

TOWN OF WOLFEBORO
PLANNING BOARD
November 17, 2020
MINUTES

I. Call to Order: Chairman Barnard opened the virtual and in person meeting at 7:00PM.

The Planning Board has jointly decided to proceed with a 'hybrid' meeting format allowing for members of the public and Board to attend and participate in the meeting in-person or virtually.

In accordance with RSA 91-A: 2, III, the Board has one member joining the meeting remotely, which a public body has the authorization to allow.

At this time I would like to take a roll-call vote of ALL members present. For those participating virtually, please indicate if you have any other individuals present in the room with you.

II. Introduction:

Members Present: Roll call: Kathy Barnard – yes, Peter Goodwin – yes, attending remotely (acknowledged there is no one present with him), Brad Harriman- yes, Susan Repplier- yes, Mike Hodder – yes, John Thurston- yes, Vaune Dugan- yes, Julie Jacobs (alternate)- yes.

Members Excused: None

Staff Present: Tavis Austin, Director of Planning and Development, Mary Jane Shelton, Recording Assistant.

Votes taken during this meeting will be via roll call vote for all members.

III. Public Hearings:

- A. Subdivision/Reconfiguration of Non-Conforming Lots- Case #2020-27
Tax Map 96-13 and 96-13-1; Rural Residential District
Mary Ann Stockman and Town of Wolfeboro- Off Route 109A (vacant land)

At the request of the applicant, this review of this application was postponed until the 12/1/20 Planning Board Meeting.

B. Subdivision/Reconfiguration of Non-Conforming Lots; Case #2020-28

Tax Map 67-1-1 and 67-1-2; 560 North Line Road; Rural Residential District

Owner/Applicant: Scott Ducharme, PO Box 794, Wolfeboro Falls, NH 03896

Agent: Randolph R. Tetreault LLS - Norway Plains Associates, Inc.

Randy Tetreault presented a summary of the reconfiguration to the Board, stating that Lot 1-1 is currently developed as single family residential use and Lot 1-2 is undeveloped. Both lots meet the minimum required road frontage requirements and will continue to do so after the reconfiguration. Both lots were approved in their current configuration by the Planning Board in 2004, however due to zoning changes since that time, one of the lots is currently nonconforming. The proposed configuration involves annexing 9.79 acres from Tax Map 67-1-1 and adding it to Tax Map 67-1-2. The current developed lot will be 5.06 acres and the undeveloped lot will be 11.91 acres post reconfiguration, resulting in both lots still exceeding the required 42,000 sq. ft. minimum lot size required by the Subdivision Regulations for this upland soil type and slope. Post reconfiguration, the form factor calculations increase forth both lots and both will be serviced by individual on-lot wells and septic systems. He further stated that the applicant is not requesting any waivers as part of this application.

Randy Tetreault also identified an old Town water line and existing road, leading to the Town of Wolfeboro Water Plant, which runs through the reconfigured Lot 1-2 and the proposed location for a dwelling on that lot.

Brad Harriman asked if there would be a delineation on the new plan indicating the location of the water line easement since the property line along which it currently runs is being eliminated. Randy Tetreault stated there is no formal easement document which indicates the width of the easement, just its existence, until it reaches Pine Hill Cemetery, as the original water line easement is from the 1800's. Brad added that new 12" lines were installed in the 1990's. Julie Jacobs inquired as to the location of the new lines and Brad confirmed they were in the same location as the old ones. Randy Tetreault explained that he discussed this situation with Dave Ford and, because there are no formal specifics for the easement, the setbacks would be in line with those normally enforced for a septic or structure.

John Thurston inquired if the septic on the undeveloped lot could be located away from the wetland area. Randy Tetreault referred to a proposed septic location on the plan and explained that it will exceed the required setback distance.

Mike Hodder asked if the water line easement is included in the recorded deed. Randy Tetreault explained that the easement is noted in the original out-sale of the land, but not in the current deed. Mike Hodder further inquired if the water line is plotted, and Randy responded the location is known only by its physical location, which is visible, on the ground. Randy Tetreault further noted that the only documentation of the easement is from back in the 1800's when the water line was initially installed by the Town. It is a water prescriptive easement, but is not monumented. The access dirt road runs adjacent to the

line, coupled with the existence of a couple visible valves, both of which document the water line's location.

John Thurston asked if the dirt road will be utilized to access the new dwelling, thereby delineating the location and existence of the water line. Randy Tetreault stated that the dirt road is and always will be open and accessible for use by the Town. Randy Tetreault further the water location is also indicated on the 2004 subdivision plats approved by the Planning Board at that time.

Mike Hodder expressed that, although he understands the justification for waivers not being requested with this application, he felt that waivers should have been included as they are a standard requirement to the application approval.

Tavis Austin stated that, based upon the foregoing discussion, he recommends the addition of a condition (#7) to his originally suggested conditions of approval. This condition would be for the applicant to include easement language in the deed and on the Mylar for the water line, even if only to reference the plat where it is indicated. Randy Tetreault noted that because both lots are owned by the same individual, the creation of a new deed is not necessary unless required as a condition of approval by the Planning Board.

Mike Hodder made a motion, which was seconded by Vaune Dugan, to accept the application for Case #2020-28 as complete. Roll call vote: Mike Hodder - yes, John Thurston - yes, Brad Harriman - yes, Susan Repplier- yes, Peter Goodwin -yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (7-0).

Kathy Barnard then opened the public comment session on this application. With no comments coming forward, Kathy Barnard then summarized the application and requested Tavis Austin delineate the recommended conditions.

Tavis Austin presented the following conditions:

1. The following plans, as amended by Planning Board approval, are incorporated into the application approval:

Lot Line Adjustment to Reconfigure Map 67, Lots 1-1 and 1-2, North Line Road, Wolfeboro, Carroll County, NH, Prepared for Scott A. Ducharme, 560 North Line Road, Wolfeboro, New Hampshire, Tax Maps 57-001-001 and 67-001-002, Prepared by Randolph Tetreault of Norway Plains Associates, Inc., LLS, Land Tech, P.O. Box 249, Rochester, NH 03896-0794, Dated October, 2020.

2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.

3. The applicant shall be responsible for the payment of all recording fees.

4. 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 shall herein generally be determining.

5. The applicant shall be responsible for monumentation and updated plans including original stamps and signatures from an L.L.S., C.W.S., and other applicable licensed professionals.

Kathy Barnard closed the public comment session.

The Board reviewed the fact that the water line easement is a prescriptive easement and felt there was sufficient documentation on both the proposed and the 2004 subdivision plans. Also, because there were no waivers included in the application, the final recorded plan would not be subject to that standard condition normally included in application approvals.

Mike Hodder made a motion, which was seconded by Vaune Dugan, to approve Case #2020-28, with five conditions as outlined by the Planner. Roll call vote: Roll call vote: Mike Hodder- yes, John Thurston- yes, Brad Harriman- yes, Susan Repplier- yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (7-0).

IV. Action Items:

A. Voluntary Lot Merger

Tax Map 93-9 and 92-4; Rural Residential District

Douglas and Joanne Forbes- 425 & 421 North Wakefield Road

Kathy Barnard briefly described the case, stating that it involves one developed lot and one lot that is undeveloped but has a dilapidated structure on it. The merger would bring the newly created lot more into conformance with lot area and frontage requirements.

John Thurston recalled that the issues in the past was whether the dilapidated shed on the one lot would be removed. He further asked if the shed was designated as an access use, and, if so, what is the building an accessory use to? Tavis Austin offered that the tax card indicates that the subject shed used to be a dwelling unit, specifically a cabin without windows or doors. His understanding is that the intention is to make the shed an accessory building to the dwelling unit existing on the other lot. His position is that only one dwelling will be allowed on the merged lot, whether or not the shed is razed. John Thurston expressed his preference that the Board decision not contradict previous conditions imposed on other property owners in similar situations. Mike Hodder commented that he had hoped the property owners would have been present at the meeting to state their intentions with respect to the shed. Tavis Austin reiterated that, despite what may be the owners' preference, they would not be able to obtain a building permit to turn the shed into a second dwelling. Vaune

Dugan suggested including a stipulation which stated that only one dwelling unit can be located on the merged lot per zoning ordinance. Kathy Barnard concurred and suggested a condition be added that would state the shed could only be used as an accessory structure. John Thurston questioned if the dilapidated structure was a hazard. Tavis Austin stated that, although he has not performed a site visit, a person would need to be trespassing on the property for the shed structure to be a hazard.

Vaune Dugan made a motion, and John Thurston seconded it, to approve the subject lot merger with the condition that there can only be one dwelling unit located on the merged lot per the zoning ordinance. Roll call vote: Roll call vote: Mike Hodder - yes, John Thurston- yes, Brad Harriman- yes, Susan Repplier- yes, Peter Goodwin- yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (7-0).

B. Return of Surety Bond for the Wolfeboro Car Wash- Case #2015-06
Tax Map 218-66 - 7 Pine Street

Kathy Barnard stated, upon receipt of documentation from Matt Sullivan via Tavis Austin, that all conditions regarding this matter have been satisfied.

A motion was made by Vaune Dugan and seconded by Mike Hodder to release the financial security for Wolfeboro Car Wash, Tax Map 218-66, Case #2015-06. Roll call vote: Roll call vote: Mike Hodder - yes, John Thurston- yes, Brad Harriman -yes, Susan Repplier - yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote {7-0}.

V. Public Comment: None

VI. Other Business/Discussion:

A. Approval of 2021 Meeting Calendar:

Kathy Barnard presented the Planning Board meeting schedule for 2021 for review and approval. Mike Hodder noted that the December, 2021 dates on the schedule were Thursdays. The correct dates for December 2021 should be December 7, 2021 and December 21, 2021.

Mike Hodder made a motion, which was seconded by Vaune Dugan, to approve the Planning Board meeting schedule for 2021 as amended. Roll call vote: Roll call vote: Mike Hodder- yes, John Thurston- yes, Brad Harriman- yes, Susan Repplier- yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote {7-0}.

B. Approval of Minutes- 10/6/20 & 10/20/20 Meetings:

Planning Board Minutes for 10/6/20:

Page 5, paragraph 4... "Kathy Barnard expressed concern that, going forward, the Board should review the ordinance with respect to this issue/requirement." Mike Hodder requested that the "concern" be moved into a work program so that both the Board and the Planner review the boathouse ordinance concerning survey plan requirements for boat houses.

Mike Hodder made a motion, and Vaune Dugan seconded it, to approve the 10/6/20 Planning Board meeting minutes with foregoing change included. Roll call vote: Roll call vote: Mike Hodder- yes, John Thurston - abstain, Brad Harriman- yes, Susan Repplier - yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (6-0 with 1 abstention).

Planning Board minutes for 10/20/20:

Page 7, last sentence of first complete paragraph: "...no authority to request an individual to sign a". The words "any document" should be added to complete the sentence and be recorded as, "The Planning Board has no involvement in the process and no authority to request an individual to sign any document."

Mike Hodder made a motion, and John Thurston seconded it, to approve the 10/6/20 Planning Board meeting minutes with foregoing change included. Roll call vote: Roll call vote: Mike Hodder- yes, John Thurston- abstain, Brad Harriman- abstain, Susan Repplier - yes, Peter Goodwin - yes, Vaune Dugan - abstain, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (5-0 with 2 abstentions).

C. Other Business:

1. Drive through restaurants:

Kathy Barnard brought the Board's attention to an email she distributed to members recently containing a letter from Paul Zimmerman regarding drive through restaurants. She asked if the Board would consider adding this item to the agenda for the upcoming second meeting in December.

Peter Goodwin commented that he was curious if there was any significance to the juxtaposition of Mr. Zimmerman's letter and the timing of other information presented to the Board regarding a well-known brand food chain.

Kathy Barnard questioned if the Economic Development Committee should be brought into the loop prior to this issue being put forth for public input. Tavis Austin mentioned he will be meeting with the EDC chairperson in the very near future and could advise them that the Planning Board is looking at this issue and will be reaching out to the EDC as discussions

progress. Mike Hodder suggested that the Planning Board hold off on such until a more cohesive plan was in place.

Further discussion ensued as to the Board's past discussions, public surveys, etc. and updating Tavis Austin on the background history on this issue.

2. Feedback/Input to/from Tavis Austin:

Kathy Barnard asked Tavis Austin, as the new Planning Director, to discuss with the Planning Board his perspective and input as to observations and suggestions for various Planning Department procedures moving forward. Tavis Austin then presented a summary of his professional background, including his experience in natural resource planning.

- a. Public hearing notices - streamlining and simplifying the process
- b. Meeting procedures:
 - (1.) applicant presentation prior to approval process - not a procedure he was familiar with, but understands the value
 - (2.) line numbering the minutes- would it be useful or not
 - (3.) Planner Review document- inclusion of standard conditions -moving forward, he will include all conditions, other than relying on the regulations

Kathy Barnard stressed the value of Tavis Austin's background and interest in natural resources and specifically his recent frequency of site visits with the Town's new Code Officer. Tavis Austin commented that the site visits he has made have given him the opportunity to get to know the nooks and crannies of the Town as well as reviewing the status of work being done on previously approved projects, and in particular some specific shore land permits.

Mike Hodder had the following comments/suggestions:

- a. The Planner attend all Board meeting, position himself to be visible on-camera and utilize a microphone;
- b. Formal Planner Reviews be prepared for all applications, outlining waivers, setbacks etc., to be reviewed by the Board;

Vaune Dugan and Julie Jacobs commented on the benefit and their appreciation of the visual representations, of both the pre and post project layouts, included on the Planning Director's Reviews of applications.

A discussion then ensued between the Board and the Planner regarding the pros and cons of electronic posting of public notices allowed under the RSA statute while still being in compliance with the Town's regulations. Mike Hodder emphasized one of the major benefits would be the potential cost savings to the Town. It was noted that Wolfeboro's Rules and Procedures would need to be modified to allow exclusive electronic public notices. Kathy Barnard will include this electronic public notice proposal as a future work plan item.

Tavis Austin commented that, at a minimum, the information contained in public notices placed in the paper could easily be condensed and merely state the "who, what, when and where" plus reference the link to the website where the public can reference the multiple documents and detailed specifics. The Board consensus was that this should be given serious consideration, with the understanding that there may be a learning curve for the public to adjust to a new method of public noticing.

Vaune Dugan stated her preference that the Planner's Review cite/highlight the zoning section pertaining to the application as well as noting any area(s) that may be problematic or warrant discussion.

John Thurston requested 11" x 17" plans that are readable be included in the packet distributed in advance. Susan Repplier inquired as to the possibility of having the meeting packets distributed electronically. Tavis Austin offered to provide either an electronic or paper copy packet, dependent upon each Board member's preference.

Brad Harriman reiterated the prior suggestions that more detail be included in the Planner Reviews, in particular identifying specific areas that the Board should be focusing on with each application and the inclusion of related ordinance references.

Julie Jacobs mentioned her preference for keeping things simplified and that the collaboration between the Board and the Planner is a work in progress.

Tavis Austin conveyed his desire to dedicate a few minutes at each Board meeting to provide updates on upcoming applications, developing issues, etc. that were not able to be included on the agenda. Kathy Barnard responded it would be extremely helpful for the Board members.

VII. Adjournment:

Mike Hodder made a motion, and Vaune Dugan seconded it, to adjourn the 11117/20 Planning Board meeting. Roll call vote: Mike Hodder- yes, John Thurston- yes, Brad Harriman - yes, Susan Repplier - yes, Peter Goodwin - yes, Vaune Dugan - yes, Kathy Barnard yes. Acceptance of the application was approved by unanimous vote (7-0).

There being no further business, the meeting adjourned at 8:40PM.

Respectfully submitted,

Mary Jane Shelton
Recording Assistant