

**TOWN OF WOLFEBORO  
PLANNING BOARD  
February 11, 2020  
MINUTES**

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

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

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

*Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Inn Ballroom, 90 North Main Street, Wolfeboro, NH.*

**I. Introduction of Board Members**

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

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

**Sonja Kinzmaier**

**Special Use Permit, Construction in Wetlands Buffer Zone**

**Case #2020-04, Tax Map #19-8**

Kathy Barnard read the item into the record.

Peter Cooperdock stated the lot is currently vacant, the impact is for the driveway to access the building site as there is no location on the property to build a building that does not impact wetlands. The wetland is forested, has no standing water, there is storm event run off in the wetland area on occasion but nothing permanent and 18" x 25' culverts will be placed in at grade. There is a wetland bureau permit for these crossings and the septic was approved. Erosion control devices will be placed and removed once the area is complete. He referred to the diagram for further review.

Kathy Barnard stated the Conservation Commission reviewed, had no objections and the project proposed has less environment impact than the alternative design provided and asked Peter Cooperdock to comment.

Peter Cooperdock confirmed he provided an alternative design and offered an explanation.

Kathy Barnard stated it was mentioned the driveway was being kept at 20 ft. from the property line.

Peter Cooperdock clarified, it's a state requirement.

Matt Sullivan stated we do not have a driveway setback for residential driveways.

Mike Hodder noted this was the only acceptable location.

Matt Sullivan asked if the drip edge will be placed under the house edge against the driveway.

Peter Cooperdock confirmed yes and there will be a gap.

Matt Sullivan noted one of the buffer zone impacts is within the public right-of-way outside the private property for the proposed culvert which in his opinion is being approved as part of this application.

Kathy Barnard noted the Conservation Commission appreciated the attention to the pervious surface area and the addition of drip line trenches.

**It was moved by Mike Hodder and seconded by Peter Goodwin to accept the application as complete. All members voted in favor. The motion passed. 5-0.**

Chairman Kathy Barnard opened the public hearing for comments.

Matt Sullivan read the following 7 conditions for approval noting an amendment to condition #1:

- 1) The following plan, as amended to the date of approval, including the driveway width, is hereby incorporated into this approval:  
**Plan 1.** Special Use Permit Site Plan, Owner/Applicant: Sonja T. Kinzmaier, Brown Road, Wolfeboro, NH Project Location: Brown Road, Wolfeboro, NH, 03894, Tax Map 019-008 prepared by Fernstone Associates, 360 Castine Road, Castine, ME, Dated January 8<sup>th</sup>, 2020.
- 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 comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan.
- 4) Final large format copies to be provided including Certified Wetlands Scientist Stamp AND L.L.S Stamp. A final version of the narrative letter shall include a Certified Wetlands Scientist Stamp.
- 5) An inspection by the Town shall be required of siltation devices prior to construction.
- 6) The applicant shall be responsible for all recording fees.
- 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. 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.

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

**It was moved by Mike Hodder and seconded Peter Goodwin to approve the Special Use Permit application, Construction in Wetlands Buffer Zone for Sonja Kinzmaier with the 7 conditions of approval, Tax Map #19-8, Case #2020-04. All members voted in favor. The motion passed. 5-0.**

#### **Wolfeboro Bible Fellowship**

**Subdivision – 2 Lots**

**Tax Map #148-15, Case #2020-05 (REQUEST FOR CONTINUANCE SUBMITTED),**

Kathy Barnard read the item into the record and stated the applicant has requested this be continued until March 3<sup>rd</sup> at 7:00 PM at the Great Hall.

**It was moved by John Thurston and seconded by Mike Hodder to continue the application for the Wolfeboro Bible Fellowship, Tax Map #148-15, Case #2020-05 to March 3, 2020 at 7:00 PM to be held at the Great Hall. All members voted in favor. The motion passed. 5-0.**

### **III. Public Comment**

Dave Greeley asked if there has been an announcement of the new members for the Short Term Rental Committee.

Matt Sullivan confirmed the membership has been announced and the following 7 members are as follows:

- Planning Board members, John Thurston, Susan Repplier and Kathy Barnard
- Public members, Geordy Hutchinson and Peter Cooke
- Chamber of Commerce, Cindy Melanson
- Board of Selectman, Paul O'Brien

The first committee meeting is scheduled for February 24<sup>th</sup> 8:30 AM in the planning conference room and will meet every 3 weeks.

Dave Greeley asked for clarification concerning the background of the committee, i.e. biased, interest in owning a short term rental or if a real estate agent are they interested in advertising for short term rentals.

Matt Sullivan replied the Board made its selection based on the membership constitution of the committee, not on the biases or lack thereof of the members selected. One of the expectations of the Board in putting together the committee was that folks would have an open perspective entering the process.

Mike Hodder stated the Board and town does not have a good understanding whether or not there is a problem connected to short term rentals and the only way to understand the issue is to hear from both sides of the issue. The idea of the committee is fact finding, it's not designed to write legislation, it's designed to find out what's going on.

Kathy Barnard noted the committee itself does not have any powers; their assignment is to look at the issues and report back to the Planning Board.

Dave Greeley Inquired if there will be public input, if it will be announced in the paper and stated he had difficulty finding information.

Kathy Barnard stated there are public notices posted on the town website and in the planning office.

Matt Sullivan noted the importance of the committee to meet for the first few meetings and get a sense of what the scope should be and then open it up to the public.

Mike Hodder noted short term rentals was not on tonight's agenda for discussion; hence why it might have been a challenge to find it.

### **IV. Action Items**

#### **Voluntary Merger –Pamela A. Clifford - Tax Map and Lots 234-007 and 234-007-001 (continued)**

Kathy Barnard read the item into the record.

Matt Sullivan noted counsel was contacted regarding two matters of concern 1) whether or not this was increasing non-conformity on the proposed lot and 2) whether or not the Board could issue a conditional approval should the Board decide it was more of an increase in non-conformity and wanted to create some condition for structural removal or something comparable to that. Upon reviewing, the conditional approval could not be issued by the Board and counsel did feel the condition of the structure an increase in the non-conformity on the proposed lot. He recommends the Board deny without prejudice and if that's the route the Board chooses to go, to make it clear the reason is due to the increase in non-conformity of the accessory structure. The Board could also choose to require the applicant withdraw the application; he has not had the opportunity to speak with the applicant prior to the meeting but is willing to consult with them about what is needed to have this approved as it's not time sensitive.

Mike Hodder stated it might not be time sensitive to the Board but could be to the applicant and need to think further on this, he reviewed files and stated this property was subdivided in 1982 to create these lots, prior to that they were part of a large farm (treated as one lot). These are existing farm buildings and the applicants wish to rejoin the 2 lots to basically recreate an old farm. To deny the application, is to rest on the nicety of the ordinances and to ignore the historical use and existence of the land of a farm which may have been there since the early years of the 19<sup>th</sup> century. It seems to be unfair to the applicant. By denying we are restricting its rejoining and seems to be outside of historical precedent and doesn't see what the town gains.

Kathy Barnard referred to Mike Hodder's comment pertaining to "the nicety of the regulations" and stated the Board is supposed to pay attention to uphold the regulations.

Peter Goodwin stated the eastern lot has lots of little buildings on it. The western lot has one building on it. Looking at both lots, by joining these two lots, you are decreasing the number of structures per acre.

Matt Sullivan stated he made that argument; however, counsel did not support it.

Kathy Barnard stated it's up the Board to make that determination how they read and enforce the regulations.

Mike Hodder stated the regulations need to be changed long term to allow these pre-existing lots to have the flexibility to increase in size by incorporating lots that had been part of the original farm which would increase density by incorporation in a case like this.

John Thurston stated the Board needs to look at the application as a blank slate, follow what the people voted on years ago and can't look at the individual and go against legal counsel.

Matt Sullivan noted an exemption could be added to agricultural buildings in the future.

Peter Goodwin questioned the increase to non-conformity if the non-conformity already exists.

Matt Sullivan stated the alternative interpretation is a non-density interpretation that says you're only allowed 3 accessory structures on this property, you already have 4 (already in violation), and are going to add a 5<sup>th</sup>.

Mike Hodder stated the small lot doesn't have a primary structure.

Matt Sullivan agreed and noted an alternative approach could be, they choose one of the accessory structures to be removed.

Mike Hodder asked Matt Sullivan to call in the Clifford's and see what it is they wish to accomplish and how the Board can assist and table this for now.

**It was moved by John Thurston and seconded by Mike Hodder to table the Voluntary Merger for Pamela A. Clifford, Tax Map and Lots 234-007 and 234-001 to March 3, 2020. All members voted in favor. The motion passed. 5-0.**

**Voluntary Merger –Lewis Family Trust of 2016 – Tax Map and Lots 244-007 and 244-008**

Matt Sullivan stated the merger brings the parcels into full conformance with the zoning ordinance and addresses the setback encroachment issues on lot 7 and potentially lot 8. He recommended the Board approve the merger.

**It was moved by Mike Hodder and seconded by Peter Goodwin to approve the Voluntary Merger for Lewis Family Trust of 2016, Tax Map and Lots 244-007 and 244-008. All members voted in favor. The motion passed. 5-0.**

### **Voluntary Merger –Lewis Family Trust of 2016 – Tax Map and Lots 244-009 and 244-010**

Matt Sullivan stated this is a merger of two vacant lots that will bring the lots into conformity with road frontage but not the minimum lot size; however, there is no increase in non-conformity and recommended the Board approve the merger.

**It was moved by Mike Hodder and seconded by Susan Replier to approve the Voluntary Merger for Lewis Family Trust of 2016, Tax Map and Lots 244-009 and 244-010. All members voted in favor. The motion passed. 5-0.**

### **V. Communications and Miscellaneous**

- NHDOT Letter Response – the Board reviewed and noted it was sent to the Heritage Commission. Matt Sullivan will draft a letter pertaining to environment, the sugar maples, street trees, traffic (particularly high school & buses) and safety and bring back to the Board for review.
- NHOSI 2020 Spring Conference – held on May 30<sup>th</sup> and the agenda is not available as of yet.
- NH House Bill 1629 – this was simply to review, is in executive session, and has support of the governor.

### **VI. Work Session**

- Architectural Design Standards Codified Review – hearing is scheduled next week.
- Waiver provision – site plan amendment was not adopted due to no vote being taken.
- Reminder: 02/18/2020 Hearing
- Master Plan Implementation Memo – 4.3 insert “chapter”.
- Joint Planning Board/EDC Meeting – informational, no topic discussion yet.
- 2020 Work Program Update  
Corrections:
  - Tasks, Master Plan Implementation Committee Establishment – mark as completed.
  - Drive Through Restaurants ordinance review – remove.
  - Review of impervious coverage limitations – correct status
  - Complete comprehensive review of parking standards/ordinance – delete "to be reviewed follow completion of the Master Plan".
  - Explore creation of continuing care – to be reviewed following completion and review of future land use chapter - delete "to be reviewed follow completion of the Master Plan".
  - Filter Bed planning study – delete "to be reviewed follow completion of the Master Plan".

**It was moved by Kathy Barnard and seconded by Peter Goodwin to appoint Paul O'Brien to the Short Term Rental Committee. All members voted in favor. The motion passed. 5-0.**

### **VII. New Business**

Mike Hodder noted the Short Term Rental Bill, SB 458 in the senate is going to public hearing tomorrow. The committee should follow the status of this bill.

John Thurston inquired about the status of the Facilities Director position recommended in the Master Plan.

Matt Sullivan replied that it is a critical issue, but no substantial progress has been made.

### **VIII. Approval of Minutes**

January 21, 2020

It was moved by Mike Hodder and seconded by Peter Goodwin to approve the January 21, 2020

### **IX. Planning Board Subcommittee Reports**

N/A

**It was moved by Peter Goodwin and seconded by Mike Hodder to adjourn the February 11, 2020 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.**

There being no further business, the meeting adjourned at 8:44 PM.

Respectfully Submitted,

*Cathleen LaPierre*

Cathy LaPierre

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