – 8AM – Abenaki Lodge**

Approval of Minutes  
Parks & Recreation

### **August 23 – 8AM – Abenaki Lodge**

Approval of Minutes  
Public Works; Highway & Water and Sewer

### **August 27 – 8AM – Abenaki Lodge**

Approval of Minutes  
SAU 49  
Libby Museum

### **September 5 – 8AM – Abenaki Lodge**

Approval of Minutes  
\*\*reserved for revisit projects/department submittals

### **September 12 – 8AM – Abenaki Lodge**

Approval of Minutes  
Review Draft Spreadsheet

### **September 19 – 8AM – Abenaki Lodge**

Approval of Minutes  
Review Draft Spreadsheet  
Review Narrative

### **September 25 – 8AM – Abenaki Lodge**

Approval of Minutes  
Adopt 2020-2029 CIP  
Debrief / Follow-up of CIP Process  
Planning Board CIP Public Hearing; 10/1/19