

**TOWN OF WOLFEBORO
PLANNING BOARD
August 6, 2019
MINUTES**

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

Members Absent: Mike Hodder, Susan Repplier, Members, 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

MRNH Retreat, LLC

Agent: Randy Walker, Esq.

Special Use Permit; Raze Existing Garage & Rebuild Garage within Wetlands Buffer

Tax Map #149-003, Case #2019-16

Kathy Barnard read the item into record.

Vaune Dugan recused herself.

Kathy Barnard noted a site visit was completed from 6:30-6:40PM. John Thurston, Brad Harriman, and Kathy Barnard walked the property, observed the existing structure and location of the proposed structure.

Attorney Walker stated Brian Berlind was also present this evening as he completed the surveying work and calculations. He noted Peter Cooperdock completed the wetlands work. The property located at 29 North Kenney Shore Road is fully developed, consists of a residence, garage, and is grandfathered. The applicant proposes to replace the existing two-story garage with a new garage. The existing garage has a 615 SF footprint, 223 SF of which encroaches into the wetlands buffer and 375 SF of which encroaches into the wetland's setback. The proposed garage will have a 1,008 SF footprint, 217 SF of which will encroach into the wetlands buffer, and 371 SF of which will encroach into the wetland's setback (both are improvements). Overall, the proposed garage is better than the existing garage. He noted the applicant owns the last 2 lots, essentially, it's a dead-end road and have a letter from the southwestern abutter who has no objections. Under § 175-7.E and § 175-10 B a special use permit is not necessary and referred to his letter. The proposed activity has no negative environmental impacts, cannot practicably be located elsewhere, and utilizes applicable best management practices. No federal permits are required and state permits have been received and believe this project is fully compliant with the rules and regulations and ask for approval.

Matt Sullivan confirmed he has the letter from the abutters which reads they don't object. He agrees the ordinance does not clearly define the reconstruction of a structure under § 175-5 E. where it pertains to obtaining a special use permit. However, under § 175-10 B. the inclusion within the § 175-10 section automatically triggers a special use permit. The health inspector did not have any concerns. The application is in full compliance with the zoning ordinance in the shore front residential district and the application is complete.

John Thurston stated he walked the site and noted a lot of the area had very fine sand and inquired how water will be directed towards the front i.e. paving.

Attorney Walker replied the plan is to leave as is; it's a gravel driveway with grass and prefer that over pavement.

John Thurston asked if the pine tree will be saved on the southeast corner.

Attorney Walker stated trees are important, they will try to save the tree upon removal; if it were to remain, it would fall on the house.

Peter Goodwin stated there is a possibility of a lot more impermeable surface on this lot and asked if a change in use and building structure will be of concern for the future or is this small enough not to be concerned.

Attorney Walker confirmed it is small enough not to worry. It's a guest cottage to the primary home with no plans for further additions.

Peter Goodwin stated that doesn't mean it won't be true in 40 years and is concerned is for the future.

Attorney Walker stated the Board will protect the lake and as long as folks comply with the rules there won't be an issue.

Matt Sullivan suggested looking at impervious surface thresholds and stated this applicant has the right to proceed with the way it's currently written.

Kathy Barnard recommended looking at that standard in the zoning ordinance and if the Board feels it's too liberal, it can be changed.

John Thurston asked what another 12% would be in footage.

Attorney Walker stated he wasn't certain.

Kathy Barnard stated this application is considered to be complete.

It was moved by John Thurston and seconded by Peter Goodwin to accept the application as complete. All members voted in favor. The motion passed. 4-0.

Kathy Barnard opened the public hearing for comments.

Brian Berlind wanted to address Peter Goodwin's concern and stated whenever a waterfront property is developed with more impermeable surfaces it has to go the state for a shore land impact permit and in Wolfeboro it needs a municipal impact permit. If the special use permit is granted this evening, they will still need the municipal impact permit to which will require more assistance from Matt Sullivan.

Matt Sullivan read the following 6 conditions of approval:

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 with original signatures and stamps of Licensed Land Survey or Professional Engineer, as applicable:*

Plan 1. Proposed Garage Replacement Plan, Owner/Applicant: MRNH Retreat LLC, 29 North Kenney Shore Road, Wolfeboro, NH Project Location: 29 North Kenney Shore Road, Wolfeboro, NH, 03894, Tax Map 149-003 prepared by Bryan Berlind, L.L.S., Land Tech Service Corporation, P.O. Box 60, 6 Old Route 28, Ossipee, NH 03864, Dated July 8th, 2019.

Plan 2. Alternative Location Exhibit Plan, Owner/Applicant: MRNH Retreat LLC, 29 North Kenney Shore Road, Wolfeboro, NH Project Location: 29 North Kenney Shore Road, Wolfeboro, NH, 03894, Tax Map 149-003 prepared by Bryan Berlind, L.L.S., Land Tech Service Corporation, P.O. Box 60, 6 Old Route 28, Ossipee, NH 03864, Dated July 8th, 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.*

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

- 4) The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan including silt fencing.
- 5) An inspection by the Town shall be required of siltation devices prior to construction.
- 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.

Kathy Barnard noted 175-10 B (1) (2) was recently amended due to an application that was processed for a structure that was in a previously disturbed area. The ordinance needed some flexibility and believes this project meets that criteria.

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

It was moved by John Thurston and seconded by Peter Goodwin to approve the application with the 6 conditions for MRNH Retreat, LLC, Special Use Permit, Tax Map #149-003, Case #2019-16. All members voted in favor. The motion passed. 4-0.

Top of the Hill Farm

Alan & Carolyn Frederickson

Site Plan Review; Farm Stand Building

Tax Map #182-004, Case #2019-17

Vaune Dugan returned.

Alan Frederickson stated he operates the farm with his wife and 2 children and has been doing so for 15 years selling products in their home and in the garage for the last 10 years. The proposal involves adding a 25'x42' farm stand building to make it a little more appealing to customers.

Matt Sullivan stated the farm stand is not a retail use in the context of the zoning ordinance and does not need a variance to proceed, it's really an accessory to the agricultural use and fully permitted within its zone. Thus, the question of use is not an issue when it comes to the zoning ordinance, but the Planning Board still has a role in approving things such as parking and access and referred to RSA 674:32-c. He noted under RSA 21-34(a).(III). this does qualify as a as a farm stand operation. The site is 99 acres in size, not the smaller sized lot the Board is accustomed to, much of the site is existing and the modification is just the addition of this building to flat space on the lot. Several waivers were not necessarily needed but felt it was best to include to formally waive as those were reviewed with the applicant and there is no concern pertaining to things like utilities, water, etc. No need for landscaping as the application does not trigger streetscaping or buffering. New drainage is not needed, snow storage will remain as is, Mr. Frederickson plows and maintains, and no changes to utilities. Solid waste will be disposed of internally, there are no increased impacts to natural resources, the project is not within the floodplain, and no signage is proposed. He asked Mr. Frederickson to clarify where the parking spaces will be and comment on lighting and noted there is a waiver pertaining to dark sky compliance. He stated there are some waivers for the Board to consider this evening but feel this is a use that should be promoted and is a positive one for the town of Wolfeboro.

Peter Goodwin referenced the map and questioned the blue sections/soil.

Matt Sullivan the soils data is supplied by NRCS which is at a federal level and not fine scale; it labels soil type.

Alan Frederickson noted he works closely with NRCS and they have been involved quite a bit.

John Thurston stated he was pleased to see this come before the Board. He asked for clarification on the location of a restroom.

Alan Frederickson replied there is a bathroom adjacent to the current location where meat is sold and folks can use that bathroom.

Matt Sullivan stated it could be addressed on the building permitting side of things with the code review and feel it's a good question as business will increase.

Kathy Barnard noted it was brought up at TRC.

Peter Goodwin inquired if this will be a seasonal farm stand.

Alan Frederickson replied it will be open year-round.

Kathy Barnard asked for clarification on the parking areas.

Alan Frederickson referred to the map.

John Thurston questioned ADA parking.

Alan Frederickson referenced the pictures provided.

It was moved by John Thurston and seconded by Vaune Dugan to grant the waivers requested for Top of the Hill Farm. All members voted in favor. The motion passed. 5-0.

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

Kathy Barnard opened the public hearing for comments.

Kathy Barnard stated this was a use that is supported by the zoning ordinance and this district was created for the idea of agriculture/farming and is in conformance with the ordinance.

Matt Sullivan read the following 3 conditions of approval:

1. The following plans, as amended to the date of this approval are incorporated into the approval:
Plan 1.Site Plan – Top of the Hill Farm; Project Location: 50 Martin Hill Road, Wolfeboro, NH, 03894, Tax Map 182 Lot 004 prepared by Alan Fredrickson. Dated July 10th, 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.

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

It was moved by Vaune Dugan and seconded by Peter Goodwin to approve the application with the 3 conditions for Top of the Hill Farm, Site Plan Review, Tax Map #182-004, Case #2019-17. All members voted in favor. The motion passed. 5-0.

III. Public Comment

N/A

IV. Action Items

**Philip and Katherine B. Estes
Lot Merger**

Tax Map #277-26 & 28

Matt Sullivan reviewed a request for the merger of lots 277-026 (~0.59 acre) and 277-028 (~0.60 acres). Lot 277-028 is current vacant while lot 277-026 is occupied by a single-family dwelling unit. This merger will create one lot of approximately 1.19 acres in size.

This merger does not create or exacerbate any non-conformity. Though the merger does not bring the lot into full conformity with the minimum lot size of 2 acres, it does bring lot 277-028 into full conformity with the minimum road frontage of 200’.

Vaune Dugan inquired as to whether the road is built on the western side of the property. Matt Sullivan stated that it is not, though a driveway is located there to access another developed lot.

The Board unanimously approved the Merger of Lots 277-026 and 277-028.

CIP Committee Appointment – Member at Large; Suzanne Ryan

Kathy Barnard stated that Suzanne Ryan has submitted a letter of interest for an appointment to the CIP Committee for a one (1) year term as an At-Large Member. Suzanne was a member of the Committee in 2018.

The Board unanimously approved the appointment of Suzanne Ryan as an At-Large Member of the CIP Committee for a term of one (1) year.

V. Communications & Miscellaneous

N/A

VI. Work Session

Master Plan Discussion

Matt Sullivan stated the Master Plan announcement was sent out to a group of approximately 100 stakeholders to be held on August 27th at 7:00 PM at the Wolfeboro Town Hall Great Hall.

Vaune Dugan asked if the maps will be available.

Matt Sullivan confirmed the maps will be available to review. He noted the Economical chapter was edited since last put in, photo swapping is needed (100 were selected), and acknowledgments will be included.

Brad Harriman suggested including Reed Marbury in the acknowledgments.

Matt Sullivan replied he will include Attorney Marbury. He stated the future land use chapter and some housing content will be added as well. This was a draft for review and the goal is to have the document ready for adopting at the public hearing.

Kathy Barnard inquired what to do regarding changes she or Board members see between now and the public hearing.

Matt Sullivan replied Members could identify the page number, provide the comment/edit and see/email him for any changes. He will provide a link as well to see comments/edits made.

Vaune Dugan inquired about maps.

Matt Sullivan replied there are 8 maps and stated he will make an effort to provide a map that has locations. The general topics will presented from each chapter and he will also provide a preliminary list unless members would be willing to send one to him. A second advertising run will be completed.

John Thurston stated he believed a map should be provided of all the historic areas as opposed to the just the buildings.

Matt Sullivan replied he will look to see if such a map is available.

Kathy Barnard referred to Matt Sullivan's comments regarding an Implementation Committee pertaining to the water resources chapter and inquired if that will be part of this public hearing.

Matt Sullivan questioned the idea of doing a water resources chapter to add to the Master Plan and asked the Board to consider a water stand-alone chapter.

John Thurston stated it would be sensible to hire someone.

Matt Sullivan stated a water resource engineer would be helpful and intends to propose the Master Plan be handled on a rolling basis, as opposed to a one time update.

Kathy Barnard suggested the Board think about that.

Vaune Dugan asked if the statute states it to be updated every 10 years.

Matt Sullivan confirmed.

Peter Goodwin stated most members/committees believed it to be a 10 year plan and feels it should go a few years prior to changing or revising.

Vaune Dugan stated changing it yearly would create confusion when referencing a date the plan was altered i.e. 1998 Master Plan.

Brad Harriman stated DOT updates plans every 2 years even though it's done in a 10 year span and feels it's worth considering to lessen the work load.

John Thurston prefers the Master Plan be updated as opposed to outdated and suggested updating every 5 years.

Matt Sullivan suggested tabling and continuing to think on how best to proceed with updates to the Master Plan.

Kathy Barnard suggested discussing the Implementation Committee.

John Thurston suggested an update.

Matt Sullivan stated the Implantation Committee was established as part of the 2007 plan and their role was to take the implementation chapter which is all of the goals and recommendations together and monitor and work with department heads to ensure progress was made. He reiterated establishing an Implantation Committee in the coming months

Vaune Dugan agreed it's essential.

Final Review of Draft Architectural Standards AND set Public Forum

Matt Sullivan stated this is the final version and is looking for the Board to set a public hearing date to discuss these.

Board Members decided to hold the public hearing on September 17, 2019.

Habitable Space Amendment Review

Matt Sullivan stated this is the same amendment presented at the last meeting. However, would like to discuss one potential option not included in the language provided pertaining to toilet rooms; a toilet and sink only by stating *toilet rooms on the first floor only within garage structures*. This would be intended to be used as a workshop bathroom.

John Thurston inquired about obtaining a waiver.

Matt Sullivan replied no waiver would be allowed; variance only, will run this by the codes officer, and return the Board for further review on August 20th.

Telecommunications Ordinance Report from Steve Grille

Matt Sullivan stated Attorney Steve Grille that prepared material will be present at the meeting on the 20th to discuss the changes needed and will have 20-30 pages to review.

Kathy Barnard stated there is an ordinance that is not in proper form.

Matt Sullivan agreed and stated the ordinance is in violation of federal and state law. One item to look at is currently the zoning ordinance 175-161 as 3 zones, C2, GR2, and GR3 do not exist anymore and the Board needs to review.

VII. New Business

N/A

VIII. Approval of Minutes

July 9, 2019

It was moved by Peter Goodman and seconded by John Thurston to approve the July 9, 2019 Wolfeboro Planning Board minutes as submitted. Kathy Barnard and Brad Harriman voted in favor. Vaune Dugan abstained. The motion passed. 4-1.

IX. Planning Board Subcommittee Reports

N/A

It was moved by Vaune Dugan and seconded by Peter Goodwin to adjourn the August 6, 2019 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed. 5-0.

There being no further business, the meeting adjourned at 9:15 PM.

Respectfully Submitted,

Cathleen LaPierre

Cathy LaPierre

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