

**TOWN OF WOLFEBORO
PLANNING BOARD
April 6, 2021
Draft Minutes**

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

Kathy Barnard read the following script:

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically. However, the Planning Board has jointly decided to proceed with a 'hybrid' meeting format allowing the public to access and participate in the meeting via in-person attendance at Wolfeboro Town Hall or via GoToMeeting at the following login site: <https://global.gotomeeting.com/join/918242429>

Please call 603-569-5970 OR e-mail planningdirector@wolfeboroh.us if you have any questions or concerns about in-person attendance.

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

II. Introduction of Board Members:

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.

Members Present: Kathy Barnard, Chairperson; Mike Hodder, Vice Chairman; Brad Harriman, Member (Board of Selectmen Representative); John Thurston, Member; Susan Repplier, Member; Vaune Dugan, Member (remote with no one else present in the room), Julie Jacobs, Alternate.

Members Absent: Peter Goodwin

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

III. Election of Officers:

First order of business to elect of officers of Planning Board:

Mike Hodder nominated Kathy Barnard for the position of Chairman. The nomination was seconded by Vaune Dugan, There being no further nominations, a roll call vote was taken: Mike Hodder - yes; Vaune Dugan - yes; John Thurston - yes; Brad Harriman - yes; Susan Repplier - yes; Julie Jacobs - yes; Kathy Barnard - abstain. Kathy Barnard was elected Chairman by a vote of 6-1-0.

Kathy Barnard nominated Mike Hodder as Vice Chairman. Nomination was seconded by Susan Repplier. There being no further nominations, a roll call vote was taken: Kathy Barnard - yes; Vaune Dugan - yes; John Thurston - yes; Susan Repplier - yes; Brad Harriman - yes; Mike Hodder - yes; Julie Jacobs - yes. Mike Hodder was elected Vice Chairman by a vote of 7-0.

Mike Hodder made a motion, which was seconded by John Thurston, to appoint as members of the Filter Bed Road Committee with rights of voting: Victor Drouin and Kirk Cheswick, with Suzanne Ryan as an alternate. There being no further nominations, a roll call vote was taken: John Thurston - yes; Vaune Dugan - yes; Brad Harriman - yes; Mike Hodder - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passed with a vote of 7-0.

IV. Public Hearings:

A. Scenic Road Reconstruction - Stoneham Road

Public Hearing regarding reclaiming pavement, adding gravel, replacing and upgrading drainage as well as removal of dead or dying trees followed by repaving on Stoneham Road, from Cotton Mountain Road to the Brookfield Town Line. Brad Harriman recused himself due to his association with the contractor performing the work.

Dave Ford gave an overview of the project and the source of funding. He identified that there were approximately 22 aging trees affected by this project that need to be removed due to safety issues. Abutters have been notified of the impending scope of the work to be performed.

Meeting was opened for public comment.

Suzanne Ryan of Stoneham Road identified approximately 6 trees that she felt could be saved. She inquired if an arborist had been consulted. Dave Ford responded that he made the determination and would be happy to look at any trees that could be trimmed in lieu of being taken down. Suzanne also inquired about the granite steps leading from the road to the Cotton Valley Church and requested that they not be removed. Lastly, Suzanne questioned the increase in road signs from 8 to 11. Specifically, she presented a suggestion made by herself as well as other neighboring residents to reduce the number of stop signs at the intersection of Stoneham and Cotton Mountain Roads.

Mike Hodder questioned the Planner as to the additional plans referred to by Suzanne Ryan on which tree removal was delineated, noting that there were only 4 plans included in the Planning Board packet of materials for this meeting. Dave Ford stated the complete set of drawings for the project should include 14 plans.

Mike Hodder made a motion to have the public hearing held open until the next Planning Board meeting on 4/20/21 at which time all of the project plans/documentation will have been made available for review by the Board members. Motion was seconded by Julie Jacobs. Roll call vote: Vaune Dugan -

yes; Susan Repplier - yes; John Thurston - yes; Julie Jacobs - yes; Mike Hodder - yes; Kathy Barnard - yes. Motion passes by a vote of 6-0.

- B. **Applicant: Patrick & Maureen Murphy**
Tax Map & Lot #231-44
Case #2021-04
Subdivision- 2 Lots
Agent: Randolph Tetreault, Norway Plain Associates

Formal Submission/Public Hearing for a 2 Lot Subdivision - 11 Goodrich Road, Tax Map #231-44, located in the Village Residential District.

Randy Tetreault, LLC of Norway Plains Associates, Inc. presented an overview of the proposed subdivision. He further gave justification for requesting/issuance of a waiver from subdivision application requirements for soil evaluation and depiction since the subject parcel is serviced by municipal water and sewer.

Mike Hodder made a motion, which was seconded by John Thurston, to grant a waiver from Section 174-7 D (5) Test Pit/Per Tests (6) Soil Types, as the subdivision is to be serviced by municipal water/sewer. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 6-0.

Mike Hodder made a motion, which was seconded by John Thurston, to accept the application as complete. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

The Public Hearing was then opened. There were no public comments.

The Planner had the following suggested conditions of approval:

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval:
Plan 1: Subdivision of Land and Subdivision of Land Topographic of 11 Goodrich Road, Wolfeboro, Carroll County, New Hampshire for Patrick and Maureen Murphy dated February, 2021 and received February 25, 2021.
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 herein shall generally be determining.

5. The applicant shall be responsible for Monumentation and the submittal of the Certificate of Monumentation and updated plans including original stamps and signatures from an L.L.S. C.W.S. and licensed septic designer.

Public Hearing was then closed.

Mike Hodder made a motion, which was seconded by Vaune Dugan, to approve the application as presented with the conditions stated by the Planner. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

- C. **Applicant: LP Gas Equipment, Inc.**
Tax Map & Lot #161-14-03
Case #2021-05
Site Plan Review
Agent: Randolph Tetreault, Norway Plain Associates

Formal submission/public hearing for a Site Plan Review of a Fuel Distribution Center -- Wolfeboro Oil Drive -- Tax Map 161-14-03.

Randy Tetreault, LLC and Scott Lawler of Norway Plains Associates, Inc. presented the site plan and gave a description of the proposed fuel distribution center project as well as introducing the other representatives of the application that were present, in person and remotely. Also attending remotely was a representative of Webb Engineering responsible for design of the tanks and approvals by NHDES. It was explained that the proposal is for a fueling station consisting of two tanks, one for off road and the other for road diesel fuel. The location is adjacent to the current propane facility.

Kathy Barnard commented that the presentation made to TRC was for LP Gas usage and inquired as to the change being presented currently.

Randy Tetreault replied that, in his role as surveyor and not as the engineer, his impression was that the general discussion involved the proposed facility replacing the existing Lehner Street facility which does currently serve the public. It was his understanding at the time that he was “not supposed to put that forth 100%” because the company didn’t want to be mandated to do that. He subsequently found out later that was the intention and the primary reason the project was being proposed. He apologized for that, but mentioned that it was brought up at TRC and felt the department heads had weighed in on it.

Kathy explained the reason she raised the question is that the documentation referenced “storage facilities”, “warehouses”, and distribution facilities for wholesale which did not indicate that it would be open to the public.

Randy Tetreault clarified that the application being put forth is not only for LP Gas usage but also for any contractors which they currently service at the Lehner Street facility.

Scott Lawler then gave an overview of the property characteristics and the tanks, safety equipment/procedures as well as ingress/egress access. He described the range of vehicles accessing the facility as ranging from tractor trailers to dump trucks, box trucks, etc. He further explained that the facility will be open for LP Gas, existing customers of LP Gas as well as public use via a credit card and will be open 24/7. In addition, Scott Lawler described the stormwater management plan, backup generator system, lighting plan, etc. The facility will not be staffed and therefore not require water nor septic, but will require electric service. NH DES review and approvals will be obtained.

John Thurston asked for clarification on public access.

Kathy Barnard commented that it seemed as though a Special Exception or Variance would be in order for operation of this type of facility.

The applicant stated that they felt their proposal is covered under the allowable use as currently written.

Kathy explained that a Special Exception use would allow the applicant to have any environmental hazard protection for the proposed type of use.

The applicant stated that because Wolfeboro Oil had been able to use the adjacent lot for propane storage, they believed the same approved usage would apply to the current project.

Mike Hodder asked why the applicant did not obtain a variance from the Zoning Board to allow the proposed use in this location prior to presenting to the Planning Board for Site Plan Review.

The Applicant stated that their lawyers had advised them this was an approved use for the subject property.

Mike Hodder explained that storage of propane was granted for Tax Map 161-14-1 granted in 2009 under a Special Use Permit. At the time, that lot was located in the C2, Pine Hill Road Commercial District and under 175-111, Paragraph N - the storage of volatile fuels or garage/service stations was permitted with a Special Use permit. And under that regulation, LP Gas and Equipment applied for and received a Special Use permit to build the site for the propane storage. Three years later the Town rezoned that area. The lot that LP Gas and Equipment is applying for now is rezoned as the Pine Hill Road Development District. The clause in the prior district allowing volatile fuels was not included in the permitted uses in the new Pine Hill Road Development District. It was continued in the C2 District, but not rolled over into the new Pine Hill Road Development District. There is no permitted use for volatile fuels in the district where the proposed project is located. What is permitted in the Pine Hill Road Development District is storage facilities -- including self-storage, storage of equipment and warehouse/wholesale distribution facilities. The allowance for the storage of volatile fuels was extracted from the permitted

uses for this district. Mike Hodder further explained that in order for LP Gas Equipment to apply for a diesel fuel storage as well as a retail operation on the subject lot, a variance must first be obtained from the Zoning Board to allow that use in a district where it currently is not allowed before coming back to the Planning Board for a permit for Site Plan Review.

Kathy Barnard inquired as to whether the proposed use would qualify as a Special Exception under a Contractor's Yard - Heavy Use. It was discussed and determined that, absent the allowance of volatile fuels, the proposed use would not be covered by such.

Mike Hodder stated that LP Gas Equipment, prior to installing the existing propane storage facility, applied for a Special Use Permit and had to meet all the requirements for environmental protection. The current application is for a Site Plan Review for a warehouse distribution facility and only requires a wetlands delineation.

Brad Harriman asked some technical questions regarding containment areas surrounding the storage tanks to protect the wetlands area, specifically with respect to the retail dispensing area.

Kathy Barnard and John Thurston expressed their desire to determine a resolution to allow the proposed project to proceed. Kathy suggested that a variance would be the most viable solution.

Vaune Dugan also expressed her support of the project provided there were adequate safeguards and agreed that a variance is needed as the proposed use is not allowed in the subject district.

The Planning Board acknowledged that the only district in which the proposed use is allowed exists in only one location in Town.

Randy Tetreault acknowledged that when the project was first proposed it was under the jurisdiction of the former Town Planner. Randy Tetreault felt the usage for housing diesel fuel was made apparent, whether or not the distinction between wholesale and retail was clearly stated. He asked for clarification of the Board's ruling vs. the Zoning Officer's ruling.

John Thurston inquired of Tavis Austin why he believed this was a legitimate application to present to the Board.

Tavis stated that the application was for a fuel distribution facility. Section 175-96 N refers to storage facilities, including self-storage and warehouses/wholesale distribution facilities. Section 175-175 defines a storage facility as a structure or part of a structure for storing goods, wares and merchandise either for the owner or others. A Storage facility includes self-storage warehouse and wholesale distribution centers. The zoning officer determined the proposed use was a distribution from a storage facility.

Tavis Austin stated he would have to investigate what the ramifications are when the

Planning Board decides to appeal the determination of the Zoning Officer as is the case in this situation. Procedurally, the Planning Board would have to state that the application is not complete, so that the applicant could move forward with a variance request.

Mike Hodder made a motion, which was seconded by Susan Repplier, to not accept the application as complete as the Board feels a variance is required as the proposed use does not qualify as a permitted use in the zone in which it is intended to operate. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - no; Brad Harriman - no; Julie Jacobs - no; Kathy Barnard - yes. Motion passes by a vote of 4-3.

D. **Applicants: Hilltop Trust & Ole Nelson**
Tax Map & Lot #217-144 & 217-164
Case #2021-06
Subdivision- Boundary Line Adjustment -2 Lots
Agent: Barry Boucher

Formal Submission/Public Hearing on a Boundary Line Adjustment and Reconfiguration of Two Lots -- 43 and 53 Sewall Road, Tax Map 217-144 and 217-164, located in the Shorefront Residential and Village Residential Districts.

Barry Boucher of Bearco Building and Design gave a brief overview of the boundary line adjustment being proposed.

Mike Hodder made a motion, which was seconded by John Thurston, to accept the application as complete. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

There being no public comments, the Planner had the following suggested conditions of approval:

1. The following plans, as amended to the date of this approval are adopted by reference as part of this approval:

Boundary Line Adjustment Plan of Hilltop Trust (Tax Map 217, Lot 144), and Ole Nielson (Tax Map 217, Lot 164) Sewall Road, Wolfeboro, New Hampshire. Dated March 8, 2021. As Received March 1, 2021.

2. The applicant shall be responsible for Monumentation and the submittal of the Certificate of Monumentation and updated plans.

3. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds and provide 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 herein shall generally be determining.

The public hearing was then closed.

Mike Hodder made a motion, which was seconded by John Thurston, to approve the application as presented with the conditions stated by the Planner. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

- E. **Applicant: Glynis Burgdorff**
Tax Map & Lot #228-60 & 61
Case #2021-07
Boundary Line Adjustment -2 Lots
Agent: Jim Rines, White Mountain Survey & Eng.

Formal Submission/Public Hearing on a Boundary Line Adjustment and Reconfiguration of Existing Lots -- 470 Sewall Road, Tax Map 228-60 and 228-61, located in the Shorefront Residential District.

Vaune Dugan recused herself as the applicant is a client.

Kevin Ashe of White Mountain Survey & Engineering, Inc. provided an overview of the proposed project. The intent is to reconfigure the common boundary line between the two lots so that the majority of the beach area is located on the northwesterly lot. It is a reconfiguration of two currently non-conforming lots. Both lots will meet the form factor and are serviced by municipal water and sewer. The applicant is requesting a waiver from Subdivision Regulations 174-7, D (4) the need for topography and 174-7, D (6) soil mapping.

Kathy Barnard made a motion, which was seconded by Mike Hodder, to grant a waiver from Subdivision Regulations 174-7, D(4) and 174-7, D(6). Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 6-0.

Mike Hodder made a motion, which was seconded by John Thurston, to accept the application as complete. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 6-0.

The public hearing was then opened.

There being no public comments, the Planner had the following suggested conditions of

approval:

1. The following plans, as amended to the date of this approval are adopted by reference as part of this approval:

Plan of Boundary Line Adjustment involving Lands of Glynis Burgdorff, Sewall Road, Wolfeboro, New Hampshire. As received March 16, 2021.

2. The applicant shall be responsible for Monumentation and the submittal of the Certificate of Monumentation and updated plans.

3. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds and provide 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 herein shall generally be determining.

The public hearing was then closed.

Mike Hodder made a motion, which was seconded by Kathy Barnard, to approve the application as presented with the conditions stated by the Planner. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

F. **Applicant: Wolfe Property Holdings/Kathleen Doyle**
Tax Map & Lot #143-15
Case #2021-08
Conditional Use Permit for Accessory Dwelling Unit

Formal Submission/Public Hearing for a Conditional Use Permit - Accessory Dwelling Unit - 16 Christopher Court, Tax Map 143-15, located in the Residential District.

Kathleen Doyle, the applicant, explained that the rationale for requesting approval of the ADU is to enable her to have a space for her mother to live in the dwelling with the applicant's family. The checklist and guidelines for applicants were reviewed along with the responses to the ADU questions which were part of the application.

Mike Hodder made a motion, which was seconded by Susan Repplier, to accept the application as complete. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

The public hearing was then opened.

There being no public comments, the Planner had the following suggested conditions of approval:

1. 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.
2. The application as submitted does not satisfy requirements for a Town of Wolfeboro Building Permit.
3. Post-construction photographs and proof of owner-occupancy must be provided to the Code Enforcement Officer prior to obtaining a Certificate of Occupancy.
4. Applicant shall be responsible for payment of all recording fees to Carroll County Registry of Deeds for Notice of Decision recordation.

The public hearing was then closed.

Mike Hodder made a motion, which was seconded by Kathy Barnard, to approve the application as presented with the conditions stated by the Planner. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

V. Public Meeting:

A. Applicant: TWW Investments, LLC/Terrance Weinhold Tax Map & Lot #204-44 & 45 Lot Merger

The owner has requested a merger of Lot 204-44 (.26 acre) and Lot 204-45 (.25 acre).

The Planner had the following suggested condition of approval:

1. Applicant shall be responsible for recording fees for Notice of Merger.

Mike Hodder made a motion, which was seconded by Kathy Barnard, to approve the proposed merger of Tax Map 204-044 and Tax Map 204-045. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

B. CIP Appointees

Mike Hodder made a motion, which was seconded by Kathy Barnard, to appoint Chuck Sumner, Suzanne Ryan and Paul Whalen as At-Large Members to the CIP

Committee; Mike Hodder and Kathy Barnard as Planning Board Members to the CIP Committee; and Robert Loughman as Budget Member to the CIP Committee. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy Barnard - yes. Motion passes by a vote of 7-0.

C. Committee Updates

- Stormwater - update at next meeting
- Drive Through Restaurants- mid to end of June a publicity release will be made in the paper and on social media announcing a public forum to be held July 8, 2021. Between September and November, the Board will then take action based on the public response in a manner and based on a timeframe which will allow inclusion in the 2022 Town Warrant as deemed appropriate.
- Filter Bed Road - 1st meeting 4/8/21 at 5pm in Great Hall
- Lighting - looking at draft wording and will present to Planning Board in near future
- Short Term Rental - meeting Monday 4/12/21 at 10 am to review community and town department input

VI. Public Comments: None

VII. Other Business:

A. Review of Draft Minutes from 3/16/21 Planning Board Meeting:

Mike Hodder had the following comments/corrections: Page 1 - Peter Goodwin should only be referenced as attending virtually, not in person; Page 3 - Mike Hodder proposed that the chairs of the Planning Board and Heritage Commission meet **by** (not on) April 20th; Page 3 - Drive Thru Committee Update - ...Town has an Electric **Department** mailing policy...; Page 6 - Filter Bed Road Committee Report - ...Mike Hodder replied (change the word “he” to “himself”).

Kathy Barnard made a motion, which was seconded by John Thurston, to accept the minutes as corrected. Roll call vote: Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - abstain; Julie Jacobs - yes; Kathy Barnard - abstain. Motion passes by a vote of 5-2-0.

B. Conservation Subdivision - Tavis Austin will make a presentation at the next Planning Board meeting.

Kathy Barnard advised that this Committee would be reconvening February 22, 2021.

VIII. Adjournment:

Mike Hodder made a motion, which was seconded by John Thurston, to adjourn the April 6, 2021 meeting. Roll call vote: Vaune Dugan - yes; Susan Repplier - yes; Mike Hodder - yes; John Thurston - yes; Brad Harriman - yes; Julie Jacobs - yes; Kathy

Barnard - yes. The motion passed unanimously by a vote of 7-0.

Meeting was adjourned at 9:05 PM.

Respectfully submitted,
Mary Jane Shelton
Recording Assistant