

**TOWN OF WOLFEBORO
PLANNING BOARD
June 7, 2016
MINUTES**

Planning Board Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Vaune Dugan, Paul O'Brien, Members.

Planning Board Member Absent: Dave Alessandrini, Alternate.

Staff Present: Rob Houseman, Director of Planning & Development

Staff Absent: Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:02 PM at the Great Hall.

I. Scheduled Appointments

**Families In Transition/Green Mountain Realty, LLC
Site Plan Review; Change of Use to Temporary Family Transitional Housing
Agent: Nicole Csiszer, Esq., Walker and Varney P.C.
TM #217-70
Case #201607**

Kathy Barnard stated the Board opened the public hearing for the application on 5/3/16 (joint meeting with the Zoning Board of Adjustment). She noted a site visit was conducted that same evening in which the members of the Planning Board were present. She stated testimony was received at the 5/3/16 meeting and the meeting was then turned over to the ZBA; noting the hearing was continued to 5/10/16 due to the need for additional information. She stated that at the 5/10/16 meeting the ZBA continued the application to 6/6/16; noting the ZBA granted the Variance for temporary family transition housing in the Central Business District. She stated the ZBA determined there was adequate information to grant the Variance. She stated the Planning Board is conducting a Site Plan Review; noting the Board has to be satisfied that the proposal complies with the Town's Ordinance and the Master Plan.

Rob Houseman reviewed the Planner Review for June 7, 2016 stating the applicant proposes to convert the second and third floor of the building located at 16-18 Lehner Street. He stated the applicant proposes to convert the second floor to office space for professional, personal and community services to provide comprehensive services to those facing homelessness such as counseling, therapy, life skill development and youth programming. He stated the applicant proposes to convert the third floor to temporary transitional housing for families facing homelessness and includes seven bedrooms to temporarily house 5-7 families at a time, community dining and meeting room, children's room, kitchen, laundry facility and a professional staff office. He stated the applicant has received a Variance for the use of the site. He recommended the Board address lighting and signage. He stated the applicant has requested the following waivers; Section 173-15.E.(d)(e), Section 173-15.E.(4)(a)(d)(i)(q)(U); noting the rationale for the waivers is that no site improvements are proposed or required. In addition, he stated the recently approved Boundary Line Adjustment and Parking Lot Site Plan complied with the submittal requirements and the plans are part of the record file.

Kathy Barnard requested Staff to address how the Board arrived at the parking requirements.

Rob Houseman stated Wolfeboro's Planning and Zoning Ordinance defines uses and parking requirements for those uses and reviewed such. He noted on-site parking currently exists.

Referencing the waiver request, Nicole Csiszer, Esq., stated there will not be any exterior changes or site improvements. She stated the Boundary Line Adjustment plan approved in January 2015 is adequate given the scope of the proposal and meets the spirit and intent of the Town's regulations. She stated the proposal only includes the interior use of the structure. She stated there are no changes to lighting or signage. Referencing page 10 of the Planner Review, condition #1, she expressed concern regarding the conditions noted; noting the conditions apply to the interior of the space and deal with FIT's programming, business plan and practices. She noted the conditions further outlined on pages 8 and 9 of the Planner Review are not land use controls and do not relate to the actual use of the land. Rather, she stated the conditions are conditions on the people using the land. She stated the proposed conditions are unenforceable and not appropriate. She stated FIT presented its policies, rules and procedures as part of their initial presentation on 5/3/16. Referencing the noise curfew, she stated FIT implements rules regarding noise and the Town has a noise ordinance and would be adequate to address the issue.

Mike Hodder verified there will be no additional lighting or signage.

Nicole Csiszer stated additional lighting is not proposed and noted there is existing signage on site.

Vaune Dugan questioned the materials or services that would be delivered to the site (truck service traffic) or delivery of personal possessions.

Maureen Beauregard stated the families would not be bringing furniture to the site and the agency contracts laundry services. She stated the agency has a van and will purchase and bring the food back to the site. She stated there aren't any large trucks that would be delivering food.

John Thurston questioned the location of the deliveries.

Maureen Beauregard stated when the site is set up there will be large deliveries of furniture however, following such the staff purchases the food. She stated there may be deliveries at other times and noted a turn around to the rear of the building.

Stacie Jo Pope questioned litter storage and schedule for emptying the dumpster.

Nicole Csiszer stated they are not aware of the current pick up and drop off times.

Rob Houseman oriented the Board as to the location of the existing dumpster.

It was moved by Vaune Dugan and seconded by Stacie Jo Pope to grant the following waivers; Section 173-15.E.(d)(e), Section 173-15.E.(4)(a)(d)(i)(q)(U). All members voted in favor. The motion passed.

It was moved by Vaune Dugan and seconded by Paul O'Brien to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Kirk Gilmore, 50 Union Street, stated the majority of the people staying at the facility are not residents of Wolfeboro.

Charles Wiebel, 223 Northline Road, requested clarification as to who the applicant is and questioned fire safety issues including federal building and fire codes.

Kathy Barnard stated the applicant is Families in Transition and Green Mountain Realty, LLC.

Nicole Csiszer stated funding aspects are not part of the review and with regard to safety, the property is fully sprinkled and it is her understanding that the Fire Department has submitted a letter of support. She stated the building will be code compliant.

Mike Hodder stated the ZBA received a letter from Tom Zotti, Deputy Chief, Wolfeboro Fire Rescue and read the letter into the record.

Kathy Barnard stated the Fire Department has met with the applicant on-site and noted code compliance would be addressed.

Rob Houseman reviewed the following recommended conditions of approval;

1. The operational and residency standards for the facility as presented by the applicant in the application are hereby adopted by reference.
2. The following plans, as amended by the Planning Board approval, are incorporated into the approval:
Plan 1: LOT LINE REVISION, LEHNER STREET, CARROLL COUNTY, WOLFEBORO, NH, GREEN MOUNTAIN REALTY CORP., Plan prepared by Randolph R. Tetreault, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Plan Dated August 29, 2014.
Plan 2: Families In Transition, 1 Conceptual Plan, Existing and Proposed Floor Plans, A130, 6-18 Lehner Street, Wolfeboro, NH, Prepared by Warren Street Architects, 27 Warren Street, Concord, NH 03301, Plan Dated February 11, 2016.
3. The applicant shall be responsible for the payment of all recording fees.
4. The applicant's engineer, architect or ADA certified individual shall submit a letter certifying compliance with the American's With Disabilities Act.
5. The ZBA Notice of Decision and any conditions attached thereto shall be adopted by reference.
6. 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.

Rob Houseman stated condition #1 refers to staffing, participant responsibility, children, cleaning, guests, respectful community and safety (as noted on pages 8 and 9 of the Planner Review).

Kathy Barnard noted that such are unenforceable.

The Board discussed whether the conditions noted pages 8 and 9 should be included as a condition of approval. The Board noted that such are representations made by the applicant in their previous presentation as the operating policies and procedures of the facility.

Rob Houseman stated that rather than referring to staffing, participant responsibility, children, cleaning, guests, respectful community and safety as a condition of approval the Board may wish to consider a paragraph prior to the conditions of approval stating it is the Board's understanding that the facility has represented operational and residency standards that would be applied and such would be adjusted to suit the needs of the organization.

The Board agreed to delete condition #1 and agreed to provide a statement prior to the conditions that the applicant will operate the facility per the operational and residency standards as represented by the applicant.

Vaune Dugan questioned whether a condition should include that the families are from the Governor Wentworth Regional School District.

Paul O'Brien stated the applicant represented that the facility would house families within the Governor Wentworth Regional School District. He stated a citizen raised a question regarding whether federal funds would void that representation.

Rob Houseman stated it is his understanding of the presentation is that Families in Transition intends to use the Town's Welfare Department and the School District's Homeless Coordinator as the sole references for the facility.

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

It was moved by Mike Hodder and seconded by Stacie Jo Pope to approve the Families In Transition/Green Mountain Realty, LLC Site Plan Review application, Tax Map #217-70, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

**Stephen W. Peirce
Condominium Expansion**

Agent: N/A

TM #236-2-28

Case #201610

Rob Houseman reviewed the Planner Review for June 7, 2016 stating the applicant proposes to install a screened porch and access stairway at Point Breeze Condominiums, Unit 46; noting architectural renderings have been submitted. He stated the property falls outside the Flood Zone boundary. He stated no waivers are requested or required.

Vaune Dugan questioned whether the proposal has been approved by the condominium association.

Stephen Pierce stated following approval by the Planning Board the proposal would be voted on by the association.

It was moved by Mike Hodder and seconded by Paul O'Brien to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Rob Houseman reviewed the following recommended 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: Proposed Condominium Expansion Plan, Unit 28F, "Point Breeze Condominiums" 46 Point Breeze Road, Carroll County, Wolfeboro, NH for Stephen W. Peirce, Tax Map 236-2-28, Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 10, 2015.
Plan 2: A1 Screen Porch Addition, Existing Conditions, Porch Addition, Materials Specifications, for Stephen W. Peirce, 46 Point Breeze Road, Plan prepared by Richard G. Holt, NH Licensed Architect, Cormack Construction Management, Inc., 46 East Madison Road, Madison, NH 03849, Dated December 18, 2015.
Plan 3: A2 Screen Porch Addition, Framing Plans, Sections, Details, Demolition-Foundation Plan for Stephen W. Peirce, 46 Point Breeze Road, Plan prepared by Richard G. Holt, NH Licensed Architect, Cormack Construction Management, Inc., 46 East Madison Road, Madison, NH 03849, Dated December 18, 2015.
Plan 4: A3 Screen Porch Addition, Section C IRC Code RE Guards, Cable Guard Rail, East Elevation Detail, for Stephen W. Peirce, 46 Point Breeze Road, Plan prepared by Richard G. Holt, NH Licensed Architect, Cormack Construction Management, Inc., 46 East Madison Road, Madison, NH 03849, Dated December 18, 2015.
2. The applicant shall submit the Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall pay all recording fees.

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

It was moved by Stacie Jo Pope and seconded by Mike Hodder to approve the Stephen W. Peirce Condominium Expansion application, Tax Map #236-2-28, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Dorothy Hubbard Revocable Trust

2-Lot Subdivision

Agent: Randy Tetreault, Norway Plains Survey Associates Inc.

TM #268-22

Case #201611

Rob Houseman reviewed the Planner Review for June 7, 2016 stating the applicant proposes a 2-lot subdivision of Tax Map 268-22 in which Lot 1 would include the existing dwelling and guest cottage and consist of 5 acres with 444.48' of frontage on Middleton Road and Lot 2 would consist of 19.61 acres with 268.38' of frontage on Middleton Road and 463' of shore frontage on Rust Pond. He stated the applicant is requesting a waiver from Section 174-9(A)(1), (2, A-F) and (B, 1-3).

Randy Tetreault, Norway Plains Survey Associates Inc., stated the waivers are being requested because the proposed Lot 1 is developed with an existing home and septic system and proposed Lot 2 is undeveloped and the lot's overall size/general site features/topography and access to municipal water also indicates that the lot far exceeds the minimum standards. Reviewed existing entrance that was previously a logging entrance, topography and delineated wetlands. He reviewed the form factor; noting the proposal is exempt from such.

Kathy Barnard questioned the 2002 lot line revision.

Randy Tetreault oriented the Board to the location of the previous boundary line adjustment. He stated that when the deed was conveyed to Dorothy and Leonard Hubbard from Mr. Hackett, a non-cut area was reserved.

It was moved by Vaune Dugan and seconded by Paul O'Brien to grant a waiver to Sections 174-9(A)(1), (2, A-F) and (B, 1-3). All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Ruth Webb, Rusty Lane, confirmed that one lot is being created.

David Hart stated the Estate of Dorothy Hubbard is still in litigation and that legal issues have not been resolved. He stated the smaller lot is outside the parameters of the Trust and requested the matter be tabled until the issues are resolved.

Randy Tetreault stated he is acting on behalf of the Executor of the Estate; noting the Executor signed the application for the subdivision. He stated he cannot speak to the legalities of the situation.

Rob Houseman stated the application is signed by the Executor and Administrator of the Estate of the Trust and signed the Appointment of Agent. He noted the litigation represents a civil matter.

Kathy Barnard stated the Board received a letter from Robert Levy.

Randy Tetreault oriented the Board to Mr. Levy's property and noted the Wolfeboro Conservation Commission has had previous conversations with Mr. Levy. He stated Mr. Levy is questioning whether he has a deeded right to pass and repass over the woods road. He stated he has reviewed documentation regarding such to the

extent his license requires and has not found documented proof of a deeded easement notwithstanding any prescriptive easement that can be proven civilly or by a court of law. He stated Mr. Levy's deed mentions a right-of-way however, the previous deeds do not. He noted that the Hubbard's deed states "subject to any rights-of-ways or easements that exist." He stated the note on the plan addresses the issue.

Paul O'Brien questioned Staff's guidance regarding such; noting the Board has no detail of the litigation. He confirmed that a court order would trump the Board's decision.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval:

Plan 1: Subdivision Plan, 116 Middleton Road/Rust Pond, Wolfeboro, Carroll County, NH, For Leonard Hubbard Jr., Tax Map 268, Lot 22, Owner of Record: Dorothy Hubbard Revocable Trust, Leonard Hubbard, Trustee, Prepared by Randolph R. Tetreault, LLS, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, May 2016.

Plan 2: Topographic Subdivision Plan, 116 Middleton Road/Rust Pond, Wolfeboro, Carroll County, NH, For Leonard Hubbard Jr., Tax Map 268, Lot 22, Owner of Record: Dorothy Hubbard Revocable Trust, Leonard Hubbard, Trustee, Prepared by Randolph R. Tetreault, LLS, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, May 2016.

2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for the payment of all recording fees.
4. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.

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

It was moved by John Thurston and seconded by Mike Hodder to approve the Dorothy Hubbard Revocable Trust Subdivision application, Tax Map #268-22, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Ravens Trust

3-Lot Subdivision

Agent: Brian Berling, Land Technical Service Corp.

TM #177-30

Case #201612

Rob Houseman reviewed the Planner Review for June 7, 2016 stating the applicant proposes a 3-lot subdivision of Tax Map 177-30 in which Lot 1 would consist of 1.859 acres with 202.87' of frontage on Center Street and 257' of shore frontage on Fernald's Basin, Lake Wentworth. He stated Lot 2 would consist of the existing five bedroom dwelling and 1.951 acres with 194.35' of frontage on Center Street and 312' of shore frontage on Fernald's Basin, Lake Wentworth. He stated Lot 3 would consist of 2.484 acres, 482.60' of frontage on Center Street and 506' of shore frontage on Fernald's Basin, Lake Wentworth and 463' of shore frontage on Rust Pond. He noted that a small portion of the lot fall within the limits flood hazard boundary along the shoreline on the proposed property and Note 8 on Plan 1 of 2 should be corrected to reflect this finding. He stated the outstanding items include the NH DOT Driveway Permit and NH DES Subdivision approval.

Brian Berling, Land Technical Service Corp., stated the applicant owns a 6 acre lot and proposes a 3-lot subdivision. He stated the parcel has three existing driveways; noting the driveways would be relocated slightly within the lot lines to improve site distance. He stated the applicant has not received NH DOT approval. He reviewed the proposed acreage and frontage for each lot and noted that all three lots meet the lot size by soil type standards. He stated that if the driveway access for Lot 3 is not approved by NH DOT the applicant will reduce the subdivision from three lots to two lots; noting the location of the driveway for Lot 3 is marginal.

It was moved by Mike Hodder and seconded by Vaune Dugan to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Vanessa Urquhart, Center Street, expressed concern for the tree line along Center Street and questioned tax assessment impact related to such.

Brian Berlind stated any trees to be removed would improve the site distance.

Rob Houseman stated the issue raised by Ms. Urquhart does not fall within the purview of the Board; noting the property owner has a right to remove any tree on their property. He stated the taxation of such is also outside the purview of the Board.

Maggie Stier, Center Street, asked if development is off limits within the wetlands on the property. She expressed concern for the steep slope of the lots and construction of the lots could produce runoff of phosphorous into the lake. She expressed concern regarding traffic safety and adding additional driveway accesses. She stated she shares Ms. Urquhart's concerns as well.

Brian Berlind stated Lot 3 has the most wetlands and has seasonal runoff that flows through the property. He stated Lot 2 is the largest lot (2.5 acres) with ample areas available for development. He stated that with a subdivision it must be proven that the lot is buildable and reviewed the criteria required for such. He stated the slope is considered a C slope and is considered buildable. He stated the lots are located in the Town and State's shorefront zone; noting regulations exist to prevent the runoff of phosphorous and construction would require a Shoreland Permit. Relative to traffic safety, he stated NH DOT will determine such.

Maggie Stier stated the property is a historic property and a key feature of that area of Route 28; noting there is no prevention for the loss of such.

Paul O'Brien asked what Ms. Stier would propose.

Maggie Stier replied relocation of the structures on the lots further from the road and restoration of the historic buildings rather than build new.

Brian Berlind stated the structures are not wired, plumbed or insulated properly and the structures are within the road right-of-way.

David Childers, owner, stated the property was originally run as a summer resort with six cottages. He stated three cottages were razed 15 years ago and three were removed a 1.5 years ago. He stated he is retired and taxes continue to increase therefore, would like to subdivide the property. He stated he has met with Steve Drouin, NH DOT, regarding the driveway accesses.

Vaune Dugan noted the three driveways currently exist.

David Childers stated there would be less traffic then when the cottages were rented.

Kathy Barnard questioned the elimination of one lot following Board approval of a 3-lot subdivision.

Rob Houseman stated he would address such in the conditions of approval.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval:

Plan 1: Sheet 1 of 2, Three Lot Subdivision, Prepared for Ravens Trust, David and Dawn Childers, Trustees, 291 Center Street, Wolfeboro, New Hampshire, Tax Map 177-30, Prepared by Brian Berlind, LLS, Land Technical Service Corp., PO Box 60, Ossipee, New Hampshire 03864, Dated May 17, 2016.

Plan 2: Sheet 2 of 2, Three Lot Subdivision, Prepared for Ravens Trust, David and Dawn Childers, Trustees, 291 Center Street, Wolfeboro, New Hampshire, Tax Map 177-30, Prepared by Brian Berlind, LLS, Land Technical Service Corp., PO Box 60, Ossipee, New Hampshire 03864, Dated May 17, 2016.

2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for the payment of all recording fees.
4. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
5. NH DOT Driveway Permit and NH DES Subdivision Approval are adopted by reference and any modification to the approved plan would require a plan amendment.

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

It was moved by John Thurston and seconded by Mike Hodder to approve the Ravens Trust Subdivision application, Tax Map #177-30, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Public Comment

None.

III. Action Items

Town of Wolfeboro

Lot Merger

Tax Map #231-60 & 61

Mike Hodder recused himself.

Rob Houseman stated the Wolfeboro Public Library has requested to merge Tax Map #'s 231-60 & 61 which would create a single 2.9 parcel with 243.46' of frontage on South Main Street.

It was moved by Paul O'Brien and seconded by John Thurston to approve the Town of Wolfeboro Lot Merger, Tax Map 231-60 and 231-61. All members voted in favor. The motion passed.

Karen Bidwell

Lot Merger

Tax Map 190-44 & 45

Rob Houseman stated the applicant has requested to merge Tax Map #'s 190-44 and 190-45 which would create a single 0.39 parcel with 155' of frontage on Elm Street.

It was moved by Stacie Jo Pope and seconded by Paul O'Brien to approve the Karen Bidwell Lot Merger, Tax Map 190-44 and 190-45. All members voted in favor. The motion passed.

IV. Work Session

N/A

V. Informational Items

Rob Houseman reviewed the following informational item; June 1, 2016 TRC minutes.

VI. Planning Board Subcommittee Reports

None.

VII. Approval of Minutes

May 24, 2016

Correction: Page 3, 2nd paragraph; replace “recommended with “stated the Master Plan recommends”

It was moved by Mike Hodder and seconded by Stacie Jo Pope to approve the May 24, 2016 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

VIII. New/Other Business

None.

It was moved by Paul O'Brien and seconded by John Thurston to adjourn the June 7, 2016 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:08 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

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