

## **Wolfeboro Planning Board**

### **Regular Meeting**

**June 1, 2021**

### **Minutes**

The Planning Board members met in person, allowing the public to access and participate in the meeting via in-person attendance at the Wolfeboro Town Hall or via GoToMeeting through the login information: <https://global.gotomeeting.com/join/918242429>. Please call 603-569-5970 or email [planningdiretor@wolfeboronh.us](mailto:planningdiretor@wolfeboronh.us) if you have questions or concerns about in person attendance.

#### **I. Call to Order**

Kathy Barnard called the meeting to order at 7:00pm at the Great Hall in Wolfeboro Town Hall. A quorum was present. The Board was introduced. The Rules of Conduct for the meeting and hearings were reviewed.

#### **II. Introduction of Planning Board Members:**

Members Present: Kathy Barnard, Chairman; Mike Hodder , Vice Chairman; Brad Harriman, Member, Selectmen Representative; Peter Goodwin, Member; Susan Repplier, Member; Vaune Dugan, Member; Julie Jacobs, Alternate Member (voting member in John Thurston's absence).

Members Absent: John Thurston, Member – excused.

Staff Present: Tavis Austin, Director of Planning & Zoning; Mary Jane Shelton, Recording Assistant.

#### **III. Public Hearings:**

**Purpose: Consideration of Application for Acceptance & Public Hearing**

**Owner: Victor Drouin, Green Mountain Realty LLC**

**Applicant: Randy Tetreault, Norway Plains Associates, Inc.**

**Project Address: 75 Pine Hill Road**

**Case # 2021-09 Tax Map/Lot #: 176-004-000**

**Zoning District: Pine Hill Road Development District**

Formal Submission/Public Hearing for a 60' x 200' storage building and a 100' x 120' storage building

Randy Tetreault of Norway Plains Associates presented an overview of the existing site. The parcel is 9.3 acres with approximately 80 feet of road frontage on Rte 109A. An application was submitted to NH DOT for an expanded use permit for the gravel drive entrance, but no response has been received as of this date. A comprehensive drainage evaluation was conducted and a report submitted as part of the application. There are no plans for short term parking on the site, but the plans outline the ability to meet the requirements. Randy Tetreault reviewed the questions raised at the TRC, specifically the turning radius for trucks towing boat trailers to/from the site and fire department regulations for buildings of the proposed size. A retracement perimeter survey was done as well as topography and wetlands delineation on the existing features plan.

Victor Drouin presented that the only utility service will be electric. He then gave an overview of the design and use of the two buildings for non-public, indoor storage of boats by Wolfeboro Boat Company.

Paul Blanc addressed the stormwater drainage design and adherence to the regulations as well as the maintenance plan submitted with the application.

Kathy Barnard inquired, and Victor Drouin responded, about adherence to the 30' height ordinance.

Peter Goodwin inquired, and Randy Tetreault responded, about the sheet wash and drainage route.

Mike Hodder inquired about hours of operation. Victor Drouin responded that anticipated hours would be 8am to 6pm, with motion activated lighting after 8pm. The intent is not for the public to be accessing the area, but rather employees will be towing and storing the boats. Mike Hodder asked if the entrance will be controlled with a gate or otherwise. Victor Drouin responded that the intent is to not gate the area. Mike

Hodder inquired if there would be any drainage of bilges, sump, gas etc. of boats on the property. Victor Drouin stated the facility will not be used for servicing, only for storage, and the boats should arrive at the warehouses already drained and serviced. Trout Hartwell also responded that the water, etc. will be drained prior to arrival at the storage facility. Mike Hodder inquired, and Paul Blanc responded, as to how the inspections after ¼" rain events and bi-weekly inspections would be handled and monitored.

Vaune Dugan asked for verification, and received from Paul Blanc, that there would be no washing/cleaning nor repair of boats on the site.

Brad Harriman inquired about the materials of the floor of pocket pond materials. Paul Blanc responded that it is turfed with a seed mixture allowing for long term saturation.

**Mike Hodder made a motion, which was seconded by Vaune Dugan, to accept the application as complete. The Board voted unanimously in favor of the motion.**

Kathy Barnard opened the public hearing.

Jessica Call, an abutter, inquired how many boats would be stored. Victor Drouin responded that each building will store approximately 100 boats. Mike Hodder asked what the busiest time of the year will be to get an idea of the number of in/out trips occurring over what period. Victor Drouin stated September and October will be busiest for incoming boats, while May and June will be bulk of launching. Peter Goodwin asked for verification that it will not be a concierge service, with in/out activity throughout the season. Victor Drouin stated that is not the intent.

Randy Tetreault responded to a question from Kathy Barnard regarding landscaping requirements.

Randy Tetreault stated that an updated NH DOT entrance permit will be required for this project.

Kathy Barnard closed the public hearing.

**Mike Hodder made a motion, Vaune Dugan seconded, to approve Case #2021-09, Tax Map #176-004, for the use as described in the application along with the following four conditions of approval outlined by the Planner:**

- 1. The following plans, as amended to the date of this approval, are incorporated into the approval:**  
**Plan Set: "Boat Storage, 76 Pine Hill Road, Wolfeboro, NH for Wolfeboro Boat Company, May 2021"; consisting of Sheets Cover, E-1, C-1 through C-8 and L-1, as submitted May 11, 2021. Project Location: 76 Pine Hill Road, Wolfeboro, NH 03896, Tax Map 176-004-000 prepared by Norway Plains Associates, Inc., dated May 11, 2021.**
- 2. No outdoor storage permitted.**
- 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.**

**\_\_\_\_\_ Motion was approved by a unanimous vote by Board members.**

#### **IV. Public Meeting:**

**Purpose: Voluntary Lot Merger**

**Owner/Applicant: James & Kathryn Medeiros**

**Project Address: 3 & 5 Hattie Lane**

**Tax Map/Lot #: 113-021-000 and 113-022-000**

**Zoning District: Shorefront Residential and Village Residential**

Tavis Austin advised the Board that the owners have requested the merger of Lot 113-021 (approx. 1.0 acre) and Lot 113-022 (approx. 1 acre). Lot 113-021 is developed by a primary structure. Each lot meets the

required minimum lot acreage requirement. Lot 113-021 meets the frontage requirement while Lot 113-022 does not have adequate road frontage.

The Board clarified that the property abuts Sargent's Pond and that the conservation easement currently in place will survive the lot merger.

**Mike Hodder made a motion, which was seconded by Vaune Dugan, to approve the merger of Lot 113-021 and Lot 113-022 as proposed. The Board unanimously approved the motion.**

**Purpose: Return of Surety Funds**

**Owner: David Peterson**

**Address: 280 South Main Street**

**Re Project #2011-06**

Tavis Austin requested that the Board approve the return of Surety Funds to David Peterson who has maintained a cash surety with the Town which were secured in furtherance of the conditions of approval for a project (#2011-06 - Replace Motel Building) which has been closed and complete for several years with no outstanding compliance issues reported.

**Mike Hodder made a motion, which was seconded by Vaune Dugan, to return \$1,790, plus any accrued interest to date, to David Peterson as proposed. Motion was unanimously approved by the Board.**

### **Committee Reports:**

Stormwater Regulation – Kathy Barnard reported that they are working with the Wolfeboro Waters Committee, Conservation Commission and Wentworth Watershed.

Drive Thru Restaurants – Mike Hodder reported that the 6/11/21 Granite State News notice is on track. The Great Hall has been reserved for 7/8/21. Susan Repplier is working on a Survey Monkey for individuals to respond through.

Filter Bed Road – Tavis Austin in the process of working on a presentation for the Board regarding permitted uses in the Pine Hill Road and C2 zoning districts.

Lighting – Tavis reported that the committee will be meeting one more time before putting forth recommendations to the Planning Board.

Short Term Rental – Susan Repplier reported that the committee has a meeting scheduled for 6/7/21 and the expectation is that recommendations for the Planning Board will be finalized at that time.

V. **Public Comment:** – None

VI. **Other Business:**

Tavis Austin provided an update:

- The next ZBA meeting to be held on 6/7/21 will include Eastern Propane's appeal of the Planning Board motion to determine their application as incomplete as the use was not permitted in the subject zone.
- Town Counsel was consulted and does not feel the Planning Board needs separate legal counsel representation in this matter. Town Counsel will be present at the ZBA meeting to give guidance and ensure that the proper process is followed, not to represent either the ZBA nor the Planning Board. After discussion, the Planning Board decided that it will not send representation to the ZBA meeting but rather have the record of the subject decision stand on its merits.
- Eastern Propane has also applied for a variance, so that if the appeal finds in favor of the Planning Board, Eastern Propane will move forward for a variance for the use which was not permitted (which was the suggestion of the Planning Board).

Mike Hodder requested, and the other Board members concurred, that the Planner will include the minutes of the subject Planning Board meeting regarding the Eastern Propane application in the packet of materials provided to the ZBA members and make available a link to the DVD of the recorded meeting if requested.

Mike Hodder presented to the Board a handout entitled “Planning Board Decisions Based on Zoning Regulations Must be Founded on Objectively Clear Zoning Non-Conformities” regarding Ronald Shattuck v. Town of Francestown; Housing Appeals Board Case No. PA-2021-01; dated Friday, May 7, 2021. He brought this to the Board’s attention to inform them of the Housing Appeals Board (HAB) which has all the remedies of housing appeals that a Superior Court would have. He particularly highlighted the following: “The HAB concluded the certified record did not disclose objective zoning violations for the Applicant’s subdivision.” His point was to stress the importance of having the specific zoning violation(s) included in the meeting record when making a decision to deny/approve an application.

#### **Draft Minutes – 5/18/21 Meeting**

Under Short Term Rentals, Susan Repplier stated that she believed Mike Hodder should be credited with mentioning “HOA’s are not able to get the required majority of votes to regulate or abolish STR within their neighborhoods and to litigate pushback.”

Also under Short Term Rentals, Brad Harriman asked that a clarification of the reference to “in-town management group/team” be made to identify the group as a management team hired by the STR property owners.

Under Filter Bed Road, Julie Jacobs identified a typo in the numbering of the possible actions outlined by Mike Hodder. The first appearance of 3) should be changed to 2).

**Mike Hodder made a motion, which was seconded by Susan Repplier, to approve the 5/18/21 meeting minutes as amended. The majority of the Board voted in favor with Vaune Dugan abstaining.**

Adjournment:

Vaune Dugan made a motion, which was seconded by Mike Hodder, to adjourn the meeting. Meeting was adjourned at 8:23 pm by unanimous vote.

Respectfully submitted,  
Mary Jane Shelton  
Recording Assistant