**Wolfeboro Board of Selectmen Meeting**

**Wednesday, May 4, 2022, at 6:30 PM**

**Members Present:** Chairman Dave Senecal, Vice Chairman Brad Harriman, Linda Murray, Luke Freudenberg, Brian Deshaies

**Staff Present:**  Town Manager James S. Pineo and Fire Chief Tom Zotti

Chairman Senecal opened the meeting at 6:30 PM.

**Non-Public Session RSA 91-A: 3**

1. **Consideration of Minutes**
   1. April 6, 2022 Regular Meeting

Linda Murray still making changes, moved to table April 6, 2022 minutes

**2**. **Public Hearing(s)**

***Town Ordinance Amendment***

1. **The Town of Wolfeboro to hold a Public Hearing on Wednesday, May 4, 2022, at 6:30 PM in the Great Hall of the Wolfeboro Town regarding amendments to the Town Ordinance, Chapter 36, Docks, and Wharves, § 35-5 Limitations on use Town docks, wharves and ramps and §35-7 Commercial vessel landing permit regulation and fees.**

Chairman Senecal opened Public Hearing

Luke Freudenberg stepped down from this vote due to conflict of interest.

Jim Pineo addressed the proposed Ordinance changes (attached), stating that last year the Board had a conversation regarding making changes to the Dock Ordinance, and it was tabled until the recreational dock work was completed. Each proposed ordinance will be addressed individual as follows:

1. **Motion to approve the addition of the Commercial Vessel Landing Permit and Sign permit to the Docks and Wharves Ordinance**

No further comments, Chairman Senecal closed the Public Hearing, and entertained a motion

**Linda Murray made a motion to approve the Addition of the Commercial Vessel Landing Permit and Sign permit to the Docks and Wharves Ordinance. Brian Deshaies seconded the motion, all in favor motion passed**

1. **Motion to approve the addition of Appendix A Dockside dock configuration to the Docks and Wharves Ordinance**

No further comments, Chairman Senecal closed the Public Hearing, and entertained a motion

**Linda Murray made a motion to approve the addition of Appendix A Dockside dock configuration to Docks and Wharves Ordinance, Brian Deshaies seconded the motion, all in favor Motion passed**

1. **Motion to approve language change in Section 36-5; D of the Docks and Wharves Ordinance to read: *No vessels shall be docked in that area reserved for the vessel utilized by the contractor delivering United States Mail by water, Dock G, the Town Fire Boat Dock G, and the Municipal Electric Boat Dock E.***

No further comments, Chairman Senecal closed the Public Hearing, and entertained a motion

**Dave Senecal made a motion to approve language change in Section 36-5;D of the Docks and Wharves Ordinance, Linda Murray seconded the motion, all in favor motion passed**

1. **Motion to approve language change in Section 36-5; F of the Docks and Wharves Ordinance to read****: *A commercial vessel landing permit issued by the Board of Selectmen pursuant to §§***[***36-5O***](https://ecode360.com/print/10185718#10185718)***,***[***36-5P***](https://ecode360.com/print/10185726#10185726)***and***[***36-7***](https://ecode360.com/print/10185728#10185728)***must be obtained prior to use of the commercial dock spaces at Dockside as shown in Appendix A. All other docks shall be recreational except as provided by ordinance.***

No further comments, Chairman Senecal closed the Public Hearing, and entertained a motion

**Brian Deshaies made a motion to approve Section 36-5 to read as follows : *A commercial vessel landing permit issued by the Board of Selectmen pursuant to §§***[***36-5O***](https://ecode360.com/print/10185718#10185718)***,***[***36-5P***](https://ecode360.com/print/10185726#10185726)***and***[***36-7***](https://ecode360.com/print/10185728#10185728)***must be obtained prior to use of the commercial dock spaces at Dockside as shown in Appendix A. All other docks shall be recreational except as provided by ordinance*. Linda Murray seconded the motion, all in favor motion passed**

1. **Motion to approve language change in Section 36-5; H of the Docks and Wharves Ordinance to read: *The area on the opposite side of the Dockside docks where the fire boat is located, Dock G, and where the Municipal Electric boat is located, Dock E, shall be designated as an area for loading and unloading of passengers; provided, however, that potential loading would not exceed 10 minutes.***

No further comments, Public Hearing closed.

**Dave Senecal made a motion to approve Section 36-5; H to read as follows: *The area on the opposite side of the Dockside docks where the fire boat is located, Dock G, and where the Municipal Electric boat is located, Dock E, shall be designated as an area for loading and unloading of passengers; provided, however, that potential loading would not exceed 10 minutes.* Linda Murray seconded the motion, all in favor motion passed**

1. **Motion to approve language change in Section 36-5: M,2 of the Docks and Wharves Ordinance to read: *Island resident boat parking shall be permitted at Dock A at Dockside during periods of high water and low water when passage under the Smith River Bridge restricts passage; and further limited to the time frame between ice out and the day before Memorial Day weekend and from the day after Labor Day to the end of the fall boating season.***

No further comments, Public Hearing closed

**Linda Murray moved to approve the language change in Section 36-5:M,2. To read as follows : *Island resident boat parking shall be permitted at Dock A at Dockside during periods of high water and low water when passage under the Smith River Bridge restricts passage; and further limited to the time frame between ice out and the day before Memorial Day weekend and from the day after Labor Day to the end of the fall boating season.* Brian Deshaies seconded the motion, all in favor, motion passed**

1. **Motion to change Section 36-5; O, 6 Commercial Vessel Landing Permit fees for Barges utilizing the Libby dock from $25 to $3,000 per year per company.**

Town Manger Pineo addressed this issue, as the Libby Dock gets a lot of use and after research with Town Treasurer and Town Finance Director, there isn’t any record of collecting revenue for the use of this Dock. Manager Pineo would like to start collecting the fee as it would help offset costs of work that needs to be done on the Libby Dock. Linda Murray asked how the permits would be issued. Mr. Pineo said it would be a small number of businesses (8) applying for the permits, and his office could handle it. Brian Deshaies asked where the funds would be held. Mr. Pineo stated it would be a revolving fund, which might need a vote. Linda Murray stated she was comfortable with the amount. Peter Goodwin from Watermark Inc., believes it is a good and fair idea, he just wondered about the Bonding, and believe the town should ask for a Certificate of Insurance from the users.

Chairman Senecal closed Public Hearing

**Chairman Senecal made Motion to change Section 36-5; O, 6 Commercial Vessel Landing Permit fees for Barges utilizing the Libby dock from $25 to $3,000 per year per company, Linda Murray seconded the motion all in favor motion passed.**

1. **Motion to change Section 36-7; H, 4 of the Docks and Wharves Ordinance to read: *The two (2) vessels having the longest history of receiving a CVLP from the Board of Selectmen shall have rights to signage being placed between the top and middle rail, all others shall be placed between the middle and bottom rail.***

Linda Murray spoke to their being a Town Ordinance for each business to have 1 A frame sign on the sidewalk. Members felt that may be questionable and will look into it.

**Brad Harriman made the Motion to change Section 36-7; H, 4 of the Docks and Wharves Ordinance to read: *The two (2) vessels having the longest history of receiving a CVLP from the Board of Selectmen shall have rights to signage being placed between the top and middle rail, all others shall be placed between the middle and bottom rail. Brian Deshaies seconded the motion, all in favor, motion passed.***

***Temporary Event Permits***

**i. The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on July 9 (rain date July 10th), 2022 from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-37**

Chairman Senecal Opened for Public hearing. He noted this request is being revisited from 4/6/22 meeting. Mr. Tougher and Mr. Burt received letter regarding the Historical Society’s request for a Temporary Permit Event to be held at the Clark Museum complex on four different dates.

Chairman Senecal asked for public input.

Gene Denau spoke on behalf of the Wolfeboro Historical Society. He read from Greenleaf Clark’s will documenting his desire on the use of the Clark Park area upon his death. Mr. Denau stated that the Board is in possession of his comments.

Attorney Monzione spoke on behalf of his clients Mr. Tougher and Mr. Burt, who are opposed to the Historical Society’s Event taking place at the Clark Museum complex

Mr. Mozione read from the Will documenting that the intent of Mr. Greenleaf Clark was to use the space as a restful respite, no sporting events, and no offensive commerce revenue.

Brian Deshaies, commented that most museums he is aware of have gift shops that sell items to help sustain the museum.

Dave Senecal, made a comment of Attorney Monzione using the word “offensive” in speaking of the event permit being requested. The number of hours that the Historical Society would be using the venue is minimal and not an “offensive” event. He also addressed the consumption of food during the event, which there will be no food on the premises.

Mr. Denau spoke to the legal aspects of Mr. Monzione’s presentation and interpreted facts.

Cathy (last name inaudible) spoke to the importance of the Clark Museum and the dedication of its members, she herself has had a 46-year relationship with the Museum.

Chairman Senecal closed the Public Hearing.

Linda Murray, spoke to Mr. Greenleaf Clarks Will and how she feels he himself separated the use of Clark Park and the Museum. He referred in his Will to the house being used as a museum.

Brian Deshaies asked about the legality of the agreement the Town entered with Mr. Tougher and Mr. Burt.

Chairman Senecal said that is not being addressed this evening, only the vote on the Historical Society use of the Clark Museum.

**Luke Freudenberg made a motion for The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on July 9 (rain date July 10th), 2022 from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-37, Linda Murray seconded the motion, all in favor motion passed**

ii. The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on August 13, 2022 (rain date August 14th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-38

**Hearing Opened – No Discussion**

**Public Hearing Closed**

**Dave Senecal made a motion to approve a** **Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on August 13, 2022 (rain date August 14th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-38, Brian Deshaies seconded the motion, all in favor motion passed**

**iii.The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on September 10, 2022 (rain date September 11th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-39**

**Public Hearing Opened**

Attorney Monzione mentioned that he didn’t mean to criticize the work being done by the Wolfeboro Historical Society, and the word “offensive” he used, was taken from the Will in regard to Greenleaf Clark not wanting anything “offensive” being held on the property.

**Public Hearing Closed**

**Brian Deshaies made a motion to approve a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on September 10, 2022 (rain date September 11th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-39, Linda Murray seconded the motion, all in favor motion passed.**

**iv. The Wolfeboro Board of Selectmen to consider** **a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on October 8, 2022 (rain date October 9th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-40**

Public Hearing Opened-No Discussion

**Linda Murray made a motion to approve a Temporary Event Permit for Wolfeboro Historical Society to host a vintage market on October 8, 2022 (rain date October 9th) from 11:00 AM to 4:00 PM at the Clark Museum complex. Permit #2022-40. Brad Harriman seconded the motion, all in favor, motion approved**

Public Hearing Closed

**v. The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for the Wolfeboro Public Library to host a children’s program July 15th, 2022 in Cate Park and Community Bandstand. Permit #2022-44**

Dave Senecal opened Public Hearing

Joyce Davis Assistant Director for the Wolfeboro Public Library made a presentation about the program

Public Hearing Closed

**Move to approve a temporary event permit for the Wolfeboro Public Library to host a children’s program July 15th, 2022 in Cate Park and Community Bandstand. Permit #2022-44**

**vi. The Wolfeboro Board of Selectmen to consider a Temporary Event Permit for the Wolfeboro Area Children’s Center to host a Color Run on August 7th, 2022, from 8:00 AM to Noon along Bridge Falls Path and Cotton Valley Rail Trail. Permit #2022-45**

Public Hearing Opened

Sarah Morgan Board of Director Member for the Children’s Center addressed the Board about the event.

Public Hearing Closed

**Linda Murray moved to approve a Temporary Event Permit for the Wolfeboro Area Children’s Center to host a Color Run on August 7th, 2022 from 8:00 AM to Noon along Bridge Falls Path and Cotton Valley Rail Trail. Permit #2022-45 contingent upon approval from the state.  Brian Deshaies seconded the motion, all in favor motion approved.**

1. **Public Comment**

Suzanne Ryan asked Town Manger Pineo if he had made up a new MOU with the Friends of Pop Whalen. Town Manager Pineo said they are actively working on it. Ms. Ryan asked if Town Manager had an accounting of what they’ve raised so far, Town Manager said he did not. She also stated that Bonding process is coming, and would they be included in our Bonding if they did not have enough funds. Town Manager stated that they have received Bonding approval, and that they would be approved for no more and no less then what has been approved.

Ms. Ryan spoke to the earlier proceedings regarding Clark Museum and asked if she could get an Accounting on the cost of the Legal Fees the Town has paid regarding this issue. Town Manger Pineo asked Ms. Ryan to put the request in writing and he would forward her the information.

3. Bulk Vote

1. Weekly Manifests

    i.April 22, 2022 $ 414,162.36

                 ii. April 29, 2022 $ 181,110.33

1. Property Tax Credit/ Exemptions

i. 275 Trotting Track Rd Tax Map 146 Lot 18

ii. Varney Road Tax Map 189 Lot 5

iii. 375 Pine Hill Rd Tax Map 144 Lot 1

iv. 79 Penn Air Rd Tax Map 33 Lot 28

v. 1 Havery Brood Rd Tax Map 177 10 Lot 142

vi. 39 Winnipesaukee Dr Tax Map 272 Lot 7

1. Intent to Cut Wood and Timber

i .Bickford Rd Tax Map 73  Lot 6

1. Yield Tax Levy

i. Bickford Rd . Tax Map 73 Lot 6 $935.25

ii. Camp School Rd Tax Map 245 Lot 21   $1,084. 24

iii. 108 Middleton Rd Tax Map 268 Lot 35 $41.48

iv. Sky Lane & Penn Air Rd Tax Map 33  Lot 6 & 9  $239.26

v. 94 Middleton Rd Tax Map 268-36 $170.99

vi. 535 Brown’s Ridge Rd Tax Map 49 Lot 2 $376.56

1. Property Tax Refund/ Abatement

i. 12 Camp School Rd #20 2021 Tax Map 231 Lot 50  $404.00

ii. Bay Street #20 2021 Tax Map 203 Lot 68-23 $ 34.50

iii. 46 Albee Beach Rd Tax Map 164 Lot 36 $144.00

1. Raffle Permits

i. Friends of the Library- 6/3/2022

**Luke Freudenberg moved to approve Bulk Items A-F, including Amendments On 1 Harvey Brood Rd – Denial Tax Exemption, 39 Winnipesaukee Dr. Denial Tax Exemption, Brad Harriman seconded the motion, all in favor motion approved**

**5. Appointments:**

**i. Deputy Emergency Management Director- Paul Whalen**

Fire Chief Zotti spoke to the Board regarding the appointment of Paul Whalen as the new Deputy Emergency Management Director

Mr. Whalen spoke to the Board regarding his consideration of being appointed as the Deputy Emergency Management Director

**Brian Deshaies move to approve appointment of Paul Whalen as Deputy Emergency Management Director for the Town of Wolfeboro, Brad Harriman seconded the motion, all in favor motion passed.**

**6. New Business**

**A. Approval: Special Exemption to permit issuance of building permits**

Tavis Austin Director of Planning Development spoke to the reason he was addressing this issue and why the change is necessary

**Dave Senecal moved to authorize the Town Manager to sign “the Wolfeboro Acknowledgement Regarding Issuance of a Building Permit on a Private way and Ineligibility for Subdivision approval following ZBA action to approve a Special Exemption pursuant to section 175-55.1.  Brad Harriman seconded the motion, all in favor, motion passed.**

1. **Approval: Wolfeboro Jet Ski License Agreement renewal for 2022**

Kyle Drouin of Wolfeboro Jet ski Rentals addressed the Board about his annual renewal agreement with the Town request

Linda Murray commented to Mr. Drouin and the Board that she feels this Business is a real success story.

**Linda Murray made a motion to approve a contract with Wolfeboro Jet Ski for May 15 to September 15 2022. Brian Deshaies seconded the motion, all in favor motion approved**

**C. Approval: Abenaki Capital Reserve expenditure for a Gator**

Christine from the Department of Parks & Recreation address the Board about the request for a new Gator (ATV), explained they needed a new on back in 2017, and held out until recently.

**Luke Freudenberg made a motion to authorize an expenditure not to exceed $\_36,672.08\_ from the Abenaki Capital Reserve Fund to purchase a new John Deere Gator. Brian Deshaies seconded the motion, all in favor motion passed**

1. **Approval: Building Maintenance Capital Reserve expenditure Foss Field**

Town Manager Pineo explained to the Board that the Building at Foss Field is showing some wear and tear and would like to propose having it updated with paint.

**Brad Harriman moved to authorize an expenditure not to exceed $6,000 from the Building Maintenance Capital Reserve Funds to paint the Foss Field Pavilion. Brian Deshaies seconded the motion, all in favor motion passed**

1. **Approval: Building Maintenance Capital Reserve Abenaki Lodge & Parks & Rec**

Town Manger Pineo presented to the Board that the Abenaki Lodge and Parks and Rec building needed some electrical updating and become independent of the Rinks electrical

**Dave Senecal moved to authorize an expenditure in the amount of $26,388.00 from the Building Maintenance Capital Reserve fund for updated electrical infrastructure to the Abenaki Lodge and Parks & Maintenance building, Brian Deshaies seconded the motion, all in favor, motion passed.**

1. **Discussion: Review of site visit of Abenaki Bike Trails**

Town Manager gave an update on his recent visit with some Board Members and Dave Ford on the Bike Trail. He said it is coming along but has a way to go

Linda gave her update, and discussion with other Board members on updates that still need to be completed, there may be some bike trails without approval

1. **Discussion: Work Session request Planning Board re: Housing & Density**

Jim Pineo explained that two Members of the Planning Board would like a meeting to discuss the Density Issue in town, would like the Boards suggestions

Brad Harriman said the Density issue has come up 2 or 3 times, and with new projects coming up each meeting, we need to wait for Sewer System report, before we can address the Density issue.

Linda Murray would like to see a Zoning Map, and what impact on road and safety, before the Board addresses the Density Issue.

**7. Other Business**

None

**8. Committee Reports**

**Brian Deshaies**, spoke to the Chargers in town, half have been installed, but are not up and running yet, and believes they will be very popular. He said they’ve done a lot of walking this week, and notices that the Sewall Woods area need the drainage addressed, and it is the Lakes Region Conservation Trust issue.

**Luke Freudenberg**, attended the ZBA meeting and spoke to the Variances that were approved on a proposed development off 109A and Filterbed Rd.

**Linda Murray**, met with the Library Trustees, and Wolfeboro Waters Committee.

**Brad Harriman**, had the Planning Board Meeting, Wolfeboro Community TV meeting and a meeting about the Libby Museum.

**9. Town Manager’s Report**

Jim Pineo has been contacted by the NH Electrical Co-op, and he would like to know if a

Board member would like to join him at this meeting, Brian Deshaies Volunteered. He also spoke to the Cable Franchise meeting coming up May 23rd at 6:00PM in the Great Hall. There is a Public Safety Meeting coming up May 10th, at 2:00PM in the Great Hall. The

Bond approval came in to, will try to get these to you on May 22nd, hopefully sooner. He’s Meeting with Parks and Recreation with Internal Assignments, and discussed their strengths and weaknesses, we had the team look into their organizational chart. We will be meeting again in 3 weeks. He said he’d like to give the Board a Big Thank you for the approval of $17,000 for the Dockside paving, it looks amazing.

**10. Comments from the Press**

Elissa Paquette had the same sentiments as Jim regarding the Dock side paving, believes it looks amazing, and has seen some drone pictures and hopefully the board can get a hold of them. Would like to compliment the Town’s Planning Board for the progress

they are making on the 2019 Mast Plan; she has met with Kathy Barnard and Peter Goodwin on this and believes they are moving forward after developing a plan.

**11. Public Input**

None

**12. Non-Public Session RSA 91-A**

**Linda Murray made a motion to move into Non-Public Session, Dave Senecal seconded the motion, all in favor, motion passed**

The Board re-entered public session at ?:30 PM.

**It was moved by Brad Harriman and seconded by Luke Freudenberg to seal the minutes of 5/4/2022. Members voted, being all in favor the motion passed.**

**It was moved by Brian Deshaies and seconded by Brad Harriman to adjourn at ?:30 PM. Members voted and begin all in favor, the motion passed.**

Attachment:

TO: Board of Selectmen

FROM: James S. Pineo, Town Manager

CC: Amy Capone-Muccio

DATE: April 27, 2022

RE: AMENDMENTS - DOCKS & WHARFS ORDINANCE

Below you will find the Motions to proposed changes to the Docks & Wharfs Ordinance. The proposed changes are highlighted in yellow.

1. Motion to approve the addition of the Commercial Vessel Landing Permit and Sign permit to the Docks and Wharves Ordinance
2. Motion to approved the addition of Appendix A Dockside dock configuration to the Docks and Wharves Ordinance
3. Motion to approved language change in Section 36-5; D of the Docks and Wharves Ordinance to read: *No vessels shall be docked in that area reserved for the vessel utilized by the contractor delivering United States Mail by water, Dock G, the Town Fire Boat Dock G, and the Municipal Electric Boat Dock E.*
4. Motion to approve language change in Section 36-5; F of the Docks and Wharves Ordinance to read: *A commercial vessel landing permit issued by the Board of Selectmen pursuant to §§*[***36-5O***](https://ecode360.com/print/10185718#10185718)*,*[***36-5P***](https://ecode360.com/print/10185726#10185726)*and*[***36-7***](https://ecode360.com/print/10185728#10185728)*must be obtained prior to use of the commercial dock spaces at Dockside as shown in Appendix A. All other docks shall be recreational except as provided by ordinance.*
5. Motion to approve language change in Section 36-5; H of the Docks and Wharves Ordinance to read: *The area on the opposite side of the Dockside docks where the fire boat is located, Dock G, and where the Municipal Electric boat is located, Dock E, shall be designated as an area for loading and unloading of passengers; provided, however, that potential loading would not exceed 10 minutes.*
6. Motion to approve language change in Section 36-5: M,2 of the Docks and Wharves Ordinance to read: *Island resident boat parking shall be permitted at Dock A at Dockside during periods of high water and low water when passage under the Smith River Bridge restricts passage; and further limited to the time frame between ice out and the day before Memorial Day weekend and from the day after Labor Day to the end of the fall boating season.*
7. Motion to change Section 36-5; O, 6 Commercial Vessel Landing Permit fees for Barges utilizing the Libby dock from $25 to $3,000 per year per company

[HISTORY: Adopted 8-15-1994 by the Board of Selectmen of the Town of Wolfeboro. Amendments noted where applicable.]

**GENERAL REFERENCES**

Beaches — See Ch. [**16**](https://ecode360.com/print/10185656#10185656)**.**

Town docks — See Ch. [**112**](https://ecode360.com/print/10185975#10185975)**,** Art. [II](https://ecode360.com/print/10185978#10185978).

Skateboards and roller skis — See Ch. [131](https://ecode360.com/print/10186137#10186137).

Application for Commercial Vessel Landing Permit - [cvlp\_and\_sign\_0.pdf (wolfeboronh.us)](https://www.wolfeboronh.us/sites/g/files/vyhlif4071/f/uploads/cvlp_and_sign_0.pdf)

[Added DATE]

[**§ 36-1. Authority.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185694)

Pursuant to the authority granted under RSA 31:39 or any other applicable state statute, this chapter is hereby adopted by the Town of Wolfeboro.

[**§ 36-2. Title.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185695)

This chapter shall be known and cited as the "Dock Ordinance."

[**§ 36-3. Purpose.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185696)

The purpose of this chapter is to promote the orderly, compatible and safe use of docks, wharves and ramps owned and maintained by the Town of Wolfeboro.

[§ 36-4. Definitions.](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185697)

As used in this chapter, the following terms shall have the meanings indicated:

[**TOWN DOCKS**](https://ecode360.com/print/10185698#10185698)

The docks owned and maintained by the Town of Wolfeboro and located at Dockside (See Appendix A), at the Libby Museum in Winter Harbor, at Mast Landing in Crescent Lake and in Back Bay adjacent to the railroad station.

[Amended DATE by the Board of Selectmen]

[**§ 36-5. Limitations on use of Town docks, wharves and ramps.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185699)

[A.](https://ecode360.com/print/10185700#10185700) No commercial vessel, floating dredge or barge is to use the Town docks or to anchor within 100 yards from said Town docks, unless the operator thereof first obtains a written permit from the Board of Selectmen. See Subsections [**O**](https://ecode360.com/print/10185718#10185718) and [**P**](https://ecode360.com/print/10185726#10185726) and § [**36-7**](https://ecode360.com/print/10185728#10185728) or as otherwise provided for in this chapter.

[Amended 3-7-2001]

[B.](https://ecode360.com/print/10185701#10185701) No motor vehicles, construction equipment, skateboards, bicycles, scooters, roller blades or the like shall be permitted on the Town docks. No permit is required to launch or haul out pleasure boats at launching ramps.

[C.](https://ecode360.com/print/10185702#10185702) No equipment, supplies or material shall be stored or parked on the Town docks, wharves or parking areas adjacent thereto unless a written permit is first obtained from the Board of Selectmen, except that no permit shall be necessary when said equipment, supplies or material is placed for the purpose of immediate loading onto or unloading from a vessel.

[D.](https://ecode360.com/print/10185703#10185703) No vessels shall be docked in that area reserved for the vessel utilized by the contractor delivering United States Mail by water, Dock G, the Town Fire Boat Dock G, and the Municipal Electric Boat Dock E.[Amended DATE]

[E.](https://ecode360.com/print/10185704#10185704) No vessels or watercraft shall impede the path of the M.S. Mount Washington or the area directly in the rear of her stern.

[Amended 6-3-1998]

[F.](https://ecode360.com/print/10185705#10185705) A commercial vessel landing permit issued by the Board of Selectmen pursuant to §§ [**36-5O**](https://ecode360.com/print/10185718#10185718), [**36-5P**](https://ecode360.com/print/10185726#10185726) and [**36-7**](https://ecode360.com/print/10185728#10185728) must be obtained prior to use of the commercial dock spaces ~~(Dock A and Dock B)~~ at Dockside as shown in Appendix A ~~on the plan approved by the state for construction in 1994.~~ All other docks shall be recreational except as provided by ordinance. [Amended 6-3-1998] [Amended DATE]

G.  No vessels shall dock in the slip closest to any public launching ramp except that docking for a period not to exceed 10 minutes shall be allowed for purposes of loading and unloading only.

[H.](https://ecode360.com/print/10185707#10185707) The area on the opposite side of the Dockside docks where the fire boat is located, Dock G, and where the Municipal Electric boat is located, Dock E, shall be designated as an area for loading and unloading of passengers; provided, however, that potential loading would not exceed 10 minutes. [Amended DATE]

[I.](https://ecode360.com/print/10185708#10185708) No person shall be allowed to swim or bathe in the area of the Town docks or to dive off the Town docks.

[J.](https://ecode360.com/print/10185709#10185709) Obstructing navigation. No vessel shall obstruct navigation in the Smith River. No vessel shall be docked at the wall on the southeasterly side of Smith River extending from the bridge on Main Street to the cluster at the northwesterly end of the commercial dock.

[K.](https://ecode360.com/print/10185710#10185710) Boat trailer parking.

[(1)](https://ecode360.com/print/10185711#10185711) Boat trailer parking is limited to the Glendon Street Parking Lot at the end of Glendon Street and the Mast Landing parking area. There will be a penalty of $15 for each boat trailer parked on Town roads or streets with an additional penalty of $15 if the trailer is attached to the towing vehicle.

[(2)](https://ecode360.com/print/10185712#10185712) Exceptions. A motor vehicle with a boat trailer may park temporarily for a maximum of 1/4 of an hour in any public parking space.

[(3)](https://ecode360.com/print/28687931#28687931) Pop Whalen boat trailer storage.

[Added 9-19-2012]

[(a)](https://ecode360.com/print/28687941#28687941) Island tax payers and their visitors may obtain an island boat trailer permit that will allow them to park their boat trailer at the Pop Whalen Arena gravel parking lot located at 390 Pine Hill Road (Route 109A).\

[(b)](https://ecode360.com/print/28687942#28687942) Boat trailer owners should contact the Tax Collector's office at Town Hall to obtain an island boat trailer storage sticker.

[(c)](https://ecode360.com/print/28687943#28687943) Boat trailers parked at Pop Whalen Arena without an island boat trailer parking permit will be ticketed and impounded.

[(d)](https://ecode360.com/print/28687944#28687944) Boat trailers shall be parked on the gravel portion of the parking lot only. No trailer shall be parked on the paved portion of the parking lot.

[(e)](https://ecode360.com/print/28687945#28687945) All boat trailers must be backed in perpendicular to the edge of the parking lot; no parallel parking.

[(f)](https://ecode360.com/print/28687946#28687946) Boat trailers may be parked in the Pop Whalen Parking Lot from April 1 through October 1.

[(g)](https://ecode360.com/print/28687947#28687947) Any boat trailers left on site outside of the above dates will be ticketed and impounded.

[(h)](https://ecode360.com/print/28687948#28687948) The gate to the parking lot is left open 24 hours per day and is lit at night.

[(i)](https://ecode360.com/print/28687949#28687949) The Town takes no responsibility for boat trailers that are damaged or stolen while being stored on Town property.

[L.](https://ecode360.com/print/10185713#10185713) Time limits on docking. Except as set forth below, docking of boats at all Town docks is limited to four hours between the hours of 6:00 a.m. and 6:00 p.m. No docking of boats at said docks is permitted between 1:00 a.m. and 6:00 a.m.

[M.](https://ecode360.com/print/10185714#10185714) Island resident parking.

[(1)](https://ecode360.com/print/10185715#10185715) The second dock closest to the Main Street bridge in Back Bay and the outermost side of both docks at Mast Landing are restricted to boats displaying an island resident boat parking sticker. Boats displaying the island resident boat parking stickers are not subject to the four-hour limit set forth above when parked at these designated locations.

[Amended 7-15-2015 by the Board of Selectmen]

[(2)](https://ecode360.com/print/10185716#10185716) Island resident boat parking shall be permitted at ~~the easterly most public dock at the public dock complex~~ Dock A at Dockside during periods of high water and low water when passage under the Smith River Bridge restricts passage; and further limited to the time frame between ice out and the day before Memorial Day weekend and from the day after Labor Day to the end of the fall boating season. [Added 3-7-2001] [Amended DATE]

N.  Marinas. No overnight occupancy of boats docked or moored at a marina shall be permitted unless adequate toilet facilities, as approved by the Wolfeboro Health Officer, are available at the marina.

[O.](https://ecode360.com/print/10185718#10185718) Commercial use. With the exception of the ramp and dock at the Libby Museum, there shall be no docking, loading or unloading of commercial barges at any dock, wharf, landing or right-of-way owned by or under the control of the Town of Wolfeboro. Commercial use of the dock and ramp at the Libby Museum shall be allowed by permit only, subject to the following conditions.

1. Hours of commercial use shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 7:00 a.m. to 1:00 p.m. on Saturday, limited to two hours for loading and unloading.
2. No overnight docking shall be permitted.
3. Storage of materials is prohibited at all sites, including the Libby Museum.
4. Parking of construction vehicles is prohibited in the parking lots in front of and at the rear of the Libby Museum.
5. A flagman wearing a fluorescent vest shall be in attendance to direct traffic.
6. The commercial use fee for each permit issued pursuant to this section shall be ~~$25~~. $3,000.00? annually per Barge Company.[Amended DATE]
7. A bond, letter of credit, bank check or cash in the amount of $1,500 in favor of the Town of Wolfeboro shall be posted prior to the issuance of a permit to cover the cost to repair any damages resulting from the commercial use pursuant to this section.

P. Carrying passengers for hire. Any vessel engaged in the carrying of passengers for hire must obtain a commercial vessel landing permit from the Wolfeboro Board of Selectmen prior to docking at the Town docks. At Dockside, all vessels engaged in the carrying of passengers for hire must use the commercial dock slip, except as otherwise provided.

[Q.](https://ecode360.com/print/13676888#13676888) No boats, as defined in RSA 270:2, shall be docked in that area of the Town docks designed as accessible docking (handicap docking), unless such boat displays a windshield placard issued under RSA 261:88 or displays the international symbol of access. Docking spaces designed as accessible (handicap) shall be marked in accordance with the provisions of RSA 265:73-a by affixing signs to posts, docks or other areas so as to be clearly visible to anyone approaching the area by boat.

[Added 6-11-2008]

[(1)](https://ecode360.com/print/13676889#13676889) The accessible (handicap) docking area shall be utilized only if a person with a disability is being transported in or is operating a boat to or from the docking area.

[(2)](https://ecode360.com/print/13676890#13676890) The same time limit restrictions will apply to accessible (handicap) spaces as stated in Subsection [**L**](https://ecode360.com/print/10185713#10185713) above.

[(3)](https://ecode360.com/print/13676891#13676891) Any person convicted under this subsection shall be fined not less than $250.

[**§ 36-6. Boat parking sticker.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185727)

The Board of Selectmen will issue a boat parking sticker to island residents, one per household, upon application and proof of island residency. Said sticker shall be affixed to the windshield, or, in the case of a boat which does not have a windshield, placed in a readily visible location.

[**§ 36-7. Commercial vessel landing permit regulations and fees.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185728)

[A.](https://ecode360.com/print/10185729#10185729) Except as provided in § [**36-5O**](https://ecode360.com/print/10185718#10185718), all vessels using the Town docks for commerce of any kind must obtain a commercial vessel landing permit (CVLP) from the Board of Selectmen.

[B.](https://ecode360.com/print/10185730#10185730) The CVLP shall be valid under such conditions as determined by the Board of Selectmen.

[C.](https://ecode360.com/print/10185731#10185731) Each vessel will require an individual CVLP.

[D.](https://ecode360.com/print/10185732#10185732) The application for the CVLP submitted to the Board of Selectmen shall contain the following information and such other information as the Board of Selectmen shall deem necessary:

[(1)](https://ecode360.com/print/10185733#10185733) The name of the vessel.

[(2)](https://ecode360.com/print/10185734#10185734) The home port, address and telephone number of the vessel operator/owner.

[(3)](https://ecode360.com/print/10185735#10185735) An estimate of the number of annual landings (one round trip constitutes two landings).

[(4)](https://ecode360.com/print/10185736#10185736) A listing of desired landing times and location(s) to be reserved for that vessel. Landing times will be finalized by the Board of Selectmen and will be established in such a manner as to assure public safety and to avoid congestion and/or overlapping landing times at the Town docks.

[(5)](https://ecode360.com/print/10185737#10185737) A statement indicating the operator's agreement to accept responsibility and to reimburse the Town for damages to the Town docks caused by the operator's vessel, normal wear and tear excepted. The applicant shall also provide the Board of Selectmen with proof of insurance and other information required by the Board for the efficient administration of the CVLP.

[E.](https://ecode360.com/print/10185738#10185738) The CVLP shall be carried aboard the vessel at all times when the vessel is using the Town docks.

[F.](https://ecode360.com/print/10185739#10185739) The fees for the CVLP shall be called "landing fees" and shall be $0.04 per foot of overall boat length for each landing.

[G.](https://ecode360.com/print/10185740#10185740) The CVLP shall be based on actual landings and shall be paid as follows:

[(1)](https://ecode360.com/print/10185741#10185741) Payment one: 33% of the estimated annual fee at the time the permit is issued.

[(2)](https://ecode360.com/print/10185742#10185742) Payment two: 33% of the annual fee estimate to be paid on or before July 1 of that year.

[(3)](https://ecode360.com/print/10185743#10185743) Payment three: the balance of the annual fee based on actual landings to be paid not later than December 15 of that year

[H.](https://ecode360.com/print/28688073#28688073) Each CVLP shall be permitted one sign. Said sign shall comply with the following requirements:

[Added 11-6-2013[**[1]**](https://ecode360.com/print/WO1661?guid=10185693&children=true#ft28688073-1)]

[(1)](https://ecode360.com/print/28688074#28688074) Sign location: Sign placement shall be limited to the mounting between the white railings in front of the smaller commercial dock.

[(2)](https://ecode360.com/print/28688075#28688075) Sign size: not to exceed 20 inches by 40 inches.

[(3)](https://ecode360.com/print/28688076#28688076) Sign content: The information on the sign shall be limited to only the vessel noted on the permit. All packet/handout item shall be contained on the sign or mounted directly below the sign.

[(4)](https://ecode360.com/print/28688077#28688077) Sign placement: Placement shall be between the top and middle rail. No sign or brackets shall interfere with the installation of any other approved CVLP sign.

[[1]](https://ecode360.com/print/WO1661?guid=10185693&children=true#ref28688073-1) *Editor's Note: With the addition of this subsection, former Subsections H through J were redesignated as Subsections*[***I***](https://ecode360.com/print/10185744#10185744)*through*[***K***](https://ecode360.com/print/10185746#10185746)*, respectively.*

[I.](https://ecode360.com/print/10185744#10185744) No CVLP will be issued until all of the prior year's fees have been paid in full.

[J.](https://ecode360.com/print/10185745#10185745) Failure to comply with the requirements of the CVLP landing fee program will result in a fine to be imposed by the Board of Selectmen in an amount not to exceed $100 per unauthorized landing.

[K.](https://ecode360.com/print/10185746#10185746) Allocation of CVLP Revenues. CVLP revenues shall be set aside in a manner to be determined by the Board of Selectmen. The set aside CVLP revenues will be available exclusively for the maintenance and improvement of the Town docks and the Dockside and Cate Park areas.

[**§ 36-8. Violations and penalties.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185747)

Except as otherwise provided in § [**36-7**](https://ecode360.com/print/10185728#10185728), any person violating any of the provisions of this section shall be fined $100 for the first offense and $100 for each subsequent offense. Fines are payable within 48 hours at the Wolfeboro Police Station.

[**§ 36-9. Administrative provisions.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185748)

Nothing contained in this chapter shall be construed as repealing or modifying any other ordinance or regulation of the Town. Nor shall this chapter shall be construed as repealing or modifying any private restrictions placed upon property by covenants running with the land to which the Town is a party, but shall be in addition thereto.

[**§ 36-10. Severability.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185749)

If a section, subsection or provision of this chapter is for any reason found to be invalid, such invalidity shall not affect the validity of the remaining portion of this chapter.

[**§ 36-11. Amendments; public notice.**](https://ecode360.com/print/WO1661?guid=10185693&children=true#10185750)

The Board of Selectmen shall have the authority to amend the chapter. Before acting upon any amendment, the Board of Selectmen shall hold a public hearing thereon. Notice of the public hearing and the proposed changes shall be published in a newspaper of general circulation in the Town of Wolfeboro and posted in two public places in the Town at least seven days prior to the public hearing.

APPENDIX A

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