

**TOWN OF WOLFEBORO
PLANNING BOARD
June 4, 2019
MINUTES**

Members Present: Kathy Barnard, Chairman, Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Peter Goodwin, Susan Repplier, Members.

Members Absent: Dave Alessandroni, 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

Paul McBride

Agent: Peter Cooperdock, C.W.S.

Special Use Permit

Tax Map #260-62, Case #2019-13

Kathy Barnard read the item into the record.

Peter Cooperdock stated the house previously located at 610 South Main Street was torn down, the owner now intends to construct a new home with an attached garage and driveway with electric and water below. The proposal is to utilize the narrow area of the ditch/wetland for the driveway crossing to access the house which would be outside the buffer zone. The only impact is the driveway; 180 SF of palustrine forested wetland. Two other options are included; however, have a much greater wetland impact. Due to the small size of the wetland and there being no inlet or outlet, the functions are limited.

Kathy Barnard questioned the temporary impact location with regard to the plan.

Peter Cooperdock replied he wasn't clear where the temporary impact would be, the only impact would be to the topsoil near the side slopes of the driveway.

Matt Sullivan asked if the total impact area is 2,350 SF.

Peter Cooperdock confirmed that to be the amount and entire area.

Matt Sullivan stated 2,350 SF is the hatched area and referred to the map for clarity.

Vaune Dugan asked if the riprap was included.

Matt Sullivan stated that would be included in any impact area.

Peter Cooperdock confirmed the riprap to be included in the 2,350 SF shown.

Kathy Barnard questioned what was permanent and what was temporary.

Matt Sullivan stated the 2,350 SF includes temporary.

Peter Cooperdock confirmed yes; the 2,300 SF is permanent.

Kathy Barnard noted the Conservation Commissions request to have a box culvert as opposed to the 18" culvert due to it being less impactful.

Peter Cooperdock stated there are certain circumstances that would require a box culvert; however, in this particular case it's not necessary as there is no flow that goes through the ditch. He noted the comment regarding erosion control and stated he did not want to limit the contractor's control.

Kathy Barnard stated there is a location to the front of the lot that would impact wetlands along the buffer.

Peter Cooperdock replied there was a house there at one point and distributed an overlay of the house in that location for the Board to review. He stated the landowner is attempting to utilize the property in an area that would allow for privacy in the proposed location.

John Thurston referred the Conservation Commissions comment regarding the box culvert and stated it's possible the box culvert would act as bridge possibly for reptile crossings etc. for that type of nature.

Peter Cooperdock stated there is not enough water to satisfy the requirement.

Peter Goodwin questioned the fact that there is a 4-foot drop going from the western to the eastern part of the wetland and if there is flow.

Peter Cooperdock replied that's correct but there is not enough watershed to create flow.

Peter Goodwin questioned the east wetland going south, how far the wetland goes and if that part is attached to Russ Pond.

Peter Cooperdock replied no; it goes about 20 more feet.

Mike Hodder stated there is a 10-foot slope from the front property line on South Main Street to Russ Pond and asked for assurance from Peter Cooperdock that there is no significant outflow from the eastern wetland into Russ Pond.

Peter Cooperdock replied he is quite confident there is no flow as there is no surface water.

Matt Sullivan commented on the square footage and stated the alternative seems to be substantially less impactful and questioned why that isn't an option.

Peter Cooperdock replied the difference between 90-180 SF does not seem to be a reason to use the other one, and the concern is the viability of the driveway being used in a comfortable way.

Mike Hodder noted comfort with regard to the Conservation Commissions comment that the location selected for the house and driveway are the least impacting alternative. As far as the box culvert, with the lack of flow does not see the need to go in that direction.

Kathy Barnard referred to § 175-10.A.2 and stated concern with regard to the maximum allowed footprint of 1,800 SF within the setback or buffer zone when there is an alternative.

Matt Sullivan noted the green setback shown on the northern side is a wetland setback which the Board has the authority to wave. He believes the buffer and setback impact would be significantly minimized by having the house at the front of the lot; however, is a design consideration for the property owner. He noted under the Special Use Permitting the Board has the authority to grant encroachment into that building setback and buffer.

John Thurston questioned if there will be a sump pump in the basement.

Peter Cooperdock replied there is a foundation drain outlet.

Vaune Dugan asked when the previous house was torn down.

Matt Sullivan replied he believed in 2015.

Vaune Dugan questioned the shoreland permitting process.

Matt Sullivan stated it to be state and town and this has to be granted before that process.

It was moved by Mike Hodder and seconded by Vaune Dugan to accept the application as complete. All members voted in favor. The motion passed. 7-0.

Kathy Barnard opened the public hearing for comments.

Mike Hodder congratulated the applicant for adhering strictly to the requirements and noted the information provided was easy to follow.

Matt Sullivan read the following 7 conditions of approval with a correction to 5(a):

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 with original signatures and stamps, as applicable:
Plan 1. .Special Use Permit Site Plan, Owner/Applicant: Paul McBride, 610 South Main Street Wolfeboro, NH Project Location: 610 South Main St., Wolfeboro, NH, 03894, Tax Map 260- 062 prepared by Fernstone Associates, 360 Castine Road, Castine, ME, Dated May 3rd, 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 payment of all recording fees.
- 4) A final version of the narrative letter shall be submitted including a Certified Wetlands Scientist Stamp and Licensed Land Surveyor.

To be Met Prior to any Building Permit Approval OR Construction Activity

- 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, silt stock or erosion control fencing
- 6) An inspection by the Town shall be required of siltation devices prior to construction.
- 7) 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.
 - (2) Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour
 - (2) Care shall be taken to ensure 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.

Kathy Barnard asked the Board how they felt with regard to the Conservation Commissions comment to a box culvert.

Mike Hodder stated he thought it was agreed it wasn't necessary.

Brad Harriman stated it would be overkill to place a box there due to no flow and suggested for areas where a culvert is placed that doesn't have flow to use 1 ½ inches of stone or sand for the amphibians and or reptiles to cross as opposed to plastic pipe.

Vaune Dugan suggested the sand will naturally occur and asked about the conditions pertaining to the DES and town shoreland permitting.

Matt Sullivan replied that's not typically incorporated as it's recognized it's required; however, a condition could be included stating its subject to state and town of Wolfeboro shoreland permitting.

Vaune Dugan stated that would be clear.

Mike Hodder asked if that was allowed.

Matt Sullivan suggested adding an 8th condition stating, "all other federal, state and local permits to be obtained" prior to any building permit approval OR construction activity.

Mike Hodder suggested making that standard condition moving forward.

Matt Sullivan agreed and will do so for all future applications.

Planning Board Members agreed to add the following new condition (#8)
8) All other federal, state and local permits to be obtained.

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

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Site Plan Review with the 8 conditions of approval for Paul McBride, Tax Map#260-62, Case #2019-13. All members voted in favor. The motion passed. 7-0.

III. Public Comment

N/A

IV. Action Items

N/A

V. Communications & Miscellaneous

Correspondence re: Wolfeboro Falls Limited Business District/Zoning Extension

Kathy Barnard questioned if a map was available.

Matt Sullivan replied no and if the Board is interested in pursuing the conversation, to discuss at the next work session. He will bring a map showing current zone boundaries, the location of the property that the request was received from and the Board can discuss if this a boundary amendment the Board would like to pursue in the 2020 zoning season. He referenced the letter submitted by Gayle Washington and noted the owner makes some valid points and suggested looking at it on a parcel by parcel basis.

Mike Hodder stated the business discussed is by variance and questioned why the owner cannot expand.

Matt Sullivan replied she cannot expand in the nature she desires due to the location of the expansion being on the second floor which would require additional variance. The owner feels rezoning is the long-term solution.

John Thurston asked if the owner has been involved in the master plan conversation.

Matt Sullivan replied there has been some discussion at the Future Land Use committee that is looking to extend the Wolfeboro Falls Limited Business District, particularly in the context of this downtown loop along Elm Street by the Pollini pit.

Mike Hodder suggested notifying all the abutters for additional input.

Kathy Barnard recommended having a general discussion at the next meeting.

Matt Sullivan agreed and stated at the June 18th meeting he will provide maps to discuss the uses parcel by parcel, and the Board can decide whether to move forward.

VI. Work Session

Pine Hill Road Development District

Matt Sullivan referenced page 2 and the need to look at the 40% coverage requirement, particularly when the adjacent Bay Street Limited Business District allows 60% coverage; if that's a number the Board would like to continue using. He recommended completing a rough calculation of coverage pertaining to the existing lots within the Pine Hill Road Development District as the 40% does not make sense when compared with the adjacent zoning.

Mike Hodder suggested increasing it to 50%, reevaluate after a couple of years, and if needed increase it to 60%.

Matt Sullivan agreed and noted to take a closer look at what exists at the next meeting.

Vaune Dugan questioned § 175-96 N.6.

Matt Sullivan stated the language used for *Contractors Yard – Light* was taken directly out the residential agricultural zone and because the frontage of Rte. 28 is the focus area for the contractors' yards they didn't want to have a lot of them in close proximity. However, the 1,000-foot threshold may not make sense within the district.

Kathy Barnard agreed and stated the reference to Rte. 28 should be removed.

Vaune Dugan agreed.

Mike Hodder stated § 175-96 N.2 eliminates the small lots on the southern side.

Matt Sullivan agreed and will remove the Rte. 28 reference.

Vaune Dugan stated it should be replaced by some planting requirements so the contractors can have their buildings up on the front of their lots.

Matt Sullivan referenced § 175-96.1.F(1), *Contractors Yard*, and suggested incorporating some of the standards in F but proposed a 25-foot setback from the front property line, 25 ft. from other property lines, and to include some vegetative standards.

Mike Hodder suggested redefining *Business Services* in some general terms that will allow for flexibility.

Vaune Dugan requested Matt Sullivan provide definitions from the town's ordinances.

Matt Sullivan agreed to provide and asked the Board if an *Industry* definition is needed.

Vaune Dugan suggested adding, *light* to the definition.

Kathy Barnard agreed; *light* would be acceptable.

Mike Hodder noted concern with regard to labeling *light/heavy*. A strict definition of *Industry* could lead to an issue i.e. if something is left out of the definition the Board may face having to allow a use where it's not preferred.

Vaune Dugan suggested a detailed description of what to allow vs. what isn't permitted.

Matt Sullivan stated it could be detailed and referenced the handout.

Mike Hodder reiterated his concern.

Peter Goodwin read the following portion of the handout " Light Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc." and stated this description covers many bases.

Susan Repplier agreed.

Mike Hodder questioned how control would be defined.

Peter Goodwin replied that would need to be discussed.

Vaune Dugan noted the description states what isn't wanted.

Matt Sullivan questioned if the Board developed a *Light Industry* definition, would it be a Permitted Use or Special Exception.

Board Members agreed it would be a Special Exception.

Matt Sullivan asked the Board if they wanted to explore *Industry* or *Heavy Industry* as alternative definitions that would allow more, or should that only be allowed by variance.

Vaune Dugan stated if owners of properties which have an industry are suddenly labeled *light*, they might have an issue unless amenable to the change.

Mike Hodder noted the importance of hearing from the public.

Matt Sullivan stated there is potential for taking away current uses if changed. He asked if it should be labeled *Industry by Special Exception* or *Light Industry by Special Exception*.

Mike Hodder suggested adding *Light Industry* and if a company with smokestacks wants to come in, they will need to go through the variance process.

Kathy Barnard agreed, add *Light Industry* to A, under *Special Exception Use*.

John Thurston noted anything that's out there currently, is allowed as it would fall under *Light Industry*.

Matt Sullivan agreed and will provide a *Light Industry* definition at the next meeting and will remove *Assembly Operations (G)*.

Consider adding reasonable amendments to the Site Plan Regulations and the Conservation Overlay District relative to ADA

Mike Hodder referenced RSA 674-33 paragraph 5, and the applicant that needed to place a garage in a location that was best based her handicap instead of where the ordinance dictates; he felt it unfair to deny a handicap individual that right.

Matt Sullivan stated an ADA exception under the wetland's ordinance would be for a temporary condition. The building that results from it would be a permanent one that impacts the land and noted concern for someone who may build, then move and there is a permanent effect to the land.

Mike Hodder reiterated his concern, and stated he is arguing for a handicap exemption to zoning regulations in particularly with Wetland Ordinances Conservations Overlay Council for 1) to convenience those who need the exemption and 2) to avoid a grievance filed from future applicants that were not allowed the exemption.

Peter Goodwin questioned what happens if the exemption is temporary.

Matt Sullivan stated the statute provides very clearly on the variance side of things that the ZBA has the ability to levy a time constraint based on how long that person resides in the structure.

Mike Hodder stated it should be limited to the time necessary to convenience a handicap person.

Matt Sullivan stated the Board could develop language that says handicap ramps will be permitted as an exception provided, and they be removed once the condition no longer exists.

Mike Hodder strongly urged the Board to consult with council.

Kathy Barnard asked Matt Sullivan to consult with the attorney on this to be clear.

Matt Sullivan noted it has been standard practice when someone comes in with a ramp on a business structure to inform them it's exempt from Site Plan Review and asked Board members for clarification.

Vaune Dugan asked why they would be exempt from Site Plan Review; shouldn't they come and show the Board where they are proposing them to be sure it's logical.

Matt Sullivan stated that he has administratively told businesses they do not need to come to the Planning Board because typically the ramps are very small in nature, done for compliance reasons and wanted to ask the Board if this approach should be altered. He offered to include an exemption in the Site Plan Review Regulations and bring before the Board.

Kathy Barnard suggested obtaining guidance.

John Thurston agreed.

2019 Work Program

- CIP Goals - scheduled to be discussed at the BOS meeting June 5th and 19th
- Meeting is scheduled June 12th with GWRSD to talk about their inclusion in the CIP
- Architectural Design Standards meeting will be scheduled soon to discuss improvements to language
- Zoning Map Revisions – is currently posted online; a new amendment will be posted next week
- Sign Kiosk – currently working to fix the maps
- Revised Road Standards – coming in 2020

- Impact Fee Ordinance – update to study will be completed to determine what to do with the impact fees in 2020
- Joint meeting with the EDC and Chamber is on hold
- Administrative Zoning Revisions – continuing to work on; low priority
- Use Table – considering a dimensional table
- Relocating Lighting – relocated Landscaping Standards; consider Lighting; low priority
- Conservation Subdivision Ordinance Review – 2020 project
- Parking Standards – continue to review
- CCRC – recommended by Future Land Use
- Pine Hill & Filter Bed Road Study – continuing to review issues raised; not ready to extend boundaries
- Look at Wolfeboro Falls Limited Business District & South Wolfeboro for potential extension
- Definition of Use Standards for Cotton Mountain District – amendment was presented and will bring back to the Board for review
- Personal Wireless Facility Ordinance Review for 12:K Compliance – obtained an attorney to work on through June -July and will bring a red line version to the Board
- Amendment to Section 175-47 – administrative amendment, old building codes are currently identified and need to be updated

Kathy Barnard noted the BOS will be discussing *The Dive* and questioned if the Board will need to be involved.

Matt Sullivan stated it could possibly be subject for Site Plan Review and noted there is a Dock Ordinance; would need a Commercial Vessel Land Permit. Need to find out if it is pick up and drop off or docking in place with retail sales on the boat. He recommended Board members attend the BOS meeting June 5th as this will be discussed.

Kathy Barnard suggested Matt Sullivan comment on the downtown parking at the meeting.

VII. New Business

Kathy Barnard questioned the Master Plan Mapping.

Matt Sullivan stated the Future Land Use Committee recommendations are almost complete. The intention was to develop a Future Land Use map to depict future land uses around the community i.e. low, medium, or higher density residential, commercial mixed uses etc. However, upon attempting to do the mapping there are constraints which make it challenging, the geography of the community is such that nearly half of it is a low-density residential zone. Therefore, all the smaller changes are nearly impossible to see on a map. Additionally, a lot of the recommendations made that could be made, spatially were overlapping and would be a challenge to represent all of the changes on one map and understand what's being looked at. Lastly, many of the Future Land Use recommendations align really well with the existing zoning; therefore, would be reinventing the wheel in a sense. Ultimately, the Committee felt it best to use a developing constraint map to convey where we're constrained from environmental factors and to continue to say that the zoning is generally a good picture of what we'd like to see in the future.

Mike Hodder stated they sound as if they appreciate current zoning and it fits the current growth needs of the town.

Matt Sullivan confirmed and noted there are a few exceptions.

Vaune Dugan asked if there was a possibility if there is a paragraph or a comment about a certain area to just do a section.

Matt Sullivan stated it can be done but there are only a few of those and are clear where they are. He noted the Future Land Use Chapter will come directly to the Board for review and if members would like to see that it could be done as a visual aid.

Vaune Dugan noted it would be helpful if Lehner Street and the parcels were shown.

Matt Sullivan replied he will provide at the next meeting and include the current zoning boundary, the other commercial entities within close proximity along with an aerial map.

VIII. Approval of Minutes

May 21, 2019

Corrections: Page 2, paragraph 6, strike "laundry mats" and replace with "laundromats"

It was moved by Mike Hodder and seconded by Vaune Dugan to approve the May 21, 2019 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Susan Repplier, Peter Goodwin, and John Thurston voted in favor. Brad Harriman abstained. The motion passed. 6-1.

IX. Planning Board Subcommittee Reports

N/A

It was moved by Kathy Barnard and seconded by John Thurston to adjourn the June 4, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed. 7-0.

There being no further business, the meeting adjourned at 9:11 PM.

Respectfully Submitted,

Cathleen LaPierre

Cathy LaPierre

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