

**TOWN OF WOLFEBORO
PLANNING BOARD
February 13, 2018
MINUTES**

Members Present: Kathy Barnard, Chairman, Brad Harriman, Selectmen's Representative, Peter Goodwin, John Thurston, Paul O'Brien, Mike Hodder, Members.

Members Absent: Vaune Dugan, Vice-Chairman, Dave Alessandroni, Tom Brown Alternates.

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

Staff Absent: Lee Ann Hendrickson, Administrative Secretary.

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. Public Comment

None.

III. Scheduled Appointment / Public Hearings

Judith D. Olver/William Iannazzi

Agent: Peter Cooperdock, Fernstone Associates

Special Use Permit

Tax Map #231-33

Case #2018-01

Peter Cooperdock stated the subdivision was approved in 1975; noting the lot has Town water and sewer. He stated the intent of the application is to construct a two-story, three bedroom 30'x42' single family dwelling and deck (off the second floor); noting the driveway would come in on the first level. He stated there are two areas on the lot that meet the 30' setback from poorly drained soils and impact is restricted by a retaining wall. He stated a deed restriction would be recorded that limits any further impact on the lot. He stated the house, deck, steps and gazebo exceed the 1800 SF however, there is nothing in the ordinance that addresses accessory structures.

Matt Sullivan questioned whether the house measurement includes the overhang of the roof.

Peter Cooperdock replied yes, it includes a 1' overhang.

Mike Hodder questioned whether the applicant believes both the shed and gazebo are allowed since the ordinance doesn't speak to accessory structures.

Peter Cooperdock stated there is no room to place a shed.

Mike Hodder asked Mr. Cooperdock if he read paragraph #20 of the NHDES permit.

Peter Cooperdock replied yes.

Mike Hodder stated paragraph #20 of the NHDES permit states “no further impacts...”.

Peter Cooperdock stated NHDES approved the location of the gazebo.

Matt Sullivan stated the gazebo is referenced in the permit description of the NHDES approval.

Paul O’Brien asked where the water/runoff goes.

Peter Cooperdock stated the buildings are designed to include drip edges and noted the driveway will shed onto the grass sides.

Paul O’Brien asked if the water would be directed to a different property.

Peter Cooperdock stated such is difficult to analyze. He stated Dave Ford visited the site to assess the area. He stated the direction of flow was demonstrated and noted the area drains into a culvert that runs under Clark Road. He stated Dave Ford assessed that the culvert is adequate for the proposed impact.

Mike Hodder recommended denying the application and referring the applicant to the ZBA for the gazebo.

Peter Cooperdock stated his client just informed him that the gazebo is expendable. He noted the dash line on the plan is a remnant of the original subdivision.

John Thurston stated the plan notes the front of the stonewall is a 2’ elevation; questioning the number of stairs.

Bill Iannazzi stated the garage and front door level is two steps off from finish grade; noting a walkway from the garage to the front door is proposed. He noted the back of the same would be the same (two steps down to a grass area). He stated a deck is not proposed but, possibly a brick patio. He stated the house would be a cape design.

John Thurston asked if a basement is proposed.

Bill Iannazzi replied no.

Peter Goodwin questioned the material of the driveway.

Bill Iannazzi replied asphalt.

Peter Goodwin questioned whether such increases the impervious surface.

Peter Cooperdock stated the paved driveway is included in the figures. He stated the property is forested and consists of poorly drained jurisdictional wetland; noting the proposed building site occupies an upland area adjacent to Fawnhaven Drive. He stated one island of upland soil lies behind the frontward area of the upland while the other upland area is located to the rear of the property. He stated there is no standing water on the site and impact to wildlife will be minimal due to the small size of the project relative to the overall area. He stated the development of the property will create some impervious surface which will increase runoff however, the increased runoff will have a very small increase in the potential floodwaters. He stated the proposed house will be constructed with drip line trenches under the roof edges to facilitate storm event infiltration and the remaining natural vegetation should provide absorption of any increase. He stated the driveway will shed through grassed side slopes and construction activity is designed to occur at the dry time of year to reduce the chance of flow across the wetland. He stated the proposed activity cannot be practicably located elsewhere on the site; noting the only minimal impacting available house location is in the front of the property.

Matt Sullivan stated the only issue relates to the 1800 SF threshold; noting the ordinance is silent on such. He stated he feels the Board has the authority to remove the gazebo. He stated the Conservation Commission provided comments regarding the bridge however, questioned whether the comments apply now that the gazebo is being removed.

Referencing the NHDES approval (permit #2017-02013), specifically conditions 15 through 18, Peter Goodwin asked who inspects such.

Matt Sullivan stated the contractor is responsible for the inspections and noted the enforcement agency is NHDES. He stated the Town can also ensure the conditions are being met.

Kathy Barnard noted the Conservation Commission reviewed the application and provided comments.

Paul O'Brien confirmed the bridge and gazebo are no longer included in the application.

Bill Iannazzi stated the walkway is also no longer included in the application.

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.

Gary Simmons, abutter, questioned the setback from the road and questioned the area at the end of the street.

Peter Cooperdock stated the setback is measured from the property line.

Gary Simmons stated there is standing water year round and asked who looked at the property and stated the lot is not wet.

Peter Cooperdock stated he did, multiple times; noting his delineation was done in April.

Gary Simmons questioned the location of the driveway.

Peter Cooperdock oriented Mr. Simmons to the location of such on the plan.

Kathy Barnard stated the lot is a lot from an approved subdivision and asked where the setbacks should be measured from.

Matt Sullivan stated he did not review the original subdivision in detail.

Vaune Dugan recommended a condition to verify the property line.

Matt Sullivan recommended against such.

Peter Cooperdock stated the plan is stamped by Bryan Berling.

Bryan Berling stated the front setback is measured from the property line and not the easement line.

Paul O'Brien questioned the condition and age of the Town's water and sewer lines.

Matt Sullivan stated he is unsure of the condition of such.

Gary Simmons stated his lines were installed in 1988.

John Thurston asked if the system is a true gravity system.

Gary Simmons stated it is a gravity fed sewer and the main line goes down from the road.

Vaune Dugan asked if there is anything beyond the language “during the wet season”.

Matt Sullivan replied no, there is no defined/structured period however, an inspection can be done.

Kathy Barnard verified the Board agrees the 1800 SF is the maximum for all structures.

Matt Sullivan recommended continuing the application to 2/20/18 to provide a new plan, proposal and impact figures.

Vaune Dugan stated she would prefer to include such as conditions of approval.

Paul O’Brien agreed with Ms. Dugan noting the 1800 SF issue has been addressed and the gazebo and bridge has been removed from the application. He recommended Staff address the receipt of new documents administratively.

Kathy Barnard stated the proposed placement of the house is the best that can be done for a nonconforming lot and the proposal protects the wetland and buffer.

Matt Sullivan reviewed the following conditions of approval;

1. The following plan, as amended to the date of this approval and plan date subsequent, is adopted by reference as part of this approval;
Plan 1. Special Use Permit Plan, Owner: Judith D. Olver, 224 Colony Point, Williamsburg, VA, 23185, Applicant: Bill Iannazzi, 212 Edgewater Drive, Guilford, NH, 03249, Project Location: Fawn Haven Drive, Wolfeboro, NH, 03894, Tax Map 231 Lot 033 prepared by Peter Cooperdock, CSS, CWS, Fernstone Associates, LLC., 360 Castine Road, Castine, ME, 04421, Dated December 24th, 2017.
2. The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan including, but not limited to:
 - Construction fencing
 - Silt fencing
 - Grass strips
 - Bio-matting or grass perimeter
 - Hay bales
3. An inspection by the Town shall be required of siltation devices prior to construction.
4. All conditions of NHDES Permit #2017-02013 are hereby incorporated into this approval.
5. Final large format copies to be provided including Certified Wetlands Scientist stamp and L.L.S or P.E. stamp.
6. Construction to occur during the dry time of the year.
7. Final narrative letter to be stamped by a Certified Wetlands Scientist.
8. The applicant shall submit a check for recording fees in the amount of \$16.50 made payable to Carroll County Registry of Deeds.
9. 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.
10. All plans and materials to be revised to reflect the removal of the walkway, gazebo and bridge.
11. The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 Wetlands Boundary Monumentation. This includes:

- a. Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour.
- b. Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
- c. The cost shall be borne by the applicant/developer or their successors in interest.
- d. The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.

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

Paul O'Brien questioned whether a submittal deadline should be added.

Mike Hodder questioned whether the structure should be limited to 1800 SF.

Matt Sullivan recommended the following additional condition (#12):

12. The applicant shall submit a revised proposal and plan, including impact figures and total footprint impact of 1785 SF by fourteen (14) days of this approval.

It was moved by Paul O'Brien and seconded by Mike Hodder to approve the William Iannazzi and Judith D. Olver Special Use Permit application, Case #2018-01, Tax Map #231-33, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

**Heirs of Dorothy P. Whittier/William Iannazzi
Agent: Peter Cooperdock, Fernstone Associates
Special Use Permit
Tax Map #231-32
Case #2018-02**

Peter Cooperdock stated approval for the project was received from NHDES. He stated NHDES originally denied the request to construct a single family dwelling and driveway in 2004; noting a Special Use Permit application was not submitted to the Planning Board. He stated the property is forested and most of the lot consists of poorly drained jurisdictional wetland. He stated several islands of upland soil are scattered within the property along with a larger area of upland soil to the rear of the property. He stated the proposed activity minimizes any adverse impact to the capacity of the wetland to support fish and wildlife and noted there is no standing water on site. He stated the development of the property will create some impervious surface with the roof and driveway which will increase runoff however, the increased runoff will have a very small increase in the potential floodwaters. He stated the proposed house will be constructed with drip line trenches under the roof edges to facilitate storm event infiltration and the remaining natural vegetation, dripline trenches and grassed area along the driveway should provide absorption of any increase. He stated the driveway will shed through grassed side slopes and construction activity is designed to occur at the dry time of year to reduce the chance of flow across the wetland. He stated the proposed activity cannot be practicably located elsewhere on the site; noting the only minimal impacting available house location is in the front of the property.

John Thurston questioned the height of the stonewall.

Peter Cooperdock stated the elevation of the wall is 562; noting the wall is 2.5'-3' high.

John Thurston questioned whether the house would be constructed on a slab or basement.

Bill Iannazzi replied slab; noting perimeter drains around the foundation will be installed in addition to drip edges around the house that drain into the wetland. He stated an interior drain would be constructed in the foundation and a sump pump installed inside the house.

John Thurston stated he asked the question because the legend on the plan depicts a pump symbol however, no pump is depicted on the plan. He requested the location of the pump and outlet be depicted on the plan. He asked if the plan would be revised to reflect such.

Bill Iannazzi replied yes.

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

Chairman Barnard opened the public hearing.

Gary Simmons, abutter, stated he spoke to the surveyor while at the property and recalls the surveyor stating the lot is unbuildable. He questioned the amount of fill required for the project.

Peter Cooperdock stated he does not have the volume figure.

Gary Simmons questioned how a lot becomes buildable when it is unbuildable.

Matt Sullivan stated the ordinance provides for development and when a dredge and fill is necessary the Board's role is to analyze and limit impact and site development on the lot.

Peter Goodwin stated there would be more impact if construction occurred on the rear of the lot.

Kathy Barnard stated at the TRC meeting it was the consensus of the Committee that there would be much more of a negative impact if the house were to be constructed on the back of the lot. She noted the lot is part of an approved subdivision.

Vaune Dugan asked if the Town has determined the lot is unbuildable.

Matt Sullivan replied no.

Vaune Dugan asked if the tax/assessing record indicates the lot is buildable.

Matt Sullivan replied no.

Kathy Barnard stated the amount of fill needs to be determined.

Matt Sullivan stated such is not considered by the Board. He reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of this approval and plan date subsequent, is adopted by reference as part of this approval;
Plan 1. Special Use Permit Plan, Owner: Dorothy P. Whittier, 3070 SE 21st Street, Gresham, OR, 97080, Applicant: Bill Iannazzi, 212 Edgewater Drive, Guilford, NH, 03249, Project Location: Fawn Haven Drive, Wolfeboro, NH, 03894, Tax Map 231 Lot 032 prepared by Peter Cooperdock, CSS, CWS, Fernstone Associates, LLC., 360 Castine Road, Castine, ME, 04421, Dated December 4th, 2017.
2. The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan including, but not limited to:
 - o Construction fencing
 - o Silt fencing
 - o Grass strips
 - o Bio-matting or grass perimeter
 - o Hay bales

3. An inspection by the Town shall be required of siltation devices prior to construction.
4. All conditions of NHDES Permit #2017-03083 are hereby incorporated into this approval.
5. Final large format copies to be provided including Certified Wetlands Scientist stamp and L.L.S or P.E. stamp.
6. Construction to occur during the dry time of the year.
7. Final narrative letter to be stamped by a Certified Wetlands Scientist.
8. The applicant shall submit a check for recording fees in the amount of \$16.50 made payable to Carroll County Registry of Deeds.
9. 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.
10. The pump line shall be shown on the plan.
11. The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 Wetlands Boundary Monumentation. This includes:
 - a. Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50'+/- intervals along the total wetland boundary following its general contour.
 - b. Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
 - c. The cost shall be borne by the applicant/developer or their successors in interest.
 - d. The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.

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

It was moved by Mike Hodder and seconded by John Thurston to approve the William Iannazzi and Heirs of Dorothy P. Whittier Special Use Permit application, Case #2018-02, Tax Map #231-32, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

**16 North Main Street, LLC
Agent: Bryan Berling, Land Technical Services
Site Plan Review
Tax Map #217-101
Case #2018-03**

Bryan Berling submitted waiver request forms and noted the plan submitted to the Board is not the final plan. He stated the plan would be revised to reflect a solid waste enclosure behind the new addition in the location of the shed that was removed, exterior lighting, wider parking spaces and installation of a gate to control access to the patio via the interior of the building (to prevent pedestrian access from the parking lot). He requested three waivers from the Site Plan Review Regulations and Zoning Ordinance. He stated the project proposes a decrease in impervious surface of 1100 SF and an increase in the infiltration of the lot. He stated Jeff Lewis submitted a letter stating the flow is unchanged and runoff would be decreased. He requested a waiver from construction security due to the size of the project and from 175-154 and 155 (streetscape); noting landscape trees would impact visibility and there is room to plant the trees.

Kathy Barnard stated the Board cannot waive the Zoning Ordinance.

Matt Sullivan stated the Board can find that the section of the Zoning Ordinance does not apply to the application.

Peter Kelly stated the parking lot is a tight area. He stated 18 wheelers would be making deliveries twice per week during the weekdays; noting the trucks would back into the parking lot within the easement area between the hours of 7AM and 10AM. He noted the unloading area is where the proposed addition is located.

Peter Goodwin asked if the delivery process stated has been how it has previously occurred.

Peter Kelly replied yes.

Mike Hodder stated he is uncomfortable with the application; noting the Board just received the waivers, only one copy of the plan has been provided to the Board and the plan do not incorporate the additional proposed changes. He stated the Board has not had an opportunity to review the information and requested a continuance of the application.

John Thurston expressed concern that the Board would review a plan that is not the final plan.

Bryan Berlind stated the applicant has no objection to a continuance.

Paul O'Brien agreed with Mr. Hodder and Mr. Thurston.

Matt Sullivan reviewed his Planner Review, dated 2/8/18. He stated the renovations impact the parking calculations; noting the square footage inside the building impacts the parking requirements on site. He noted off-site parking justification is allowed. He recommended removing a parking space due to the fact that 124 parking spaces are located within 500 walking feet of the site. He stated the Board has the ability to approve four spaces on site and noted that if the Board removes a parking space the width of the easement increases.

Mike Hodder asked if the easement is exercised at the present time.

Matt Sullivan replied yes. He recommended the Board consider the waivers at the next meeting.

Paul O'Brien asked if snow storage becomes a relevant issue if the business operates year round.

Matt Sullivan stated his primary concern is the patio areas between the existing patios and the front of the building and noted there are no lighting improvements for the patio area shown on the plan. He stated the project is exempt from shoreland permitting.

Paul O'Brien asked how the building would be heated.

Bryan Berlind replied by an underground LP tank.

Paul O'Brien asked if the tank is existing.

Bryan Berlind replied yes.

Chairman Barnard opened the public hearing and noted the application is not complete.

Bob Hughes, 22-24 North Main Street Trust, stated he supports the project however, the parking is his primary concern as it is currently a safety issue and often time the residents of the condominiums are blocked. He recommended removing the exit road and pushing the parking to the Walker and Varney property line so the area is widened and a curb cut is eliminating. He stated a legal easement allows him and the Yum Yum Shop property owner to enter and exit. He stated he would work with the owners to develop a solution to the parking.

Bryan Berlind stated the parking is worthy of discussion however, believes an easement is necessary and such would not be executed within one week.

Mike Hodder asked whether the Board could approve the elimination of one parking space and review any revisions to parking at a later date.

Matt Sullivan replied yes.

Ronn Bronzetti, abutter, Unit 5, expressed concern regarding water runoff; noting the building currently has no gutters and he has experienced water in the basement. He expressed concern regarding lighting.

John Thurston expressed concern regarding sheet flow and drainage from the patio into the lake.

Paul O'Brien questioned signage and the location of such impeding on site distance.

The Board requested the following information be provided;

- Lighting plan
- Waiver forms and justification
- Revised plans

It was moved by John Thurston and seconded by Paul O'Brien to continue the 16 North Main Street, LLC Site Plan Review application, Case #2018-03, Tax Map #217-101, to February 20, 2018. All members voted in favor. The motion passed.

IV. Action Items

N/A

V. Approval of Minutes

January 16, 2018

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the January 16, 2018 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Brad Harriman, Peter Goodwin, John Thurston, Mike Hodder, Paul O'Brien voted in favor. Vaune Dugan abstained. The motion passed.

VI. Communications & Miscellaneous

The Board was provided the following communications/information; meeting memorandum.

VII. Unfinished Business

Architectural Design Standards

Matt Sullivan stated that based on feedback from the Board and other stakeholders, the Architectural Design Standards Committee decided to revisit the existing Voluntary Design Guidelines. He reviewed the proposed changes to the existing voluntary design standards and noted that such would be adopted as part of the Site Plan Review Regulations. He noted Section 173-19 of the Site Plan Review Regulations would need to be edited to reflect changes to the design standards.

Referencing page 3, Paul O'Brien asked why gas stations are included when they are not permitted in the Town.

Vaune Dugan stated there are several existing gas stations that could be replaced.

Following review/discussion of the proposed changes to the existing design standards, the Board agreed to present such to the public.

Kathy Barnard stated the Committee would meet to discuss the public presentation.

Peter Goodwin requested adding "green" roofs as permissible (page 2).

VIII. New Business

N/A

IX. Planning Board Subcommittee Reports

N/A

X. Nonpublic Meeting

N/A

It was moved by Mike Hodder and seconded by Paul O'Brien to adjourn the February 13, 2018 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:32 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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