

**TOWN OF WOLFEBORO  
PLANNING BOARD  
November 5, 2019  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Mike Hodder, John Thurston, Susan Repplier, Members.

**Members Absent:** Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative, Peter Goodwin, Member, Dave Alessandrone, Alternate.

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

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

**I. Introduction of Board Members**

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

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

**Wright Museum/Estate of Everett Albee II**

**Agent: Jim Rines, White Mountain Survey & Engineering, Inc.**

**Site Plan Review; Storage and Maintenance of Write Museum Vehicles**

**Tax Map #147-6, Case #2019-21**

Kathy Barnard read the item into the record and noted this was continued from October 1, 2019, there are 2 waivers before the Board, and the applicant appeared at the ZBA where the variance was granted.

Jim Rines stated the application for site plan review is to permit the use of the existing structures and a portion of the property 12.3 acres out of 33 acres for storage and maintenance of museums private vehicles. The property won't be open to the public, users will be Museum staff and volunteers only. Located at 65 Trotting Track Road the existing access used by Everett Albee over the Leipold property will continue until permitting of the Hersey Brook crossing can be completed. The Leipold's have gone into written agreement for a 3 year period. The applicant requests the following 2 waivers: 173-15.E.4(m) Full Site Wetlands and 173-15.E.4(q) Septic Systems and Wells within 150' of the site. The proposal includes 14 parking spaces with snow storage and 2 trees will be added adjacent to the parking area. Signage will include one identification sign saying Write Museum that will comply with the requirements along with no trespassing signs at the access points. Four wall mounted lights on a motion sensor directed down are proposed. Since impervious surface is being reduced by 680 SF, drainage computations will not be submitted. The Museum has voluntarily restricted the area available for storage and maintenance. These areas are depicted on the planset. No changes to utilities, solid waste will be internal to the building and hazardous waste will be stored in bins internal to the structure. Lastly, nothing is proposed in the flood plain.

Kathy Barnard questioned the handicap parking space and stated it is a requirement.

Jim Rines replied it is a requirement and because it's not open to the public they will use one of the bays.

Kathy Barnard stated it requires one handicap space that is available and marked properly.

Matt Sullivan stated if the Board proceeds with the understanding the ADA parking will be provided inside, a note added to the plan indicating such would be adequate.

Jim Rines stated a placard could be added as well.

Mike Hodder asked for confirmation that there will be space inside dedicated specifically to the ADA handicap parking accessible space; nothing will be stored there, i.e. extra vehicles, carts left there etc.

Jim Rines replied it will always be available, yes, but could not confirm workers wouldn't use the space; however, would be promptly removed should someone need the handicap space.

John Thurston noted concern for the handicap space and asked what would happen should someone pull up and the bays were closed.

Jim Rines replied no one can pull up as it isn't open to the public.

John Thurston questioned what would happen should someone come to pick up a worker with all the sand on the outside and whether a space could be provided outside the building.

Jim Rines replied that was why they proposed it be internal, it's not open to the public, if outside it would need to be regraded and paved which would then need to be removed once the work was completed. This would impact the impervious surface; however, if the Board is not satisfied with the proposal the applicant will make the necessary arrangements.

Mike Hodder reiterated this is not a public access site and the only people that would need to use the handicap space would be the workers. Therefore, if the space is internal, a placard is hung, it's striped for handicap access and no junk is the way, there should be no need of an outside space that requires paving etc.

Kathy Barnard agreed with Mike Hodder, if the interior space meets the requirement, she is agreeable as long as it's designated and wanted to note it couldn't be waived.

Jim Rines stated he didn't mean to imply he was requesting it be waived, just that it was internal.

Mike Hodder stated it should be a condition of approval: #11. Designated space within the building where handicap access will be available whenever it's required.

Kathy Barnard stated the application appears backwards as the Board should be looking at the crossing and wasn't clear why it wasn't being done at one time.

Jim Rines replied the last week of August there was a clause in the purchase and sale that it had to be filed by September 9<sup>th</sup>. He was prepared for the variance and then discovered the Site Plan had to be submitted as well. A Special Use permit will be required; however, he is confident DES will grant and is comfortable with a condition of approval if the Board feels that's best.

Kathy Barnard questioned if the only document available for the access way is a letter.

Jim Rines replied that's correct, along with a 4 page agreement that will change into a temporary easement so there is an actual recorded document for that while going through the permitting process.

Mike Hodder stated the Board doesn't have that, all the Board has is a letter that will grant temporary access but you have a follow up letter granting 3 year access which the Board should have.

Jim Rines replied the Chairman of the Building Committee, Andy Mako is available this evening to speak to that.

Andy Mako stated they have been working with Patricia Leipold for some time on a detailed agreement. They now have a signed private agreement and are happy to read sections of the agreement to the Board.

Mike Hodder stated that would not be helpful, the only access you currently have to that property is over her property. The only indication the Board has that you have access, is a letter stating you have temporary access with her asking you to hurry up and get your bridge permit. It would be better if there was something in the record in writing saying you have a 3 year temporary easement that you have access until you get your bridge permit.

Andy Mako replied he believes there is a fair amount of provisions with what she will do and what they will do when it comes to who pays for what. She doesn't want it to be public.

Mike Hodder suggested that be sanitized.

Matt Sullivan asked if Mike Hodder was requesting an alternative letter from Patricia Leipold to represent the substance just not the particulars.

Mike Hodder confirmed, that's correct, the Board doesn't need to know the details, just that there is an agreement granting access for 3 years until the Bridge Permit is granted.

Andy Mako stated Patricia Leipold has been out of town but will certainly do as requested upon her return.

Mike Hodder suggested this be a condition of approval.

John Thurston stated he was satisfied with the letter.

Mike Hodder stated he did not have a copy of the wetlands delineation from Doiron Environmental only the map, not a narrative form. This is a problem as they are dealing with Hersey Brook which runs directly into Lake Wentworth as it's not that far away. He would like to have something that shows where the wetlands are and what's been found.

Jim Rines asked if an e-mail would suffice and if it could be added as a condition.

Mike Hodder referred to the map where no vehicles will be stored. He stated it appears there is a cut in where a no touch area parallels the access road heading down towards Trotting Track where the bridge crossing will eventually be. Why cut in like that, why not continue the lower section of the no touch to include the bridge crossing?

Jim Rines replied he did, it might not appear clearly and referred to the 75 ft. wide swath not included in the restricted area to create a suitable access.

Mike Hodder stated once you have the bridge permit, and bridge is built in, that no touch buffer could go back and parallel the one above it. If approved, cars could be parked and left there for as long as desired in that slot because it not in the no touch area.

Jim Rines replied he couldn't dispute that; however, because of the age and the type of vehicles, they are not generally kept outside.

Mike Hodder stated his concern is the integrity of Hersey Brook. For instance, vehicle fluids could get into the water as they are older vehicles.

Jim Rines stated the intent was to allow for the crossing, once that's permitted I don't see why we couldn't bring the 125 ft. across there.

Mike Hodder stated that would be fine as a condition of approval.

Matt Sullivan stated he recommended a wetlands crossing permit be filed within the next year (filing only).

Mike Hodder questioned what would happen hypothetically should the permit be denied and the 3 year term on the temporary easement lapses and is not renewed.

Kathy Barnard stated they'd lose their approval.

Matt Sullivan noted it's a risk.

**It was moved by Mike Hodder and seconded by Susan Repplier to grant waivers 173-15.E.4(m) and 173-15.E.4(q) for the Wright Museum/Estate of Everett Albee II, Tax Map, 146-6, Case #2019-21. All members voted in favor. The motion passed. 4-0.**

**It was moved by Mike Hodder and seconded by Kathy Barnard to accept the application as complete. All members voted in favor. The motion passed. 4-0.**

Chairman Barnard opened the public hearing for comments.

Matt Sullivan read the following 10 conditions of approval noting 4 additional conditions:

The Planning Board may wish to consider the following conditions should all other outstanding items within this review be addressed by the applicant.

1. The following plans, as amended to the date of this approval are incorporated into the approval:
  - Plan 1.** Zoning Application and Site Plan Review, The Estate of Everett S. Albee, II., Owner: The Estate of Everett S. Albee, II, P.O. Box 59 Wolfeboro Falls, NH, 03896, Applicant: The Wright Museum, P.O. Box 1212, Wolfeboro, NH, 03894 Project Location: 55 Trotting Track Road, Wolfeboro, NH, 03894, Tax Map 147 Lot 006 prepared by Jim Rines, P.E., L.L.S., C.P.E.S.C. White Mountain Survey & Engineering, Inc., P.O. Box 440, Ossipee, NH, 03864. Dated September 9<sup>th</sup>, 2019 and amended to November 5<sup>th</sup>, 2019.
  - Plan 2.** Zoning Application and Site Plan Review Detail Plan, The Estate of Everett S. Albee, II., Owner: The Estate of Everett S. Albee, II, P.O. Box 59 Wolfeboro Falls, NH, 03896, Applicant: The Wright Museum, P.O. Box 1212, Wolfeboro, NH, 03894 Project Location: 55 Trotting Track Road, Wolfeboro, NH, 03894, Tax Map 147 Lot 006 prepared by Jim Rines, P.E., L.L.S., C.P.E.S.C. White Mountain Survey & Engineering, Inc., P.O. Box 440, Ossipee, NH, 03864. Dated September 9<sup>th</sup>, 2019 and amended to November 5<sup>th</sup>, 2019.
2. The applicant shall be responsible for the payment of all recording fees.
3. 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.
4. Receipt of all federal, state, and local permits including but not limited to Town of Wolfeboro Building Permits.
5. A terminating easement over lot 148-011 shall be drafted by the applicant/owner, reviewed by Town Counsel or the Town's designee at the applicant's expense, and recorded, prior to the signing of the plans.
6. A final plan set shall be provided stamped by a NH Licensed Land Surveyor.
7. A note shall be added to the plan addressing the storage and disposal of vehicle waste, oils, fluids, and other hazardous substances in accordance with the information provided by White Mountain Survey and Engineering on 10/30/2019.
8. The approval shall be conditional upon the granting of the variance for the Museum Vehicle Maintenance and Storage use by the Wolfeboro Zoning Board of Adjustment case 16-V-19 and subject to any conditions of that approval.
9. A new E911 Address on Center Street shall be issued by the Planning and Development Department prior to the signing of plans.
10. A letter of ADA compliance shall be prepared by the applicant or their agent.
11. Internal ADA parking space to be added to the plan with appropriate signage to be added in the appropriate location externally.
12. Receipt of the acknowledgement for the 3 year Access Consent from Patricia Leipold by the Town within 30 days of the date of this approval
13. The wetlands delineation report by Adam Doiron shall be provided to the Planning Department within 30 days of the date of this approval.

14. The plan shall be amended to remove the wetlands crossing area as discussed during the public hearing November 5, 2019 from the vehicle maintenance and storage use and the site plan approved by this Board and aligned with the use extent which is 125 ft. from the Hersey Brook thread.
15. The applicant shall apply for a NHDES wetlands bureau permit for the crossing for the access off of Trotting Track Road within 1-year of the date of this approval

Mike Hodder asked if there were any conditions imposed by the ZBA approval that might affect this application.

Matt Sullivan replied not directly.

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

**It was moved by Mike Hodder and seconded by Kathy Barnard to approve the Site Plan Review with the 15 conditions of approval for the Wright Museum/Estate of Everett Albee II, Tax Map, 218-122, Case #2019-22. All members voted in favor. The motion passed. 4-0.**

**Samuel Avery House, LLC**

**Agent: Scott Lawler, Norway Plains Associates, Inc.**

**Site Plan Review; Restaurant, Commercial Space & Multi-Family**

**Tax Map #218-122, Case #2019-22**

Kathy Barnard read the item into the record.

Peter Cooke stated he owns the property adjacent to this property, The Pickering House Inn. This was purchased in October 2016 and the goal is to accomplish uses that are complimentary to Pickering House. The proposal includes a redeveloping of the existing residential/salon/spa building into 2 separate buildings. One will contain four inn rooms while the second a mixed use multifamily, commercial office space, and 50-seat restaurant use on the first floor. The second floor will create 2 commercial units to be determined. The third floor will have a couple of apartments to be used to help create affordable workforce housing. The second building is for additional units for hotel rooms associated with the inn, bringing them from 10 units to a total of 14, the timeframe is TBD. The rear portion of the building has been removed as it was structurally unsound. The intention is to bring the front building back to its glory from 150 years ago. Overall, looking for approval for the Site Plans.

Mike Hodder questioned TBD regarding the second building.

Peter Cooke replied it's dependent on an economic viability and demand. He explained he and his wife are tired as it's been a great deal of work; therefore, the 3<sup>rd</sup> building is probably a year or two out as the restaurant precedes that.

Scott Lawler stated Norway Plains was tasked with how to implement the inner space. He noted 5 parking spaces are accessed off the isle width that goes out back and the plan includes adding 3 more for a total of 8, one of which will include a handicap van accessible space. The plans indicate it's an 8 ft. parking stall. The impervious coverage has been reduced to 68.7% or approximately 1,420 sf. The drainage analysis has been provided to the town as the storm water runoff has been reduced by South Main Street but have slightly increased the amount that's heading out the rear to Lehner Street. The other part of the project involves reconnecting the new buildings with municipal services. The site plans call for 2 new mounted lights which are the exact same ones currently on the Pickering House along with 2 post lamps.

Matt Sullivan questioned the patio area, what the anticipated summer usage and hours of operation might be.

Peter Cooke replied the patio will have seating, the restaurant will be dinner hours only, and outdoor music is anticipated; however, would be in compliance with the town noise ordinances.

Matt Sullivan questioned deliveries.

Peter Cooke replied there is existing driveway access that comes off of South Main Street. We anticipate closing that, the front portion of it, and turning into green space with the exception of access from that area to loading areas to the side of the building. The small addition to the right hand side is the kitchen and delivery loading area. We are committed to using smaller local vendors.

Mike Hodder asked what Peter Cooke considered dinner hours to be.

Peter Cooke replied typically 5:00 pm to 10:00 pm.

Mike Hodder asked if Peter Cooke would be amendable to having a condition of approval stating specifically that the outdoor operation of the restaurant facilities would be running from 5:00 pm to 10:00 pm.

Peter Cooke confirmed yes.

Mike Hodder asked Matt Sullivan to make that a condition of approval and questioned outdoor music.

Peter Cooke replied on occasion yes, there will be outdoor music as he expects some demand from folks doing weddings, rehearsal dinners, family reunions, smaller gatherings, etc. Music is currently limited to 10:30 pm in the barn per regulations.

Mike Hodder asked if he would be amendable to limiting the outdoor music to 10:00 pm.

Peter Cooke confirmed that would be acceptable.

Mike Hodder asked if he anticipated any electronically enhanced musical instruments.

Peter Cooke replied potentially, don't anticipate any loud music, and typically all functions are within the barn space.

Mike Hodder noted to make conditions of approval with outdoor service between the hours of 5:00 pm - 10:00 pm and outdoor music between the hours of 5:00 pm – 10:00 pm.

Matt Sullivan noted due to the access over lot, 218-123, held in differing ownership, and the encroachment of the parking area/aisle, he included a condition requiring the preparation of reciprocal easements for such, with an easement plan to be included as part of the record of this plan. This would need to be reviewed by town council prior to this plan being formally signed by the Planning Board.

Peter Cooke stated he preferred to tie it to issuance of a building permit as opposed to a plan approval.

Kathy Barnard asked if he was referring to the building permit for the main facility.

Peter Cooke replied that's correct.

Matt Sullivan stated he would need to circle back to that.

Mike Hodder asked if there is a problem with the encroachment of the building across the property line.

Peter Cooke stated it's the thickness of the vinyl siding which will no longer be there as it encroaches by about a 1/2 inch. The HVAC unit will also no longer be there.

Matt Sullivan referred to a waiver signed by the Board that was ultimately granted for the driveway width for the existing Pickering House property. This waiver allowed it to go from 18 ft. down to 16 ft. Therefore, it was treated as a driveway rather than a maneuvering isle and now believe it could be identified as a driveway and no

longer feel there is an isle width issue as indicated in his review. If the Board feels it's necessary to grant another waiver for reduction in isle width that would be appropriate.

Kathy Barnard asked if Matt Sullivan felt it's necessary.

Matt Sullivan replied it's not necessary because this specific action was taken by the Board on the prior case. He then stated he spoke to the applicant about the addition of trees, to which they are amendable to doing.

Peter Cooke noted concern as it's a tight space but is proposing the appropriate amount of trees despite struggling where to place them.

Kathy Barnard asked if there is some flexibility.

Matt Sullivan stated he will circle back to that and offer some solutions. He questioned the applicability of Section 175-130; the 500 ft. linear parking standard. The number of buildings is not the critical piece, the effective use requirement is the important part.

Kathy Barnard stated there is flexibility in the parking requirements, i.e., shared parking, the applicant needs to provide a bit more information in order to meet the ordinance requirements. She noted the sq. footage of the building that was taken down and feels that's a part of it; could be a wash there.

Matt Sullivan asked if Kathy Barnard was stating there is flexibility and is asking the applicant provide a clear plan.

Kathy Barnard asked if using the spaces at Carpenter School was a possibility. But the Board needs to be able to justify the new building, which they have by the onsite parking but then there's the commercial and restaurant use.

Mike Hodder asked if they've ever held another applicant to the requirement that he delineate within the 500 ft. radius.

Kathy Barnard replied yes, Lone Wolf.

Matt Sullivan stated the Yum Yum Shop was required to as well, the Board has been consistent.

Mike Hodder stated the requirement has been are there parking spaces within 500 ft. that would satisfy the parking requirement and the answer has been yes. The Board has never asked them to specifically point to the slots and the locations.

Kathy Barnard agreed with Mike Hodder and stated there also hasn't been a new building.

Matt Sullivan referred to the parking ordinance and noted this proposal does include expansion.

Mike Hodder stated the ordinance is not clear and the Board can't hold the applicant to an ordinance that is not delineated or provides a remedy.

Kathy Barnard disagreed and stated she felt the ordinance is clear under 175-130A.B. and would like to find a solution.

John Thurston commended the Cookes for a job well done, and noted there may be a parking problem in town. He referred to Section 175-131 where it discusses shared parking and Section 175-131A. in which it states the parking provided meets the intent of the requirements during the peak use required by such establishment. Based on that, if there is a wedding at the Pickering House, a 50 seat restaurant with a living situation for tenants

and they only have so many parking spots they are using them both at peak requirement times. Therefore, are they sufficiently giving spaces and not double dipping?

Matt Sullivan stated the 500 ft. requirement is a double dipping mechanism as it's intended to be. It assumes there will be different peaks for different establishments with different operating hours. The question before the Board is, whether not there is space within 500 ft. has that turn over ability, and that sort of staggered demand.

Mike Hodder stated that was the test used for Lone Wolf and would like to use the same test for this as well.

Kathy Barnard stated the difference for Lone Wolf is it is clear in the ordinance that you can change from one use to another permitted use in the Central Business District. They had a right to change from retail to a restaurant because there was no new space added but the Board still put them through the exercise.

Matt Sullivan asked the Board if they need more information before they make a decision.

Kathy Barnard stated there is a need to come up with a calculation and an explanation at the next meeting.

Matt Sullivan agreed and stated having more information would be helpful.

Kathy Barnard noted there wasn't concern regarding parking when the Pickering House was modified as there wasn't an additional building being added.

Mike Hodder stated he referred to Kathy Barnard pertaining to the ordinance and was reluctant to ask the applicant to return.

Matt Sullivan referred to the ordinance and stated Section B does not apply.

Kathy Barnard agreed and stated it would be helpful to know the square footage of the building taken down.

Mike Hodder questioned if the applicants agent had that information.

Peter Cooke stated he will return with a plan and noted his disappointment to discover this now but will return in early December.

Matt Sullivan recommended to return to this in 2 weeks.

Kathy Barnard questioned if the ADA has been addressed in the new building and second floor.

Peter Cooke replied that is not required in the second floor as it's a small enough footprint to provide elevator access. However, are still required to have handicap accessible access able bathrooms and hallways on floors you can't get to but feel that is more of a building permit review. We are proposing a lift inside the existing building so the ramp and entrance to the rear will be handicap accessible. On the rear building that also will be ramp access and will provide a letter from Norway Plains explaining such.

Kathy Barnard stated there are commercial spaces on the second floor.

John Thurston asked for clarification if this is a shared situation.

Matt Sullivan stated the applicant will provide whether it's shared or they want to use the 500 ft. and he will work with the applicant.



**It was moved by Mike Hodder and seconded by John Thurston to continue the Site Plan Review application to November 19, 2019 for Samuel Avery House, LLC, Tax Map #218-122, Case #2019-22. All members voted in favor. The motion passed. 4-0.**

Kathy Barnard noted at that time members of the public will be welcome to comment.

**Laurel Parrish/Lewis Simmons**

**Agent: Jim Rines, White Mountain Survey & Engineering, Inc.**

**Special Use Permit**

**Tax Map #259-8, Case #2019-23**

Kathy Barnard read the item into the record and noted at 4:30 this evening she, John Thurston, and Mike Hodder completed a site visit accompanied by Jim Rines. They left 184 Springfield Point Road at approximately 4:45 pm.

Jim Rines stated the lot is 0.3 acres in size and has 158 ft. of waterfrontage. The proposal is to redevelop the property by removing the existing structure which has already been removed. A new home with an attached garage will take its place. The net sq. ft. of area in the wetlands buffer is being reduced by 367 sq. ft. and are increasing the setback to the wetlands with impervious surface from 1.7 ft. to 18.7 ft. The percentage of impervious coverage in the area within the 250 ft. of the shoreline decreases as well, from 25.2% to 21.8%, well below the 30% allowed and much closer to the 20% allowed without stormwater mitigation in the SWQPA and town zoning. There is presently a septic system in the ground that was not approved to which we have a septic approval and shoreland permit. Article II, Section 175-10. B. is being applied as the proposal is for lot redevelopment within the wetland setback and wetlands buffer when no alternative location on the parcel exists which has less detrimental impact on a wetland.

Kathy Barnard noted the Conservation Commission reviewed this and did not have any comments other than this was an improvement.

Matt Sullivan referred to an email received and noted there was no objection from the Conservation Commission; they were in favor.

Mike Hodder stated the application had everything needed. You made your case under Section 175-10. B. The narrative presented covered the findings, there is a proper wetlands delineation, and everything is provided to make a decision.

John Thurston asked if water goes in the infiltration trench and then comes out the floor drain, does it get cleaned.

Jim Rines replied there are foundation drains but not floor drains.

John Thurston stated he was trying to understand if the water was cleaned prior to going out the drain.

Jim Rines stated when the water table is high that area is going to be saturated, its either going to sit there or it's going to leach both horizontally through the upper horizon. Then as that water recedes it could go out the foundation drain so it's more treated than direct run off and any that percolates horizontally is considered treated.

John Thurston stated he had a fundamental problem with that concept, because you're talking about a 4-6 inch minus riprap in the bottom of a foundation trench and filled with 1 ½ inch of ¾ stone on top of that and asked if there was no media mix to slow the water down.

Jim Rines replied there's a filter fabric.

John Thurston stated the filter fabric just lines the soil.

Jim Rines replied that's correct, but the water has to pass through it to get to the foundation drain.

Matt Sullivan noted this is seen on many applications.

Jim Rines stated this is what the state recommends and is a good discussion.

**It was moved by Mike Hodder and seconded by Susan Repplier to accept the application as complete. All members voted in favor. The motion passed. 4-0.**

Jim Rines also wanted to point out there isn't a direct impact to the wetland.

*Chairman Barnard opened the public hearing for comments.*

Kathy Barnard questioned plantings.

Jim Rines replied any areas that are disturbed that aren't lawn will be mulched and planted with native vegetation and is agreeable to making that a condition.

Matt Sullivan confirmed he will make that a condition of approval.

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

Kathy Barnard stated the applicant has gone through the ordinance requirements, the new house will be further away from the required impact areas, have reduced the impervious area and met the criteria in the ordinance.

Matt Sullivan read the following 6 conditions of approval noting a 7<sup>th</sup> additional condition:

**Conditions to Be Met Prior to Signing of Plans:**

- 1) The following plan, as amended to the date of approval, is hereby incorporated into this approval:  
**Plan 1.** Special Use Permit Application Plan, Owner/Applicant: Laurel Parrish and Lewis Simmons, 184 Springfield Point Road, Project Location: 184 Springfield Point Road, Wolfeboro, NH, 03894, Tax Map 259-008, prepared by White Mountain Survey & Engineering, P.O Box 440, Ossipee, NH, Dated October 7th, 2019
- 2) 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.
- 3) The applicant shall be responsible for all recording fees.

**Conditions to Be Met Prior to any Building Permit Approval OR Construction Activity:**

- 4) An inspection by the Town shall be required of siltation devices prior to construction.
- 5) 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:
  - a) Silt fencing
- 6) The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 Wetlands Boundary Monumentation. This includes:
  - (1) 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.
  - (2) 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.
  - (3) The cost shall be borne by the applicant/developer or their successors in interest.
  - (4) 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.

- 7) All areas shall be returned to the native vegetation that are disturbed in accordance with the NHDES shoreland permit approval.

**It was moved by Mike Hodder and seconded by John Thurston to approve the Special Use Permit with the 7 conditions of approval for Laurel Parrish/Lewis Simmons, Tax Map #259-8, Case #2019-23. All members voted in favor. The motion passed. 4-0.**

**III. Public Comment**

N/A

**IV. Action Items**

N/A

**V. Communications & Miscellaneous**

**Municipal Electric Department email, dated 10/28/19**

Matt Sullivan referred to a copy of an email provided by the MED director, Barry Muccio, relative to the lighting in town.

John Thurston stated if Barry Muccio had presented his case to the Board directly, perhaps the Board would have given him consent to proceed. He thanked Barry Muccio and noted he has his support.

Mike Hodder stated Barry Muccio runs his department in an efficient fashion; however, there are LED's and there are LED's. He noted he had sent Matt Sullivan a copy of an article where there was a finding in Flagstaff AZ the brighter LEDS lights were causing problems from astronomical observations. There is other lighting available that allows astronomers to look at skies and was wondering if something like that might be usable in town. He stated he knew very little about this but found it interesting.

Matt Sullivan agreed it was an interesting read, and did send to Barry Muccio. He would like to have something in writing from Mr. Muccio as to why that type of LED lighting may or may not be a fit for the town.

Mike Hodder agreed as he'd like to have his input if this is a possibility as he doesn't like the current lights and would like to know if there is an alternative.

Matt Sullivan noted cost could be a factor but should explore options.

Kathy Barnard stated she provided an email to Matt Sullivan that was written several years ago (2015) to Barry Muccio addressing lighting around the crosswalks and noticed on her drive in this evening they now have better lighting surrounding them.

**Christopher Coache email, undated**

Matt Sullivan stated the letter addresses some short term rental issues in the community and upon researching to see if a rental property was available on just one particular weekend, 350 short term rentals showed up as available. The issues identified that these are close to a bed and breakfast. This solidifies the need for the Board to hold a stakeholders meeting to discuss the uses and issues. The letter also identifies some possible solutions worth reviewing. He questioned if the Board would like any direct action taken with regard to the letter.

Kathy Barnard stated the Board talked about having a public session but currently have a lot of ordinances to prepare and not certain if there is time to take this on.

Matt Sullivan agreed and stated although it can't be done in the next month it should be addressed early on in 2020.

Mike Hodder stated he shared Matt Sullivan's concern. Holding a public informational meeting in 2020, and then perhaps a second one later on in 2020 would put them into 2021 before having something in front of the town

that would have some legislative authority behind it. He preferred not to lose any time at all as 350 short term rentals is a large amount for one weekend. Testimonies were heard at the Master Plan hearing from residents having difficulty with the folks renting these short term rentals pertaining to noise and not behaving appropriately for the area. The Board also heard from folks who have a commercial interest in short term rentals; therefore, should not stumble blindly into regulating these sort of things as that would be counterproductive. He suggested the Board think about appointing a committee to begin a study of the impact short term rentals have on the town both socially and economically. He would also like to see what measures towns and cities in the state are taking to deal with their own problems and what national responses are being made by the short term rental organization to handle some of the problems that have come up. This will help by having facts to provide to the public.

Matt Sullivan agreed and stated it would be a higher quality product if a committee were put in place. He also appreciated the letter; it goes beyond many of the nuisance claims as it has some concrete potential solutions.

Mike Hodder stated as far as the committee he had given it some thought and felt there should be one member from the Board of Selectmen, one Planning Board member, one member from the commercial real estate interest group, and one member of the public. It should be a small committee, 5-6 people, and subcommittee of the Planning Board.

Matt Sullivan suggested putting that on the mid November agenda as a discussion item.

Kathy Barnard stated there are two sides to the issue that the Board has heard and the committee has to go into it with just looking for solutions.

Matt Sullivan agreed and noted a committee is a great way to spear head this to see if it's appropriate to regulate.

Kathy Barnard noted if the committee is in place they would be organizing the public forum.

Mike Hodder suggested recognizing the letter with a response and although Mr. Coache is here this evening, he should be thanked and asked to stay tuned.

#### **VI. Work Session**

Matt Sullivan recommended moving this work session to the mid November meeting.

Kathy Barnard suggested establishing dates for the public hearings.

Matt Sullivan suggested discussing items in the packet and the Personal Wireless Facility at the December 3<sup>rd</sup> meeting. He noted he had coverage maps available for the Board.

#### **VII. Approval of Minutes**

October 22, 2019

Corrections: Page 6, paragraph 8 strike the last sentence and replace with "This proposed district extension is an artificial construct in my opinion."

**It was moved by Mike Hodder and seconded by Susan Repplier to approve the October 22, 2019 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed. 4-0.**

#### **VIII. Planning Board Subcommittee Reports**

N/A

**It was moved by Mike Hodder and seconded by Kathy Barnard to adjourn the November 5, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.**

There being no further business, the meeting adjourned at 9:10 PM.

Respectfully Submitted,

*Cathleen LaPierre*

Cathy LaPierre

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