

Wolfeboro Planning Board

August 3, 2021

Minutes

I. Call to Order

Kathy Barnard called the meeting to order at 7:00pm at the Great Hall in Wolfeboro Town Hall. A quorum was present. The Board was introduced.

II. Introduction of Planning Board Members:

Members Present: Kathy Barnard, Chairman; Mike Hodder , Vice Chairman; Brad Harriman, Member, Selectmen Representative; Peter Goodwin, Member; Vaune Dugan, Member; John Thurston, Member; Susan Repplier, Member; Julie Jacobs, Alternate Member .

Members Absent: None

Staff Present: Tavis Austin, Director of Planning & Zoning; Mary Jane Shelton, Recording Assistant.

Kathy Barnard reviewed the procedure; first being the applicant, followed by any input by the Planning Director. The Board then determines if the application is complete and the Board will vote on that, followed by opening the public comment portion. Once public comment is completed and closed, the Planning Board will decide if they will act on the application.

III. Public Hearings:

Purpose: Formal Submission/Public Hearing: Site Plan Review for a Fuel Distribution Center

Owner/Applicant: LP Gas Equipment, Robert Lefebvre, VP Supply

Project Address: Wolfeboro Oil Drive

Case # 2021-05 Tax Map/Lot #: 161-014-003

Zoning District: Pine Hill Road Development District

The applicant proposes construction of a diesel fueling facility consisting of two (2) 10,000 gallon, above-ground storage tanks and a dispensing island for two vehicles.

Kathy Barnard explained that the Board had already heard this proposal previously and thought it would be helpful to provide the Planning Board with application materials from the Planning Board meeting on 4/6/2021 and the minutes from the subsequent ZBA hearing wherein a variance was granted.

Scott Lawlor of Norway Plains Associates, representing LP Gas Equipment, Inc./Eastern Propane and Oil along with Bill Masse of Eastern Propane and Oil as well as Bob Coluccio P.E. of Web Engineering, Inc. (who was involved with the design of the tanks and fueling systems) made the presentation for this case.

The property consists of 5.2 acres within the Pine Hill Road Development District, and is within the Wolfeboro Business Park and the lot is currently vacant and wooded. Daniel Coombs, a certified wetlands scientist, delineated the wetlands area. Scott Lawlor further described the subject parcel, easements, etc.

The applicant received a variance from the Wolfeboro ZBA for above ground storage tanks and a diesel fuel distribution facility at this location. The proposal is for two tanks located within a fenced area with a canopy over two dispensers with a concrete pad underneath with positive limiting barriers. Scott Lawlor then described the access roads as designed to accommodate tractor trailer delivery trucks and the safety features of the structure of the fuel tanks, shut off systems, surveillance cameras, etc. The facility will be open for 24 hour access by clients via key fob. Lighting has been designed down facing shielded lights as well as canned lights under the canopy. He then described the stormwater management system. There will also be a 10' x 12' building for electrical systems and incidental storage as well as a backup generator which will assist the Town vehicles during power outages. The facility will be unmanned and as such there will be no domestic water or sewage needs. A verbal approval has been received from DES for the designs as submitted, which included comprehensive spill/prevent and counter measures.

Tavis Austin pointed out the review with the main criteria and had some recommended conditions of approval.

Peter Goodwin inquired if the site could accommodate expanded use for school or municipal use. Scott Lawlor responded in the affirmative if they procured a key fob. Peter further asked about stormwater capacity in the storage pond and was assured that they would accommodate from the 1" through the 50 year storm event without overspilling its berm and meets DES requirements.

Vaune Dugan asked if the application had changed since the original application and was advised the DES required a concrete apron. Mike Hodder noted there was one change from the original application which was the ZBA requirement to limit access to holders of key fobs. He inquired how LP Gas was going to accommodate such. Bill Masse explained it was the same system currently used at Center Street. Mike Hodder asked if anyone can apply for a key fob and is there an identification process to determine who is accessing the facility at any particular time. Bill Massee responded that system currently exists.

Mike Hodder made a motion, and John Thurston seconded, to accept the application as complete. Vote was unanimous, 7 in favor to approve.

Public Hearing Opened: No public comments

The Planning Board then asked for Tavis Austin's recommended conditions which were:

1. Updated plan set;
2. Applicant is responsible for payment of all recording fees;
3. All 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.

Kathy Barnard inquired about a security bond. Mike Hodder suggested that as a separate condition as follows:

5. Applicant shall work with Planning Board Staff to establish and appropriate bond under the regulations.

Public Hearing Closed.

Mike Hodder made a motion to approve Case #2021-05, seconded by Vaune Dugan, for construction of a fuel distribution center one Wolfeboro Oil Drive in the Pine Hill Road Development District with the five conditions as outlined in the Planner's Review and the additional condition for the applicant to work with Planning Department staff to establish an appropriate bond under regulations. The vote was unanimous, 7 in favor to approve.

Purpose: Consideration of Application

Owner/Applicant: Green Mountain Realty, LLC

Project Address: 38 Filter Bed Road, Wolfeboro

Case # 2021-14 Tax Map/Lot #: 201-015

Zoning District: Residential District

Applicant proposes to construct two accessory storage structures on the site currently occupied by one storage facility. The stormwater, parking, snow storage, etc. remain effectively unchanged from the existing approval.

Paul Blanc from Norway Plains, along with Victor Drouin the owner, presented the application. Historically, the applicant got site approval in 2019 for the existing storage facility and are now seeking approval for two accessory buildings on the same site. Both of these buildings were previously on the plan. One building will be 40' x 80' and the other 20' x 100'. Impervious coverage is the same as the original submission with the stormwater drainage plan being the same as well.

Vaune Dugan questioned the setback lines. The existing foundation/structure is in the same location. Susan Repplier questioned the use of the buildings and was advised it would be for boat storage. John Thurston inquired if there was any fire suppression system, and was advised there were no sprinklers. Tavis Austin stated that the fire department did

not require such. Mike Hodder mentioned that if required, it would be apparent during a building permit process. Kathy Barnard stated the previous approval stated that no outdoor storage would be allowed so that same condition should still apply. Mike Hodder asked the applicant to confirm that they are aware of that condition. Tavis Austin asked the Board if they had opposition to any other items besides boats that would be stored in the building. Mike Hodder stated that if the applicant stored an item that is pertinent to boat storage, he did not feel they would need to request an additional permit for such. Vaune Dugan asked if they could store any items. Tavis Austin stated the zone is residential and therefore the use that is currently there and the expansion being heard tonight is through a 1974 variance and the further expansion in 2019 as boat storage. Peter Goodwin asked if it would be a concierge service. Paul Blanc stated it will not be concierge service but customers will drop off their boat, have it serviced there and stored elsewhere.

Kathy Barnard stated that the application seems to be complete and asked for a Board consensus of such. **Mike Hodder made a motion to accept the application as complete, Kathy Barnard seconded the motion, and the Board voted unanimously in favor by a vote of 7-0.**

Kathy Barnard opened the public hearing.

John Thurston asked how the applicant can ensure that the character of the neighborhood will be respected. He has witnessed behaviors contrary to such. Mike Hodder inquired about the hours of operation. Paul Blanc stated it would be Monday through Saturday from 8:00 AM to 5:00 PM. Susan Replier asked what increase in traffic is anticipated with the two additional buildings. Paul Blanc stated there is no anticipated increase in traffic.

Kathy Barnard asked if there were any questions related to design guidelines. Vaune Dugan stated, since it does not affect the downtown area nor public view, she felt the design guidelines are not applicable.

Tavis Austin then reviewed his proposed five conditions. Kathy Barnard inquired if a bond were required and it was determined to not be necessary.

There being no public comment, the public hearing was closed.

Mike Hodder, according to the Planner's Review, clarified that the Board is considering approval of two accessory storage structures. **Vaune Dugan made a motion to approve Case # 2021-14 with the five proposed conditions. Motion was seconded by Mike Hodder and approved by the Board with a vote of 6 in favor, 1 opposed.**

Purpose: Boundary Line Adjustment/Subdivision Application

Case #: 2021-15

Owner/Applicant: Cosmic Cove LLC, % John W. Marriott, III

Project Address: Grandview Commons, Forest Road

Case # 2021-05 Tax Map/Lot #: 214-001-032 and 214-001-033

Zoning District: Shorefront Residential District

Agent: Norway Plains Associates, Inc.

Randy Tetreault of Norway Plains Associates, Inc. provided an overview of the application, which is a minor lot line adjustment between the same property owner. It is a .2 acre line adjustment, which makes the two lots almost the same size, and conveys approximately 50 feet of shore frontage along the reference line.

It is uncommon in that there are on-site wells with off site sewerage. Plans were provided for the lot currently being developed indicating the leach field location. Waivers were requested for the general site conditions for lots of this size. The rationale for the waivers is that there are already plans on record showing that information. Randy Tetreault reviewed items brought up at the TRC meeting and the resolution/explanation for such.

Tavis Austin confirmed the aspects of the shore land permit which Randy Tetreault outlined as well as giving additional information on stormwater management.

Mike Hodder a motion to accept the waivers, which was seconded by Kathy Barnard, and the Board voted to approve by a vote of 7-0 in favor.

Mike Hodder made a motion, which Kathy Barnard seconded, to accept the application as complete and the Board approved by a vote of 7-0 in favor.

The meeting was then opened to the public.

Vaune Dugan inquired about the amount of wetlands in the area. Randy Tetreault stated that the wetlands were re-delineation with the proposed boundary adjustment. John Thurston inquired about current construction on the subject shoreline. Randy Tetreault confirmed that there is construction occurring.

Tavis Austin then outlined the five recommended Planner conditions.

Public hearing was then closed.

Mike Hodder made a motion to approve the boundary line adjustment for Tax Map 214-001-032 and 214-001-033 with the five conditions as delineated in the Planning Director's review. Motion was seconded by Vaune Dugan. Motion was approved by the Board by a vote of 6 in favor and 1 abstaining.

**Purpose: Special Use Permit for Grading Within Wetland Buffer
Owner/Applicant: Sumsion Realty Trust, Brett F. & Jill T. Sumsion
Project Address: 20 Gateway Road
Case # 2021-13 Tax Map/Lot #: 201-036 and 201-039
Zoning District: Shorefront Residential District
Agent: Jim Rines, White Mountain Survey & Engineering**

John Thurston mentioned that typically the Board requests a site visit prior to evaluation of the application. Kathy Barnard explained that this is a small project and suggested the Board continue with the hearing.

Jim Rines gave an overview of the project, stating that the applicant was seeking a special use permit in accordance with Article 2, Section 175-10 B for lot redevelopment and minor boathouse expansion. The existing dwelling attached to the boathouse on Lot 201-36 will be removed, eliminating 443 sq. ft. of primary structure in the wetland buffer and another 143 sq. ft. is being removed from the structure setback, with a small amount bringing the boathouse in deeper which increases the setback from 57 ft. to 62 sq. ft in the buffer and from 4 sq. ft. to 32

sq. ft. in the structure setback. They are also doing some regrading on the abutting lot by eliminating paving and gravel rip rap as well as an existing parking area. They are including stormwater mitigation and adding vegetation. The Conservation Commission is in support of the project and Kathy Barnard read their evaluation of the same. The Commission specifically requested the contractors take precautions in preservation of the existing stream and waterfall. Jim Rines offered that silt fence and construction fencing will be used to accommodate the same.

Mike Hodder inquired why the owner has not merged the lots. Jim Rines stated there is a dwelling on one of the lots. Mike also asked about if the motor court area is in violation of the structure setbacks. Jim Rines stated that it is considered a driveway and is not in violation. Vaune Dugan inquired about an existing bunk house, and Jim Rines stated that a smaller version of the footprint is what is being proposed.

Tavis Austin summarized that the application is regarding a special use permit to re-grade and contour for the benefit of stormwater management and stream preservation. There is a lot of non-compliance that is becoming more nearly conforming.

Mike Hodder made a motion, which was seconded by Vaune Dugan, to accept the application as complete. The Board voted unanimously 7-0 to approve.

Public Hearing was opened.

Tavis Austin reviewed his three recommended conditions.

Public Hearing was closed.

Vaune Dugan inquired about the location of the new septic system, which Jim Rines indicated will be much further from the Lake. Peter Goodwin inquired about if this would include the Conservation Commission request for preservation of the stream, which Jim Rines confirmed.

Mike Hodder made a motion to approve Case #2021-13 for Tax Map 201-36 and 39 for a Special Use Permit for grading within the wetland buffer with the

conditions as described by the Town Planner. Peter Goodwin seconded the motion. Board approved by a unanimous vote of 7-0 in favor.

Purpose: Consideration of Application for Acceptance and Public Hearing - Site Plan: Construction of Amenities Building

Owner/Applicant: Taylor Community, Laconia, NH

Project Address: 11 Taylor Court/Taylor Community, Bay Street

Case # 2021-06 Tax Map/Lot #: 203-047

Zoning District: Bay Street Limited Business District

Kurt Beswick, VP of Facilities for Taylor Community, along with Nick Sceggell, PE of Dubois & King presented an overview of the proposed amenities building which will be an accessory building to their Back Bay campus. At the entrance to the subject property, a single story wood frame building in keeping with the wood frame cottages on the property is proposed. The building would contain a 3 lane lap pool, a workout center, small dining area, small meeting area and outdoor patio. It would not be a public building, but rather an accessory use for Taylor Community residents of both the Back Bay and Sugar Hill campuses. It is anticipated that most residents would travel to the facility via the Taylor Community shuttle. One of the existing cottages has been used as a club house since 1999. Nick Sceggell then gave a detailed explanation of the stormwater drainage system, utilities, municipal sewer and water, exterior lighting, soil composition, landscaping and grading, and parking area.

Kathy Barnard asked Tavis Austin if there were any restrictions in the Bay Street Limited District related to parking in the front of the building, which he confirmed there were not any. Tavis stated that the applicant submitted a waiver requesting a reduction in parking, and further stated that there is not a parking calculation for the proposed use since it is only available for use by existing residents, many of whom will be shuttled. He does not have any concerns with granting that waiver. Mike Hodder referenced a site plan note in which the applicant suggests 27 parking spots are required, and they are proposing 13. The applicant was trying to show what a public access facility would need in comparison to their use which will be only Taylor Community residents with a drop off and turning area for their mini buses. Mike Hodder stated that while they are asking for a waiver, he would prefer if there was a description of what the parking management plan entails. Vaune Dugan asked what number of residents will drive, walk or use the shuttle

service. Mike Hodder suggested making a parking management plan as a condition of approval to satisfy the request for a waiver. Peter Goodwin asked if a distinction needed to be made between standard public parking regulations and those for a private facility. A discussion ensued between the Board and the Planner as to how a parking calculation can be made with no similar examples of such usage. The applicant agreed to submit a document which would outline the proposed resident use, mode of transportation to/from the facility, etc. to justify the limitation of parking, which Mike Hodder noted would be considered under a site plan review. Kurt Beswick then gave an overview of the usage of the Taylor Community shuttle service as well as the proximity of residents who most likely will walk to the proposed facility.

Tavis Austin stated that when he received the application he accepted the waiver to all parking requirements - i.e., the sum total of 175-139 - based on the applicant's proposed use being unique and accessory to existing senior housing and the majority of users will receive transportation to/from the facility. He suggested another option for the Board would be a general waiver to all parking requirements provided there is transportation to/from the facility by Taylor Community shuttle. Mike Hodder stated he would be hesitant to waive all parking based on the request for a waiver with this application. He would prefer to grant the waiver request with the subsequent request for a parking management plan. Mike Hodder stated the Planner can review the proposed parking management plan for this specific use.

John Thurston inquired about the foundation structure and the capacity of the building. The applicant responded that the foundation is frost walls with slab construction and capacity will not exceed 50 persons at any one time. Kurt Beswick informed the Board that activities at the facilities are on a reservation basis, so capacity will be known and can be controlled. Mike Hodder inquired about snow storage and if it will affect the delineated plantings. Nick Scegell described the means for accommodating such.

Vaune Dugan questioned the material used per the architectural guidelines. Kurt Beswick explained the building is designed to be in keeping with the campus "cottage style" look. A further discussion ensued about the subsequent versus precedent conditions.

Mike Hodder made a motion to grant a waiver for parking requirements as requested by the applicant dependent upon receipt of an executed parking management plan according to §175-138 presented for review and acceptance by the Wolfeboro Town Planner. Susan Replier seconded. A unanimous vote of 7-0 in favor of the motion was received.

Vaune Dugan made a motion, which was seconded by Mike Hodder, to grant a waiver for design guideline requirements as listed in §173-19 guidelines provided the applicant present for the Town Planning file a materials list for roofing, siding and other exterior materials as described at the August 3, 2021 Planning Board Meeting. Any subsequent revision to said list shall be consistent with the design guidelines of §173-19. The Board approved by a unanimous vote of 7-0 in favor.

Mike Hodder made a motion, which was seconded by Kathy Barnard, to accept the application as complete. Board voted unanimously by a vote of 7-0 in favor.

Public Hearing was opened.

Tavis Austin read the Planner's three recommended conditions, including the parking management plan.

Mike Hodder made a motion to approve Case # 2021-06, Tax Map/Lot #: 203-047, Taylor Community for Construction of an Amenities Building, with the conditions as delineated by the Planner. Motion was seconded by Vaune Dugan. Board voted unanimously in favor by a vote of 7-0.

Public Comments: None

IV. Other Business:

Impact Fees:

Tavis Austin informed the Board that Mr. Maybury will be retired and unable to assist with the Impact Fees in 2022.

Master Plan Implementation:

Peter Goodwin gave an update of the proposed number of members and focus of the Master Plan Implementation Committee. The consensus was that one meeting per year is not sufficient, and perhaps two meetings a year would be ideal. Peter is going to look into 2 to 3 Planning Board members and send out an email encouraging other participation with Tavis Austin's assistance. There will be an update at the next meeting. Susan Repplier asked how the subject of the top three priorities will be incorporated.

Mike Hodder described the definition of "housing opportunity" zones and the process for declaring such. It was determined to schedule this for a workshop item.

Approval of Minutes:

7/20/21 Pg 4....Paragraph beginning Mike Hodder, second sentence: "Mike Hodder finds the situation disturbing because, TRC as part of site plan review,.... "the Planning Board" depends on it providing the Planning Board with impartial "reviews" ..."

Page 6....John Thurston believed that 175-96-1 "should be a permitted use by right and " made a motion that it should stay ~~under Special Exception~~ "that way".

Page 7, first line, delete"Tavis Austin, that ~~under~~ all of he state and-..... NH TES fact sheets, etc. "referenced in the revised Pine Hill Road Development District ordinance" are all current....generic way would not render them moot"." ~~and they be renumbered.~~

Page 7, second paragraph...."in particular, ~~(A)~~ 175.53, Adult Oriented Business Provision,"

Page 9 - Mike Hodder inquired if Kathy Barnard and Tavis Austin had met with the Police Commission.

Page 3, Paragraph 5...."preference on this issue. She feels the public has clearly spoken and is opposed".

Mike Hodder made a motion, which Peter Goodwin seconded, to approve the July 20, 2021 minutes as amended. The Board approved unanimously by a vote of 7-0 in favor.

Mike Hodder made a motion, which was seconded by Kathy Barnard, to adjourn the meeting. Board members voted unanimously 7-0 in favor.

Meeting adjourned at 8:55 PM.

Respectfully submitted,

Mary Jane Shelton, Recording Assistant