

**TOWN OF WOLFEBORO  
PLANNING BOARD  
December 1, 2020  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Brad Harriman (remote with no one else present in the room), John Thurston, Mike Hodder, Peter Goodwin (remote with no one else present in the room), Susan Repplier, Vaune Dugan (remote with no one else present in the room), Julie Jacobs

**Members Absent:** None

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

*Chairman Barnard apologized for the delayed opening of the meeting at 7:10 PM at the Great Hall, noting to all present and available remotely that the absence of Wolfeboro Community TV and technical difficulties with accessibility of the “go-to-meeting” platform, the effectiveness of remote connectivity may be somewhat limited.*

**I. Introduction of Board Members**

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

**II. Public Hearings /Scheduled Appointments**

**Mary Ann Stockman/Town of Wolfeboro                      Case #2020-27**  
**Tax Map #96-013 and #96-013-001**  
**Subdivision/Reconfiguration, Rural Residential District**  
**Agent: Randolph R. Tetreault, LLS, Norway Plains Associates, Inc.**

Kathy Barnard read the application into the record and noted that this application had been rescheduled from the November 17, 2020 Planning Board meeting at the applicant’s request.

Randy Tetreault stated the application is for reconfiguration of two non-conforming lots of record. Both parcels are located in the Rural Residential Zone and are currently undeveloped, in excess of 30 acres in size and currently non-conforming due to the lack of viable road frontage. The subject parcel is located on the northerly border with the Town of Tuftonboro off NH Route 109A. The proposal is to annex 5.02 acres from the Stockman parcel and combine it with the existing Town of Wolfeboro parcel. The resulting lot area changes are: TM 96-13 will increase in size from 35.53 acres to 40.55 acres and TM 96-13-1 will be reduced in size from 30.32 acres to 25.30 acres. Waivers to the general lot development subdivision application requirements for Section#174-9 A(2)(b) Design Standards - “Wetlands” - Lot Sizing Information and Section 174-7D (3) Watercourses, (4) Topography and (5) Soils Information have been requested. For justification of the waiver request, Randy Tetreault further noted that this application represents a land swap between two large existing lots of record with no proposed development on either parcel.

Mike Hodder noted that the application meets the requirements of RSA 674:54, referencing the October 30, 2020 letter from the Wolfeboro Director of Public Works, Dave Ford.

Tavis Austin stated he has no concerns with the granting of the requested waivers and supports the proposed project with the following conditions:

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

1. Lot Line Adjustment Plan to Reconfigure Tax Map 96, Lots 13 and 13-1, off of NH Route 109A, Wolfeboro, Carroll County, New Hampshire for Town of Wolfeboro & Mary Ann Stockman, 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.
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.
4. 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.
5. If granted, the applicant shall add a note to the final recorded plan indicating the approved subdivision regulation waivers as applicable.

**Mike Hodder made a motion, which was seconded by John Thurston, to grant the request of waivers. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

**Mike Hodder made a motion, which was seconded by John Thurston, to accept the application for Case #2020-27 as complete. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

Kathy Barnard opened the Public Hearing. There being no public comment nor questions, the public hearing session was closed.

**Mike Hodder made a motion, which was seconded by John Thurston, to approve the application for Case #2020-27, lot reconfiguration. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

**Beth Baldwin Trust**

**Case #2020-29**

**Tax Map 149-006, 8 Fern Avenue,**

**Special Use Permit for Detached Garage and Individual Sewage System, Shorefront Residential District**

**Agent: James F. Rines, White Mountain Survey & Engineering, Inc.**

Kathy Barnard read the application into the record.

Jim Rines of White Mountain Survey & Engineering, as agent for the applicant, described the subject property as two separate lots of record separated by Fern Avenue, with each lot composed of multiple parcels. He further explained that the ZBA, in June of 2020, granted two variances for the “Garage Lot”. Specifically, one for construction of a detached garage on a lot with no primary structure and the other for the garage to be placed within the front setback.

Jim Rines explained the following issues involved with this application:

1. Lots are small (6,690 sq. ft. for “house lot” and 11,520 sq. ft. for “garage lot”) with frontage on Lake Wentworth/Fernald Brook
2. Location of existing pre-1967 leaching area servicing the house lot and its proximity to abutter’s well
3. Setbacks to Lake Wentworth and the poorly drained wetlands

Jim Rines further explained the petitioner’s rationale for the Special Use Permit and how it satisfies the requirements for such, referencing Criteria 175-10.C.(1)(a thru c) and 175-5. A thru G.

It was then reported that the applicant had applied for a Shoreland Permit on November 1, 2020 and it was granted today, November 17, 2020.

Mike Hodder inquired as to whether a merger of the two lots, without extinguishing the right of way, would be a viable solution. Jim Rines believed this would not be a permissible alternative due to a fee simple interest conveyed by a prior owner. He further stated that although the Town of Wolfeboro taxes the subject property as a single parcel, the house lot is actually comprised of 3 parcels of land and the garage lot consists of 2 parcels.

Peter Goodwin complimented the proposed individual sewage system for its contribution to improved ground water quality ultimately impacting Lake Wentworth.

Kathy Barnard reviewed the recommendations/comments by other Town boards, specifically the Conservation Commission’s comment on the size of the garage building and the ZBA’s condition that there be a deed restriction prohibiting the lots from being sold separately. Kathy further

asked for confirmation on tree removal/tree count as well as inquiring if another less detrimental location had been explored and if a smaller garage or removal of the existing shed had been considered.

Jim Rines responded that, based upon the intended use, the applicant felt the garage size was not unreasonable, mentioning that a more intrusive larger building, or even a second residence, could have been allowed. He further stated that they were unable to identify an alternative location that would not be closer or more detrimental to the lake or wetlands.

John Thurston inquired as to the size of the septic system being installed. Jim Rines stated it would be a three bedroom septic.

**Mike Hodder made a motion, which was seconded by Kathy Barnard, to accept the application for a Special Use Permit, Case #2020-29, as complete. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

Kathy Barnard opened the Public Hearing. There was no public comment or questions.

Mike Hodder commented that there is no other viable alternative location. He further commented that the proposal meets the requirements of RSA 175-10-C as well as 175-5 A thru G with respect to impact on wetlands.

Peter Goodwin stated that he felt the proposed project was a good solution.

John Thurston applauded the clean solution septic system proposed.

Tavis Austin outlined the following conditions that staff recommend accompany an approval of this project.

The plans, as amended by the Planning Board approval, are incorporated into the approval:

1. Special Use Permit Application Plan for The Beth Baldwin Trust, 8 Fern Avenue, Wolfeboro, New Hampshire (Sheet 1/1 as received November 2, 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 herein shall 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.
6. All conditions of approval of #07-V-20 and #08-V-20 shall be incorporated by reference with this approval.
7. The applicant shall add a note to the plan and prepare and record a related deed restriction or similar instrument stating that the house lot (8 Fern Avenue) and the garage lot shall not be sold separately.

Kathy Barnard closed the public hearing session.

**Mike Hodder made a motion, which was seconded by John Thurston, to approve Case #2020-29 for a Special Use Permit with the conditions set forth by the Planner. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

#### **LP Gas Equipment**

**Case #2020-30**

**Tax Map 204-041, Grove Street (south side)**

**Site Plan Review for paved parking area, Wolfeboro Falls Limited Business District**

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

Kathy Barnard read the application into the record.

Randy Tetreault described the project as follows: The existing condition of this project is a gravel parking area that is utilized by LP Gas Equipment employees who work in an office across the street from the subject parcel. The existing parking area is a non-conforming use of the parcel as off-site parking is currently not permitted in the Wolfeboro Falls Limited Business District. The proposal is to install paved parking spaces compliant with the parking dimensional requirements of the regulation. The proposed parking area will be more conforming to the regulations as there will be defined parking spaces and storm water treatment proposed. The use of the lot as an off-site parking location, however will remain a non-conforming use of the lot. The amendments to be proposed to the Parking Regulations for Town Meeting 2021 would alleviate this non-conforming situation.

Randy Tetreault confirmed that the applicant is aware of the proposed amendment element and any improvements made to the site prior to adoption of the proposed changes would be at the applicant's risk. If the Parking Regulation amendments are not approved as recommended by the Planning Board, the applicant may pursue a variance to obtain authorization for use of this parking area.

Randy Tetreault further explained the specific improvements that would be made to the parking area as well as how drainage and snow removal/storage would be handled as well as addressing landscaping and lighting issues.

Kathy Barnard expressed her position that the project should have gone before TRC. Matt Sullivan, the Planning Director at the time, did not feel a TRC review was needed. Tavis Austin advised the Board that he did have Dave Ford, Director of Public Works & Utilities, review the project today.

John Thurston commented that he was under the impression that off-street parking was not allowed.

Kathy Barnard explained that the subject parcel was pre-existing, making it non-conforming. Reference was made to 175-43 D (3) with respect to change of a non-conforming use to another non-conforming (less non-conforming) use which results in it becoming more conforming - i.e. drainage, landscaping, etc.

John Thurston inquired about an obligation to provide ADA parking. Tavis Austin stated that the lot is not advertised as public parking and offered on a first come, first served basis.

Peter Goodwin commented that the project represents an improvement to the area and to the water quality for the Back Bay area.

Mike Hodder inquired as to how intrusive the lighting in the parking area would be. Randy Tetreault explained that it will be motion detector lighting and will not cover the entire lot, minimizing its effect on the surrounding neighborhood.

Mike Hodder and Kathy Barnard both agreed that the project will result in an improvement to the neighborhood in general.

**Mike Hodder made a motion, which was seconded by John Thurston, to accept the Application for Case #2020-30 as complete. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.**

Kathy Barnard then opened the public hearing.

There being no further questions or comments from the public or Board members, Tavis Austin presented the following recommended conditions of approval:

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

1. Proposed Parking Plan, Grove Street, Wolfeboro, Carroll County, NH for LP Gas Equipment. Dated November, 2020. (Sheet C-1 as received November 10, 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 herein shall 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.
6. Improvements made to the site, prior to Town vote for approval of and contingent upon adoption of the pertinent amendment(s), will be at the risk to the applicant.

Randy Tetreault commented on the recommended conditions and the likelihood of no Mylar being accepted by Carroll County for such a plan. Board members generally discussed revisions to recommended conditions with Staff.

Tavis Austin presented the following revised recommended conditions of approval following the Board's discussion:

Condition Precedent:

1. Applicant shall meet with Staff to discuss construction and landscaping costs for future posting of required surety per Regulations.

Condition Subsequent:

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. Surety, as determined in Conditions Precedent, shall be posted in accordance with the Regulations.
3. Any improvements made to the site prior to the 2021 Town Meeting Vote related to currently proposed parking amendments shall be at the sole risk of the applicant.

There being no public comment, Kathy Barnard closed the public hearing session.

Mike Hodder made a motion, which was seconded by Kathy Barnard to approve the application for Case #2020-30 with the revised conditions set forth by the Planner. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.

#### **D. 2021 Proposed Zoning Changes**

Due to the continued technical difficulties with the broadcast of the meeting, it was suggested that the Board continue the meeting to a date specific, adjourn and re-notice.

Mike Hodder made a motion, which was seconded by Peter Goodwin, to continue the discussion of all zoning amendment changes to the 12/15/20 Planning Board meeting. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.

#### **III. Other Business and Approval of Minutes**

Continued until 12/15/20 Planning Board meeting.

#### **IV. Adjournment**

Mike Hodder made a motion, which was seconded by John Thurston, to adjourn the 12/1/29 Planning Board meeting. Roll call vote: Mike Hodder - yes, John Thurston - yes, Peter Goodwin - yes, Brad Harriman - yes, Vaune Dugan - yes, Susan Repplier - yes, Kathy Barnard - yes. Vote was unanimous, 7-0 in favor.