

Town of Wolfeboro  
*Planning Board Minutes*  
*84 South Main Street, Great Hall*  
*Tuesday, May 16<sup>th</sup> 2023 at 7:00 p.m.*

- I. Chair Kathy Barnard called the meeting to order at 7:00 p.m.
- II. **Voting Members Present:** Kathy Barnard (Chair), Doug Breskin (Vice-Chair), Vaune Dugan, Peter Goodwin, Brad Harriman (Representative from the Board of Selectmen), Roger Murray, John Thurston
- Alternate Members Present (who vote if requested by the Chair):** Julie Jacobs, Jane Nielsen, Steve Webster
- Staff Present:** Tavis Austin, Director of Planning and Development
- III. Public Hearings: NONE
- IV. Discussion Items:

(a) **286 New Garden Road, Owners Jason & Renee Walsh Request a Class VI Road Waiver: Comments from the Planning Board to the Board of Selectmen [BOS]**

**Summary of the Class VI Road Waiver Procedure by T. Austin:** The Applicant and Landowner would like to build a new, single-family residence on a Class VI Road; therefore, a Class VI Road Waiver must be obtained by approval from the Board of Selectmen [BOS]. The Planning Board is first given an opportunity to provide comments to BOS, which may be used when evaluating this Request for a Class VI Road Waiver.

**Summary of the Proposal by T. Austin:** New Garden Road has two or three other, existing year-round homes on it. The Applicant's lot is an existing camp which is proposed to be razed so that a new, single-family home can be built. One of the other, existing year-round homes is located within a half-mile of the proposed new construction. The tree cutting has been done. This road is being used by several year-round homes. This Class VI Road Waiver request is an opportunity to "fill in one of the missing pieces in the middle" of New Garden Road.

- **Chair K. Barnard:** So, this Application is before the Planning Board because the camp is being torn down and a year-round home is being put up?
- **T. Austin:** Correct, per RSA 674.41, no new building can be erected without a Class VI Road Waiver.

**Description of Proposal by Applicants Jason and Renee Walsh:** The applicants are inquiring about the building permit process for 286 New Garden Road. They bought this cabin last fall for their family of

four, with two children. Built in the 1950's, it has 320 SF, there is no electricity or running water. The parcel has just over three acres, there are two driveways.

- Applicant J. Walsh said they'd like to follow all guidelines, obtain a site plan review, conduct a percolation test, and hire a wetland scientist.
- There are five homes on this Class VI Road: three before their property and two beyond it. Not all homes are occupied year-round. There are three permanent homes: two before their property and one beyond it. The other two homes are seasonal. One of the permanent homes got approval to build on this Class VI Road in 2016: Zach Pryor is the owner. There are electricity poles located half a mile past their property, towards the end of New Garden Road: Kathy Rankin is the owner.
- Applicant handed out a site plan and pictures to the Planning Board. He stated: from Pleasant Valley to the Class VI Road sign is 0.6 miles, this road is maintained for another half-mile, to where it splits off. Currently, the plows go down this road and then turn around. The unmaintained road is only 0.2 miles, less than a ¼-mile, from where the Applicants want to renovate their cabin.
- For those who don't know Mr. Jason Walsh, he has been living in town for 35 years. He grew up here and went to Kingswood High School. He has been working at Kingswood as a PE teacher and a coach for the last 18 years. He and his wife want to have a house in the woods for their family, keep the Class VI Road, and keep the area rural.
- **Chair K. Barnard** explained that the Planning Board's responsibility is to report to the Board of Selectmen [BOS], who will vote to approve or deny this Application. Are there any comments?

**Recommendation of "No" to BOS by R. Murray:** R. Murray stated that the issue before the Planning Board today is whether the local governing body, the Board of Selectmen {BOS}, should vote to authorize the issuance of a building permit to erect buildings on a portion of a Class VI Highway. In this case, the Planning Board does not issue the building permit.

- R. Murray continued, citing the future land use recommendations under "Open Space Protection," Section 4, which prohibits the issuance of building permits for development on Class VI Roads. R. Murray said that one of the problems with this specific location, is that it's 3125 feet from the end of a Class V Road; furthermore, the biggest issue is that it [the Applicants' property] is accessed over an existing bridge that was originally built, he guesses, by Kathy Rankin. R. Murray stated that this bridge provides the sole access to the Subject Parcel.
- R. Murray said that, on one occasion that he remembers, Kathy Rankin tried to get the Town to help with the bridge. In this case, granting a building permit on a Class VI Road to the Applicants would open this portion [of the road] beyond the bridge, where other parcels of land are located beyond the Applicants' parcel. Another property owner could come in and, if the Planning Board were to recommend approval of this Application, it would be very difficult to deny anyone else.
- R. Murray continued: a recommendation of approval would mean that, eventually, something will need to be done about the bridge. He said that there will be homeowners who are going to come to Town and say, "We pay a lot of taxes and we need you to do something about this road." The Applicants' property is on a portion of New Garden Road where the Town cannot expend Town funds; however, the Town can have liability if a hazardous condition were to develop on this road.
- R. Murray stated: in terms of future landowners and the Town having to eventually address the situation at this location, the Planning Board should recommend that the Board of Selectmen [BOS] not authorize the issuance of building permits on this Class VI Road.

- R. Murray said: looking at the NH statute, there are two pathways for reviewing this Application.
  - 1) The Planning Board responds to what is in front of them now and prepares that response for BOS.
  - 2) Another provision allows for an Appeal to the Zoning Board of Adjustment and, in that case, among the Appeal Criteria are:
    - (a) Whether it will increase the difficulty of carrying out the Master Plan, which this would.
    - (b) That it will not cause a hardship to future purchasers, which this would do.
    - (c) That it will not cause undue financial impact on the municipality, which this would do, as the Town will be in the position to address the situation there.
- R. Murray added: not at this section of New Garden Road, but further down, there is a path which is part of a snowmobile trail. People use these roads for horseback riding, bicycling, dirt bikes, and hiking. This Application would allow encroachment into those areas and defeats the purpose of trying to maintain open space, which has repeatedly been shown to be important to people in the Town.

**Query about Town's Liability by D. Breskin:** D. Breskin said, in light of R. Murray's comments, if there are additional houses [located beyond Applicants' property], how much additional liability is created for the Town, if the Applicants' house were to be added to that group?

- ***Applicant J. Walsh*** said he didn't think there would be any liability because it's a Class VI Road, it would not cost the Town any more money.

***Chair K. Barnard*** asked if there were other comments?

**Query about Pre-Existing Documentation for Road Maintenance by J. Thurston:**

J. Thurston asked if the Town ever maintained, or discontinued maintaining, this road?

- ***Applicant J. Walsh*** said that as far as he knew, the Town maintained the 1.1 miles from Pleasant Valley to where the plows turn around in the winter. His cabin is 0.2 miles from that point.
- ***J. Thurston*** asked if the Applicant had any records for that?
- ***Applicant J. Walsh*** said he took pictures of when the maintenance occurred, in the last week or so.
- ***J. Thurston*** asked if the recent maintenance was up to that point, just before the Applicants' property?
- ***Applicant J. Walsh*** said yes, it is just 0.2 miles from where it's not maintained.
- ***J. Thurston*** asked if the Applicant knew what keeps them from continuing to maintain it past that point?
- ***Applicant J. Walsh*** said he thinks it's because it's a Class VI Road and they don't want to maintain it.
- ***J. Thurston*** said yes, he understood. He asked Planning Director T. Austin to give a definition for a Town-owned Class VI Road.
- ***T. Austin*** said: The only way to be a Class VI Road is to be a Class V Road that is not maintained for a period of ten years or more. This road was originally a Class V Road in Wolfeboro. Then the Town discontinued [maintenance], from a set location. There is a sign on the road that says, "Class VI Road from here forward." So, this is a Class VI Road. The only way to build [on the Applicants' property] is for BOS to approve a Class VI Road Waiver.

**Comments on Private Maintenance of New Garden Road by P. Goodwin:** P. Goodwin said that he was on the Natural Resources Master Plan Committee. The consensus was that there should be no development on Class VI Roads. New Garden Road seems to be relatively well-maintained in the winter; however, there is no guarantee that this will continue in the future.

Therefore, he would worry about the condition of the [existing] bridge and who will maintain it. To him, there is a real risk, unless there is an organization to address this. There are many private roads

in the Town of Wolfeboro with committees organized for road maintenance, but he does not have any evidence that this exists here. He said that the bridge is not a trivial structure. If the Applicant were to call 911 for a fire issue, wouldn't they want to be sure that a fire truck would get across the bridge?

- **T. Austin** explained that the Class VI Road Waiver signed by the Applicants is a Release of Liability. So, if the fire truck can't make it, or if the snowplow can't make it, the Applicants are agreeing to that.
- **P. Goodwin** said the issue is that the Applicants must also maintain this Class VI Road. From what he has read or seen, there is nothing that says the maintenance of the bridge, or any portion of the road, or the plowing, or anything else, is going to occur in the future.
- **Applicant J. Walsh** asked if, having signed the Waiver, would that help with their case?
- **P. Goodwin** said: The fact that the neighbors are doing it [maintenance] now, has nothing to do with twenty years from now.

**Discussion about Neighboring Landowners:** Applicant J. Walsh said he noticed on the Tax Map that Peter Goodwin [current Planning Board member] is a neighbor, and that Roger Murray [also a current Planning Board member] is Peter Goodwin's neighbor.

- **P. Goodwin** stated, "I am your neighbor across the stream from you. Yes, I own property on New Garden Road, but it is not a buildable lot. The lot which is across the stream from you is not connected to New Garden Road, so I can't build on it, I have no access to it. Your [proposed] building would not be an issue for me. It is separate from my lot, from everything else. I am worried about the long-term effect of a house on that property. In fact, Kathy Rankin has a house, she's had it for a long time. But that is not something which continues for 20 or 30 or 50 years."
- **V. Dugan** had a question: does the person [neighboring property owner, who lives] beyond them [the Applicants] have a signed Waiver?
- **T. Austin** said that he didn't know. The NH statute states that the only way to maintain a year-round occupancy would be to have a Waiver.
- **P. Goodwin** said that Kathy Rankin has been there for a long time.
- **T. Austin** said that if there was construction on this Class VI Road prior to 1983, it's possible there is no Waiver.

**Comments by S. Webster:** I look at this for the long-term investment. There is a housing shortage in this Town and housing is needed for these types of people. Perhaps the Applicants could put a group together to fix the problem, which includes fixing the bridge and upgrading the road.

**Comments by J. Jacobs:** I look at this as if the Applicants are proposing to have an extra-long, private driveway. And that the road ends where the sign says it turns into a Class VI Road, after which it's up to the Applicants to figure out how to get up the hill to their house.

**Query by J. Nielsen about Homeowners Insurance:** does the Applicant believe that they'll be able to obtain fire insurance for their house?

- **Applicant J. Walsh** said that they don't currently live there [on Subject Parcel], they purchased the cabin last fall. They'd like to add a bathroom, a septic tank, and a well. They do not intend to tear down or build a mansion.
- **J. Nielsen** asked if it would be an issue for the Applicants if an insurance company would underwrite this property or if they would they say, "We'll insure you for three times the value of your house."

**Condition of Approval recommended by D. Breskin:** If the Selectmen [BOS] were to agree to the Release that Waives responsibility for the road maintenance, he recommends that BOS add a Condition of Approval that the Owner is responsible for transporting any children to the nearest, regular school bus stop, so a school bus isn't trying to get down that road.

- ***Applicant J. Walsh*** said yes, we aren't asking [the Town] to maintain the road: we signed a Waiver. Also, we offered to work on the bridge, with their own money. We simply want - as was mentioned earlier - a long driveway into the woods.

**Query about Stormwater Impacts to New Garden Road by J. Thurston:** to D. Breskin's point, the Board of Selectmen [BOS] is responsible for the neighbors who live past [beyond] the Applicants' driveway because, as a Class VI Road, it's a Town road even though it's not maintained by the Town.

- J. Thurston said that the other people past [beyond] the Applicants' driveway could be affected by storm water or anything else that goes past [beyond] their driveway. This is what BOS will review before they give final approval to a Class VI Road Waiver. The Town doesn't want anything to happen to that road that would compromise the neighbors because BOS must answer to them, too.
- J. Thurston asked the Applicants, "When you go to do your [proposed] work, you're not improving the driveway or making any adjustments in that fashion, are you?"
- ***Applicant J. Walsh*** said no.
- ***J. Thurston*** said: the Applicants are not changing stormwater direction, that's what I would be concerned about.

**John Thurston made a motion to approve this concept for Landowners and Applicants Jason and Renee Walsh, and to approve the Release of Liability - also known as a Class VI Road Waiver - and to send this Waiver Request to the Board of Selectmen. The motion was seconded by Doug Breskin. Chair Kathy Barnard asked Doug Breskin if he wanted to add his recommended Condition of Approval: that the Landowner will be responsible for transporting any children to the nearest, regular school bus stop.**

- ***Chair K. Barnard*** asked John Thurston if there was anything he wanted to add about storm water?
- ***J. Thurston*** said, "No, the Applicants have testified that they're not improving the driveway or the conditions on the way in, so they're not affecting that."
- ***Chair K. Barnard*** wanted to confirm with the Applicants that they understand they must sign a document that says the Town is not responsible?
- ***Applicants Jason and Renee Walsh*** concurred.
- ***T. Austin*** asked if the Maker of the Motion, John Thurston, was accepting the Condition from the Second, Doug Breskin?
- ***J. Thurston*** said yes.

**Disclosure by R. Murray:** "I want to state, for the record, that I do not abut this property, nor do I have any access to New Garden Road in this area. I do own land with frontage on New Garden Road, but it's located way down in New Durham," [a separate jurisdiction].

**Chair Kathy Barnard said that the motion has been made and seconded. Four Votes In Favor: Kathy Barnard, Doug Breskin, Vaune Dugan, and John Thurston. One Vote Opposed: Roger Murray. Two Abstentions: Peter Goodwin and Brad Harriman. The motion passed (4-1-2).**

**(b) Hunter's Conceptual Site Plan and Preliminary Elevations of New Building:**

**Chair K. Barnard:** Concept Plan for the rebuild of Hunter's IGA at 16 South Main Street.

**R. Tetreault on Project Schedule:** Randy Tetreault of Norway Plains Assoc, for the Applicant, Hunter's IGA. We first came before this Board on March 21<sup>st</sup>. The owner is here tonight with the IGA Management Team. I requested this meeting based on initial feedback from the Planning Board. Also, public feedback was forwarded to us. We wanted a reasonable venue to be able to have a discussion.

**P. Shaw on Hunter's IGA Reopening Date, Staff Employment, Customer Needs, Community Role:**

Perry Shaw, the Operations Supervisor for Mr. Dan Craffey [Owner and Applicant]. Building a new store is like a puzzle. You must get the footprint. What I do is on the inside of the store, not the outside. I want to review some things that are affecting my job, in preparation for restructuring our store.

- Five years ago, I was able to call a refrigeration company and order 60 feet of produce cases and get them delivered in five to six weeks, ready to be installed. Right now, it takes 10 to 12 months for the order, because of the post-Covid labor shortage in the industry.
- I can't put the puzzle together until I know what the borders are. Our goal is to open in March of 2024: initially because of the lag time for equipment and computers, etc. It's looking more and more like May or June of 2024 and that's if everything's perfect, which usually doesn't happen.
- Obviously, we want to be ready before the summer business of 2024. Missing some of the business during tourist season is devastating to us.
- We recently opened an office across the street from Walgreen's, in the old REMAX space. We have a constant stream of customers and employees coming in and asking about the progress on the rebuild. Mr. Craffey and the Management Team of Hunter's have a strong obligation to our employees and to our customers to give back as much as we can, even with the restrictions that we're running into.
- We employ 40 to 60 people off-season; 75 to 85 people in the summer, if we can get them.
- We believe that we have a big impact on the Town. As the summertime tourists - island people, boat users - come in and shop with us, they'll also shop at other businesses in Town. If fewer tourists come here for groceries, they will go someplace else, to get everything at once: groceries, lunch, shoes, etc. They will want to make one stop, not more.
- We have a tremendous business with Hope House [interim housing located 1.5 blocks away] and Island Glow [day spa located 2.5 blocks away]. They won't be walking over and wheeling all their groceries back down: it just won't happen. So, they'll make the decision - I hope not - to go to some of those places where they can buy everything at once.
- I think this is a big factor for the timeline we are looking at, because it could affect the tourism [downtown]. We want to make sure that we take care of our customers and employees in the downtown business district in the best way we can. It is our hope that we can achieve this within the time limits that have been placed on us, in terms of ordering our store equipment. Please bear with us as we're working as hard as we can, to get back as quickly as we can.

**R. Tetreault on Surface Parking and the Four Site Issues Discussed Previously:** Next, the four major items, in addition to the parking spaces:

- In terms of parking, we have the required amount of parking spaces on-site and in the vicinity. And that's not even counting the 10 that we propose out back [fronting School Street and adjacent

to Walgreen's]. We did look at off-street parking that was part of the regulations and that required another 60 spaces or so. The vicinity parking is what we focused on, to not lose it.

- The four items that the Planning Board was most concerned about in previous meetings: 1) Site Drainage and Stormwater Management, 2) Lighting, 3) Landscaping, and 4) Architectural Standards,.
- We must return to the TRC [Technical Review Committee] on June 7, to meet with the Town Dept. Heads again. We need to have a better idea of the exact, engineered utility connections and grading.

**P. Blanca on Proposed Site Plan:** Paul Blanca, with White Plains Associates. Here is the site plan, showing the proposed building [footprint] colored orange.

- This area is going to have the stormwater treatment. We've collected the stormwater to treat it for Total Suspended Solids [TSS], phosphorus, and nitrogen. We did this through two basic filters that sit inside the curb, located here and here. The entire site drains down into this area.

**Chair K. Barnard:** So along South Main Street and then part of Glendon Street.

**P. Blanca on Stormwater Management:** Yes, along this edge. The stormwater runoff travels along the curb, it goes in there, gets treated, then goes through a system of subsurface catch basins, and then out to the final stage of treatment by a Vortechs System Series 5000, which we sized for a 50-year storm event.

- We've proposed a simple speed bump [at southwest corner of site] to direct stormwater towards the catch basin. We'll replace that catch basin with a deeper catch basin with a hood on it. It's like a pre-treatment before the standard treatment and discharge out.
- The Stormwater Management Plan is proposed to remove Nitrogen and Phosphorus and Total Suspended Solids [TSS]: 92% of TSS removal, 35% of Nitrogen removal, and 60% or 72% Phosphorus removal. The equipment has been sized for the First Storm plus a Storm-Type II storm event, which are very intense in this region.
- There's a Maintenance Program that's part of this. The annual maintenance is to remove the sediment, bases, and clean up the Vortechs system.
- At the back of the parking lot we'll be regrading, so the stormwater will flow through here, catch along this drip edge and be directed back into our treatment system.
- This is a small berm, to alleviate an issue down here. So, this will all be landscaped along here with trees. And then this area will be landscaped here, you can see the trees here.

**P. Blanca on Exterior Lighting, and Discussion:** This blue-colored area of the Site Plan shows the existing lights, out there now. We propose other lights here to be dark-sky compliant LED's. We propose to replace these two lights that are existing with LED's and they'll be down-casting dark-sky compliant. This shows all the foot candles in this analysis [on the Site Plan].

- **Chair K. Barnard:** So, are you removing the existing lights out of there?
- **P. Blanca:** The only light we're proposing to remove is the light in the middle of the parking lot that sits on that concrete. That light was located here and now it's gone.
- **J. Thurston:** So, there are lights in the parking lot that will be replaced that aren't dark-sky compliant.
- **P. Blanca:** These lights here, on the poles: no, we're not replacing those. They're staying. That's why they're in a different color [on the Site Plan]. They're the existing lights.
- **J. Thurston:** So that's the question I was asking in the last meeting, about retrofitting the old lights to those new lights.
- **T. Austin:** The lights that are on utility poles are the Town lights, are leased by this property.
- **J. Thurston:** So, the existing lighting doesn't have to comply with the dark-sky requirement?

- **T. Austin:** There's currently an appeal before the Zoning Board of Adjustment [ZBA] asking that same question, but that's not really for the Planning Board to decide now. As I understand it, all the original lights were installed with High-Pressure Sodium lamps. Subsequently, LED lamps were used as replacements, which is the current practice of the Municipal Electrical Department.
- **J. Thurston:** I know, but we're trying to protect the rest of the neighborhood from [intrusive] lightning.
- **T. Austin:** The question currently before the ZBA is: whether or not the Town's lighting regulations apply to those lights, or not.
- **J. Thurston:** So how do you want to proceed, then?
- **Tavis Austin:** They're not touching them. They are existing. I don't think the Planning Board has jurisdiction over them.

**P. Blanca on Site Grading:** Here is the proposed Landscaping and Grading Plan. The grades remain mostly the same at the parking lots, we won't do any site disturbance. We propose to keep the building location, drop it just slightly, add a little sidewalk on the side with curbing. We exit the new building here. It's flat, at a 2% slope. ADA and Bicycle parking will be there. In the back parking lot [fronting School Street and next to Walgreen's], everything will be sloping this way, towards Hunter's.

**Query by Chair K. Barnard about Proposed Number of Parking Spaces:** For the existing parking and your proposed parking, will that come out about even?

- **P. Blanca:** We originally had 71 spaces. We're [currently] required to have 63 spaces. We have those 63 parking spaces on-site. There are 10 more parking spaces in the back [fronting School Street, next to Walgreen's]: that's a bonus.

**R. Tetreault Responses to Previous Feedback from Board & Public:**

- J. Thurston had a previous query about providing enough parking spaces for the 25% increase in the building footprint, which is 3115 SF larger [total building footprint is 15,691 SF]: the answer is yes.
- We did look at repositioning the building on this site. The owner was not on board with that. Due to the time frame for reopening and for construction, this is the best location. We'll be returning to the Planning Board for Site Plan Review, we want a reasonable solution that everybody can agree on.

**Query by R. Murray about Additional Trees in Main Parking Lot:** Based on the work of the former Town Tree Warden, is there any possibility of getting more trees in the parking lot?

- **R. Tetreault:** We've had trees compromised over the years, by snow. We asked a landscape architect to look at this situation. We're hindered from doing anything in the middle of the parking lot:
  - The landscape architect said, "Those tree boxes are, basically, renting a tree." They live only a certain amount of time. It's very difficult for trees to thrive long-term in this situation. So, we'd rather not do that. The trees at the perimeter are in a similar situation.
  - Secondly, we must avoid eliminating any Vicinity Parking; yet still do the best we can, to buffer and enhance what's already there.
  - Finally, there are some elements to this [site plan] that are related to the civil engineering; for example, connecting new utilities, new water, new sewer, and new underground electrical services. We're trying to get all of that to work with the site grading and the drainage.

**Query from J. Jacobs about Speed Bump at Main Vehicle Entrance, and Discussion:** I have a question about the speed bump. Will it be one of the plastic ones, or will it be a bump in the asphalt?

- **P. Blanca:** It will be asphalt. The idea is to direct stormwater.



- **J. Jacobs:** I'm imagining the bucket loader coming down the hill in the winter, scooping stuff up, and then the speed bump might disappear. So, will it be maintained along with stormwater?
- **P. Blanca:** That's exactly right. The speed bump has a low profile. It's got a flat top on it. It's to direct water, not just to slow [vehicles].
- **J. Jacobs:** It's a really a tricky corner getting in there [vehicle access to site, from South Main Street].
- **P. Blanca:** It is tricky. So, that seems to be the best solution. We did try [other options]: to regrade and feather that way and make it like a swale and that didn't work well with the [existing] grades.
- **R. Tetreault:** For people who go to the Post Office, like I do, the speed bump will help because now the water runs down into the street. This came up with the Technical Review Committee: can we divert stormwater runoff? The speed bump serves two purposes: divert stormwater and slow vehicles entering the parking lot. We want one that's low-profile, like Paul said, with a flat top.

**Query from J. Thurston about Back Parking Lot, and Discussion:** So, the parking lot in the back [fronting School Street], for the record, will that be public parking? I'm asking the Chair on this one.

- **Chair K. Barnard:** They now have a sign that says "Hunter's Parking," it's their property.
- **J. Thurston:** I was just under the impression when somebody created a parking spot, it became a public parking spot; just like Eastern Propane, when they created their parking lot.
- **R. Tetreault:** I was at that meeting. It appeared that Eastern Propane didn't have a problem with off-hours parking. I think there are signs saying "Eastern Propane and Paint Shop Customers." During off- hours, it reverted to anybody who wanted to park there.
- **Chair K. Barnard:** I've never seen any problem with the public parking at Hunter's: they go shopping, they go to Walgreens, they go downtown to the Post Office, and that's going to continue.
- **J. Nielsen:** Even if it is public parking space, it would be a last resort. It's not in front of the Post Office or near Butternut's. I don't hear a lot of people saying "I'm going to go park way over there, away from everything, and then trudge with my groceries all the way over."
- **R. Murray:** This is a privately owned parking lot: they can restrict it, however they wish.

**Applicant and Owner Dan Craffey on Reopening the New Hunter's Building:** Hi, Dan Craffey, the owner of Hunter's. Thank you to Wolfeboro for all of the kindness, ever since the store burned down.

- We realized how important the store is to the community. We've been working seven days a week to get everything done in a year, it's a huge task. Our Dream Team: Harriman Architects does Whole Foods & Hannaford's, Randy and Norway Plains Assoc. have done a tremendous job.
- When this happened, everybody was put out of work for a year to eighteen months, and we were hearing, "We'll put you right in the front to help Wolfeboro get their supermarket back." I really appreciate that, the store is going to be state-of-the-art. The efficiencies will be almost 500% with the heating, there are only four other stores in the world like it. We want to get the employees back working. They're our family and we really want to get them back as quickly as possible.

**Z. Smith, Harriman Assoc. on Preliminary Building Elevations:** Zack Smith with Harriman Associates.

- We're trying to make four things work with this building, and we want to figure out what the best compromises are. This is a very early stage, it's a conceptual review. We have received some e-mails with feedback, and we hope to continue to incorporate that feedback into the design.
- The first image shows the store facing South Main Street. You can see Town Hall. One challenge is with the civil engineering for this building: it is set back on the lot. In terms of the Architectural Standards, we're not meeting the site frontage requirements.

- This grocery store is a big building. It's 18 feet to this top cornice line. It's not monstrous because it is set back from South Main Street.
- Your Architectural Standards refer to the scale of the building. So, we're reducing that to 12 feet, by using this white horizontal band, below which we change the material to a color reminiscent of brick.
- At the very bottom, we show actual brick. We're looking for durability at the base of the building for shopping carts and plant structures.
- We raised the center piece [over the building entrance] and we are looking at using full brick. We show clapboards on top, which are similar to the rest of building.
- We're bringing back the Hunter's sign. The building is set back, so it is evident where the entrance is. We want pedestrians to navigate safely to the entrance, with bicycles, with those who arrive by car.
- The longest building elevation facing the parking lot is parallel to Glendon Street. We broke up that elevation with pilasters. We're looking to bring windows from around the corner, where the building entrance is. We want more of a classic, New England storefront feel: this is still being worked on.
- We're looking at mullions for the windows. Some windows are opaque. Many grocery stores don't want natural light because of their produce cases, freezer cases, and dairy cases.
- At the exterior walls, we'd like to see something for the community; for example, a map of the Wolfeboro shore of Lake Winnepesaukee, an interesting mural, or something informational.
- The last page shows only elevations. We have the two long sides of the building. We're looking into ways to make these better, while keeping costs in line.

**Chair K. Barnard:** Okay, questions from Board Members?

**Query from D. Breskin about Storage for Snow Removal:** I have a question about the 10 parking spaces at the back [fronting School Street]. Have you given consideration for having snow removal storage there?

- **R. Tetreault:** The owner wants to contract to bucket the snow out. We'll have to buffer that residential side of the rental property. There will be a fence and landscaping will wrap around. We will need to rent on this side, by Union Street. So, there isn't an opportunity for landscaping on that side.

**Query by T. Austin about Location of Truck Loading Areas, and Discussion:** I didn't see anything at the School Street elevation about the "back-of-house" [truck delivery areas, refuse removal]. There's nothing in the elevations that shows where goods are delivered. Will that be on the Glendon Street side? I see that there is a loading bay at the west elevation, facing Glendon Street. I'm concerned about trucks backing in there: will that impact the foot traffic into Walgreens?

- **R. Tetreault:** Fronting School Street, where the tenant parking stalls are, box trucks will be able to park. Anything larger than a small truck won't fit. The grades also present a problem, because it's higher than where the first floor will be set. We must adjust grades and we must have emergency egress at the back of the new Hunter's building. We're going to be able to ramp that and have a small access-way for truck deliveries in the back. However, the major trucks are going to have to come in through where they did before [at the old building]. Off-hours will have to be scheduled; that's the only way we can get them in, get them backed up, and get them out at this location.
- **J. Jacobs:** So, is that the west side we're talking about? For the Hunter's loading dock.
- **R. Tetreault:** It would be on the Walgreen side, towards the White House, down at the corner. They [the delivery trucks] will come in next to Walgreens. At the same place where they back in now.
- **J. Jacobs:** That's not how they go in.

- **R. Tetreault:** Not for the old Hunter's, it's how Walgreens loads. This is the only place that we can do the trucks and be able to back them up in that area. And it's not optimum because it's pretty steep.
- **J. Jacobs:** So, if I'm going into Walgreen's to get my medication, I'm dodging the trucks?
- **R. Tetreault:** No, because the trucks are not supposed to be there during your medication runs. And hopefully we'll have a pickup window at the back, where you can pick up your prescriptions if you don't enter Walgreen's. This is the only spot, engineering-wise and logistically, that we can enable the tractor-trailer trucks to manipulate that entrance. They back into there now, the lower one, in the middle.
- **J. Jacobs:** So, where the dumpsters are now. Is that a dumpster container with a cover?
- **R. Tetreault:** Yes. Where they used to go in is now a problem for the interior layout. They must load everything in the back. That's why that got switched. When you see the interior, you'll understand why.
- **J. Jacobs:** Well, if you've got to come in the back, you've got to come in back.
- **R. Tetreault:** They [the tractor-trailer trucks] will be going past the dumpster. Then they're going to try to migrate that corner so that they can straighten out, and then they're going to back up. I've got the [turning radius] templates on paper and we'll be able to provide them. That's why we've got the whip in front of the building at 19 feet. That's the only way they [the trucks] can swing. That's kind of what they did before. Hunter's did this a bit differently than Walgreens. But this will be all the same, so there aren't two spots [loading docks] that the trucks need to back in. Looking inside of the building, these guys can explain to you why it's better to unload [the goods] there.

**Query by S. Webster about Roof Parapet:** Is there a parapet around the top of this building?

- **Z. Smith:** Not yet. We're still looking into what mechanical equipment we're going to need. So there will be a gravel stop. We have some ground-mounted equipment: the chillers for the cooler cases, shown on the site plans, at the back of the building, next to the loading dock. There probably will be packaged air handlers on the roof. Nothing [else] will be on the roof.

**Query by J. Thurston about Outdoor Display Areas:** So, the gardening section that has plants in the summertime, do you have a proposed location for all the plants? Will you give up some space out front, or not? I'm talking about where they put the planters and pots for sale.

- **T. Austin:** It would be appropriate to show any Outdoor Display Areas, if they're on the sidewalk.

**Query by J. Thurston about Screening at the East Elevation of New Building:** And the screening at the back, I understand it's tight back there, at the east elevation. Do we require landscape screening?

- **T. Austin:** Are you saying parallel to Union Street [at the East Elevation of the new building]?
- **J. Thurston:** At the east elevation on the back side [of the new building].

**Query by T. Austin about Existing Retaining Wall at East Elevation:** One question is how much of the new building will be above the existing retaining wall that's currently there, parallel to Union Street?

- **R. Tetreault:** Some of it will be. For that height, about five feet, that retaining wall is on the far side. I think that John's question is about the buffer requirements for residential properties. Because it's tight at the retaining wall on that back corner, we're not able to provide landscaping for that residential rental property. The other lots are commercial properties. What we're trying to do is:  
1) Either get a landscape easement so we can do something behind the wall with the owner. That rental property has a driveway that grants access to the Hunter's lot. Currently, there is no plan to use that driveway access easement. 2) Or, we can fit some landscaping at that back corner [northeast corner of new building]: the only place where there's an issue with full compliance.

**Comment by J. Jacobs on Breaking Down the Scale of the New Building:** I'm looking at the West Elevation, where you see that red car. Personally, I was hoping that you could break up this warehouse-looking building into something that looked a bit more quaint and "country." The front is fine, it's a grocery store. But from that blank window, all the way down that [west] side, I was hoping it could look like different buildings stuck together, which could cost more money. Now, it looks like a warehouse.

- **Z. Smith:** We're trying to make it look like less of a warehouse. We will certainly keep working on this, as we collect all the feedback. This building has an "undulate" roofline because it is a type of pre-manufactured metal building. So, [structurally] it's like an athletic facility. We're going in this direction to speed up construction, to put the store back in business. Simple moves [as previously suggested] get expensive. But we can look at the exterior materials, in terms of thickness and colors.
- **V. Dugan:** Well one thing that might help break up the mass of the North Elevation is to carry that yellow band all the way around. You should know that, on the East Elevation, it will be very visibly evident as we drive down the street.

**Query by T. Austin about Screening of Mechanical Equipment:** It was mentioned earlier that there would be some ground-mounted chillers for the refrigeration equipment, at the North Elevation [fronting School Street]. It's pretty tight back there, I'm wondering how you'll screen those?

- **Z. Smith:** We were working on that yesterday. So, I don't know yet. We'll need vehicle protection, so there will be bollards with some heft.
- **T. Austin:** Similar to the dumpster, correct?
- **Owner and Applicant D. Craffey:** That's the system that we have for the 500% efficiency. It [the equipment] needs airflow around it. We didn't want to put it on the roof, so we'll tuck it in there. We'll try to do whatever we can, but we need this [equipment] so the store interior will be able to reheat itself through [the heat that is a byproduct of] the refrigeration. We'll have a heating system, but it probably won't go on throughout the year, even at minus 30 degrees. All of the heat will be reclaimed from the refrigeration. It's a state-of-the-art system. Our carbon footprint will be a lot better, too.
- **T. Austin:** I assume from your description that you're pumping the heat out of the refrigerated cases and putting it back into the store, for the people?
- **Owner and Applicant D. Craffey:** We'll have extra heat, we'll be able heat the entire neighborhood.
- **T. Austin:** That's fine, I was concerned about the aesthetics on the outside.
- **V. Dugan:** And what about screening, for the cooling condensers?
- **Owner D. Craffey:** We'll try to screen it as best as we can, without hurting its operation.
- **T. Austin:** It's important for the Planning Board to hear that they were able to get on-site only yesterday. Where the condensers will be located on the ground, and how they're going to be related to all the other connections, is still up in the air.
- **D. Breskin:** We recognize that this is a preliminary and conceptual review.

**Chair K. Barnard:** Okay. Any member of the public want to ask a question?

**Rich Masse, Wolfeboro Waters Committee:** Richard Masse here, representing the Wolfeboro Waters Committee [WWC]. This committee was appointed by BOS to advocate for water quality in the Town surface waters. Previously, we wrote a letter addressing stormwater issues, with regard to this proposal.

**Query by R. Masse about which Stormwater Management Plan Standard is Met:** I found Paul Blanca's presentation interesting. I have some questions:

- I'm looking at Section F of the Stormwater Regulations: Stormwater Management for Redevelopment. One of the standards is, "For a site meeting the definition of a redevelopment project," I think we'd agree this is having more than 60% existing impervious surface area.
- So, we all agree that that's the condition we're dealing with here? There are two standards for Stormwater Treatment in this subsection. The project is given the option of selecting one or the other:
- Option 1: "Implement measures on site that result in disconnection or treatment of 100% of the additional proposed impervious surface, and at least 30% of the existing impervious area and pavement areas, preferably using filtration or infiltration."
- So, it's basically treatment of 100% of the additional and at least 30% of the existing.
- Option 2: "Will the development result in greater overall water quality improvement on the site?"
- Implement lid practices, to the maximum extent practicable, to provide treatment of runoff generated from at least 60% of the entire developed site."
- So, my question: which of those two standards are we referring to when we're talking about the treatment values that Paul [Blanca] mentioned earlier?

**Chair K. Barnard:** Okay, let's let them answer.

**P. Blanca:** Great question, let's review this again, "To implement measures on-site that results in disconnect treatment of 100% of additional proposed impervious surface."

- We're not adding any impervious surface; so, our goal is to treat the water.
- Next one: "If resulting in a greater overall water quality improvement on the site, implement lid practices to the maximum extent practicable. Provide the treatment of all runoff generated from at least 60% of the entire site."
- What we're trying to do is get a little more than 60% of the site.
- So, we take everything from here; however, we miss a little bit here because of the way the grades are. So, we're grabbing some of this back here, which is off-site. I think it's a bonus, it's a plus here.
- Here, we get those values with the Nitrogen and Phosphorus Removal and the Total Suspended Solids [TSS] Removal. This has a high TSS Removal rate, much greater than the 80%.
- Using the Vortechs system, which is sized to get about 92% efficiency, we propose to meet the 80% of the TSS Removal which is found in the stormwater runoff.
- These filter systems remove Nitrogen and Phosphorus. You have a high Phosphorus Removal, greater than 50%. But the Nitrogen for one of these units gets only 35%. And this other unit only gets 35% too. So, we are 15% shy of the standard, but we're doing the best we can with these.
- This system removes a small percentage of hydrocarbons, which is not part of your standard. So that's a bonus here. We're also going to implement a deep sump catch basin with the hood, to get some more hydrocarbons. That's like a double bonus, a belt-and-suspenders "old technique" there.
- Then the regular cleanup maintenance: a lot of these pollutants [chemically] tag onto the Total Suspended Solids. We're capturing a lot of this right here. Our goal is to protect the natural resource.
- **R. Masse:** Thank you.
- **R. Tetreault:** As the Planning Board knows, we must discharge this stormwater runoff somewhere. And we're discharging it into a somewhat compromised system. We know that the Town is trying to work on Main Street, keep in mind that the stormwater must discharge into the public R.O.W. So, we're trying to deal with what we have on-site, and make it better.

**Suzanne Ryan, Wolfeboro Resident:** The front page [perspective] is like an optical illusion. We're a walking community in the downtown area. When you walk along the sidewalk, you are looking up at the parking lot. It's elevated. This doesn't give you the effect that you see [from the sidewalk] when you're there, in person.

- I'm not sure just where their property line is, but most of that planting is done by volunteers. I believe that a good faith effort should take place between the sidewalk and the parking lot. I'd like to see the Applicant put some nice, big shrubbery in there. It wouldn't break the bank to do that.
- Secondly, the North and East Elevations, and a bit at the West Elevation: it's ugly. It's just plain ugly.
- I'm sure you've seen buildings that have a treatment using different materials. It could be something square, hexagon, arched, or in a different color. And dress up the back of that building: it's just an ugly thing that you will see when you're walking around there.
- Even on the West Elevation, where they've got a different material making those uprights, they could do something that gives the effect of a window, or use a different material.
- The front entrance I can live with, but the rest of it is ugly.

**Maggie Stier, Wolfeboro Heritage Commission:** I had a nice exchange with Mr. Dan Craffey [Owner and Applicant], sharing ideas that were generated by the Heritage Commission at our last meeting. I understand completely the constraints they have. My comments:

- I want to refer to the general requirements of our zoning, which say that historic buildings and an established architectural character are an important component of our Town's unique identity.
- While we place a high value on having a downtown grocery store, we also place a high value on retaining the Town's traditional scale, historic character, and small-town feel.
- What I find problematic about this proposed design is that it looks like Anywhere USA. It looks like formulaic architecture for a grocery store.
- I believe that our Town would benefit from having something with more distinctive architecture; not just lip service about paint colors. For instance, refer to the Pickering House, one of our gems of historic architecture, rather than the brick of Town Hall.
- I understand the need for a grocery store here, for the requirements for siding, and for controlling stormwater runoff; however, the design of the building itself needs work!
- One question has to do with the roofline: is that a parapet, as Mr. Webster asked, or is it a false front? Does the roofline extend completely up, or are we seeing half of a second floor at the elevation?

**Z. Smith:** At the cornice of the new building is what we call a "gravel stop." It's about six inches high. The structural steel has an immense clear span, so in that 18-foot building height, there are three or four feet of structure, ductwork, etc. So, the building volume includes a lot of structure. To correct my earlier comment, there is a small parapet above the entrance.

**(c) Changes to the Shorefront Regulations Recommended by the Wolfeboro Waters Committee [WWC] for Consideration by the Planning Board:**

**Introduction and Disclosure by Chair K. Barnard:** Rich Masse of the Wolfeboro Waters Committee [WWC] will present recommendations for changes to the Shorefront Zoning Regulations. Chair K. Barnard said, "I want everybody to know that I was a member of the Wolfeboro Waters Committee that put the original Shorefront Regulations together [a number of years ago]."

**Clarification to Impervious Surface Limitations by R. Masse of WWC:** Wolfeboro Waters Committee [WWC] is not proposing to revamp the Shorefront Residential Zoning; but rather, a few specific changes.

- For the Shorefront Lot Improvement Standards, Subsection 175-67 (A) (1), WWC recommends the addition of the following text: “NOTE: A plan or survey prepared by a professional engineer is required to establish the percentage of impervious coverage on a lot.”
- Rich Masse explained that, currently, it isn’t clear who provides the estimate of the amount of impervious cover on a lot. WWC believes it necessary to clarify the source of this information.
- WWC recommends that Subsection 175-67 (A) (1) (a) be moved to the bottom of the list. This subsection governs the absolute limit on the amount of impervious cover permitted on-site.
- WWC proposes that the next item, (b), move to the top of the list and be rewritten to include a requirement for Maintenance Reports: “If a homeowner or developer proposes a project that will result in a lot coverage between from 15% and to 20% inclusive, at least one Stormwater Management System shall be implemented and properly maintained in the proposed development. This system may include, but is not limited to: rain gardens, infiltration trenches, pervious driveways, dry wells, etc.”
- WWC recommends deletion of item (d), “exempting a project from the need for a Stormwater Management Plan if there is: 1) Either no increase in impervious cover or, 2) A reduction of at least 1% in that cover.” Mr. Masse explained that keeping this provision may unintentionally allow an owner to do a minimal reduction in impervious cover, which may result in not having to do what others must do: have under 30% impervious cover and be required to put together a Stormwater Management Plan.
- For Subsection 175-67 (D), WWC recommends the requirement that data which is provided as part of a redevelopment application should be submitted in a plan prepared by a professional engineer.

**Recommendation for Maintenance of Stormwater Management Plan by R. Masse of WWC:** Rich Masse explained that the engineers of previous Stormwater Management Projects in Town have stated that proper maintenance is critical to the success of a Stormwater Management Plan. WWC recommends that the property owner document to the Town that they are performing ongoing maintenance.

- “Maintenance Reports shall be submitted five years after installation of a Stormwater Management System and every five years subsequent. Failure to provide such a report will be addressed by the Town’s Code Enforcement Officer.”
- WWC proposes a minor wording change to existing provision (e) to read as follows: "All proposed stormwater management systems must be verified by means of photographic documentation."

**Clarification of Tree Caliper Table in Section 175-67 (B) (3) (d), WWC proposes the following:**

Diameter or Caliper	Score
1 to 3 inches	1
> 3 inches and ≤ 6 inches	5
> 6 inches and ≤ 12 inches	10
> 12 inches	15

**Clarification of Tree Caliper Table in Section 175-67 (C) (2):** WWC recommends using the same notation as in the Tree Caliper Table, above.

**Clarification of Qualifying Trees in Section 175-67 (B) (3) (f), WWC proposes the following:** The intent is to discourage the casual claim of disease or damage to trees as a pretext for their removal. "Dead, terminally diseased, or structurally unsafe trees, shrubs and ground cover shall not be included in scoring and may be removed. If any of these are removed, the property must still conform to the established natural woodlands buffer standards of this ordinance."

**Chair K. Barnard:** Any questions, so far?

**Query about proposed Maintenance Schedule for Stormwater Management Plan by P. Goodwin:**

Regarding the comment about maintaining these systems and submitting a statement which says that maintenance is ongoing: who is documenting that? You mentioned having an engineer certify the increase in permeable surface. It would make sense to have a similar, professional person making such a statement, rather than the property owner saying, "Yeah, I did it."

- **R. Masse:** WWC assumed that if people go to the trouble of filling out a form and telling the Town that they're maintaining their stormwater control measures, we could take their word for it.
- **P. Goodwin:** But a new owner may not have such a strong feeling about this.
- **R. Masse:** If you want to make a case for the Town to require more formal documentation, WWC's concern would be about imposing another requirement on the property owner.
- **R. Murray:** I interpreted this to mean that the owner could produce a receipt; for example, from the person who did the maintenance work.
- **R. Masse:** You may want to put something more formal in there. I would read this as, "You tell us you did it," and we'll accept that if the Planning Board concurs. The point is the requirement to confirm that the maintenance work is being done.

**Query about Procedure for Maintenance of Stormwater Management Plan by J. Thurston:** When somebody comes to us for an Application, and the Conditions say, "This is supposed to be taken care of," aren't the Code Officer and Planner overseeing those Conditions, in an application?

- **Chair K. Barnard:** We're giving the homeowner the responsibility for providing this to the Planning and Development Office. That's what the point of this is.

**T. Austin on Planning & Development Review, Permitting, and Enforcement Procedures for the**

**Shorefront Regulations:** What's currently done - as no one has asked how a permit undergoes the process - if someone is coming in and proposing a project that is between 15 and 20%, the Applicant's project goes nowhere until there's a Maintenance Plan with a Schedule.

- Regarding Section E, for which Rich Masse suggested photographic evidence, my recommendation to the Planning Board last year - which the voters did not ratify - was to scrap the photographic evidence because it doesn't do anything.
- The original proposal last year was to require an on-site engineer to verify the installation of the layers of gravel or of the structure itself. Or the Building Inspector could observe this. The people who turn in plans seeking approval of their Application, will frequently put together a cross section of a trench drain or an infiltration basin or a rain garden.
- I don't let an Application go past me without a Maintenance Schedule. So functionally, that Application is then tied to a Building Permit, as a condition of Occupancy of the home when construction is complete. However, currently there is no checkup every five years.



- If a runoff problem from a property emerges, or someone says, "Hey, there's more water coming off that property than there ever was before," the first thing we're going to request is a copy of their Maintenance Plan that they submitted with their Application.
- If we were to implement some changes to the Shorefront Regulations, my suggestion - based on what Peter Goodwin asked - is that it shouldn't be an Engineer's Report. It should be a Deed Restriction that is Recorded on the Property, so that all subsequent owners know what they're buying into. There should also be a contact person. This is how those situations are being addressed right now.
  - **D. Breskin:** Tavis, from what I hear, you are saying that enforcement doesn't work when it is reactive, rather than proactive. Correct?
  - **T. Austin:** Correct. You can have all the engineers in the world saying, "Yes, they vacuumed the porous pavement," yet it does not address the problem.

**Discussion of Proposed Tree Caliper Table:** Refer to Table above, for clarification proposed by WWC.

- **J. Thurston:** So where are you measuring your caliper size: up the tree, or 12" from the base, or at the base? Because it can vary widely.
- **R. Masse:** It says so in the Section right above the Table: measured at 4-½ feet [four-and-a-half feet].
- **T. Austin:** And it's at the time of install, not of maturity.

**Chair K. Barnard:** On to "Dead or Diseased Trees."

**Query about Health of Existing Trees and Criteria for Tree Removal by R. Murray:** Suppose the property did not meet the requirements to begin with?

- **R. Masse:** I think you're asking an enforcement question.
- **R. Murray:** The question is, if any of these trees are removed, the property must still conform to the established, natural woodlands. So, if you have a tree that's about to fall on your house, but you don't meet the proper scoring, then how does this work?
- **R. Masse:** I think that if you make changes that bring you below the set standards, then you are obligated to restore those standards at your frontage.

**T. Austin on Point System for Shorefront Regulations:** Dead and diseased trees currently do not count towards those totals. The paragraph you're reading says, "Dead and diseased trees shall not count towards the point system total," so the proposed WWC language doesn't make sense.

- The point Roger Murray makes is: if you had one tree that was determined to be dead and/or terminally diseased, does that mean without treatment, or after five courses it's still terminal and therefore you can remove it?
- These are the questions I get regularly [from Applicants]. If that tree is removed, and it was the only tree on the lot, do you then have to meet the 25-point grid score? Because remember, the only spot where the planting counts is in the 50 feet, not 200 feet.
  - **R. Murray:** It says it must still conform, but what if it didn't conform to begin with?

**T. Austin on Compliance Threshold:** That's why Paragraph D says, "If you remove 1%, you don't have to comply. If you're at 35% and you propose redoing the whole site and you're still at 35%, you don't have to do anything because it's an existing, non-conforming site." You would not trigger this requirement. I understand there's work to do here; I can look at real-world examples of that. As far as the dead or terminally diseased or structurally unsafe, you're referring to the tree itself. How is it structurally unsafe?

- **R. Masse:** My reading is that this means that the tree itself is in danger of falling or dropping branches. It's a reference to the condition of the tree.

**T. Austin on Definition of "Dangerous" Conditions of Trees:** That's one of the more subjective terms, isn't it? Recently, there was a project on Clark Road where an individual had an existing shed and was proposing to replace it. To replace the shed correctly, it had to have a foundation. The owner said, "Once we put the foundation in, these trees are going to be dangerous."

- I said "Yes, but you are causing the situation for those trees to be dangerous, so I don't think you meet the threshold." The owner then hired a forester who said, "Here's how the tree is structurally unsafe for itself. Here's how it is otherwise impaired. I believe that this meets the requirements of this Section."
- This is some of the runaround that Planning & Development does [in terms of enforcement].
  - **R. Masse:** WWC is making recommendations. We are trying, in a reasonable but flexible way, to add Conditions. Someone less than forthcoming may take advantage of the language of the ordinance to simply remove things they don't want on their property, or things obstructing their lake views. This is an attempt to clarify the language, to hold an Applicant more accountable; however, it's not perfect.
  - **R. Murray:** I know exactly what you are trying to address; this does need to be addressed because, apparently, all trees in Wolfeboro are diseased. So, when somebody is filling out an application, they are identifying the trees that are alive so that they can get the points on the plan, is that correct?
  - **T. Austin:** Yes.

**Query about Existing Unhealthy Trees by J. Thurston:** When the owner sees a dead/dying/diseased tree, they're not making a special notation of that being a valuable tree, it's not counting in their numbers.

- **T. Austin:** But they also get a very stern visit from me when there's word that trees have been cut that weren't noted on the plans "to be removed." Then we check back to see if the tree was diseased or dangerous. If they can't justify what's going on, then there is a Replanting Schedule.
- **J. Thurston:** So, if I was at a place and I knew that somebody cut down 10 King Pine trees, what's the course of action? A neighbor must complain and then go [report] to you, to Planning & Development?
- **T. Austin:** Depends on what we're talking about.
- **J. Thurston:** Well, that's what I'm getting at, and what he's getting at. Somebody has cut the dead or dying tree down, what happens next?
- **T. Austin:** The way the regulations are currently worded, it's irrelevant if it's dead, dying, or diseased.
- **J. Thurston:** So, if we make the change, what's going to happen? Who's going to know about it?
- **T. Austin:** Trust me, when a tree falls in Wolfeboro, everybody hears it. I'm not trying to belittle the question. If people don't say, "Hey, my neighbor just cut down trees, I'm concerned," how is anyone going to know about it? Once somebody knows, Planning & Development can write a letter to the owner, we can get on the property, see where the trees are, see how they're documented (dead, diseased, or dangerous). If they're not accounted for properly, then the owner must replant.
- **J. Thurston:** So, if the tree is gone, how do you determine if it's dead, diseased, or dying?
- **T. Austin:** It's on the owner to prove that, isn't it? If they can't prove it, they must replant. There are occasions where there are very large trees going out and three-inch trees coming in. That would be another thing for the Planning Board to contemplate.

**Clarification of Lot Redevelopment by R. Masse of WWC:** For Section D, below Lot Redevelopment, WWC recommends the following, "Any property owner who wishes to redevelop a property on which a pre-existing, non-conforming primary structure exists, shall submit a plan prepared by a professional engineer, showing the following," WWC proposes to formalize this process.

**Chair K. Barnard on Next Steps for Planning Board to Review Changes to Shorefront Regs:** Next step is to get on a Work Session Agenda to review this. And let Rich Masse know the date, so he can be here.

- The reason this came about: we worked on the Stormwater Drainage regulations, got that all straightened out and everybody said, "This is for residents." We said, "No, this is just for Commercial."
- So, we needed to work on the Residential Section a bit more, because there were inconsistencies in the zoning regulations. This is presented to you as Wolfeboro Water Committee's recommendations.
- The Planning Board can discuss this further. We can find out more about how the Shorefront has developed. There were several of us - Peter Goodwin, Vaune Dugan, John Thurston and I - who were on the Shorefront when we put the original regulations together, a number of years ago.
- **T. Austin:** My suggestion is that the Planning Board members look at the draft that Rich Masse went through and look at the existing regulations. Throw questions at me. How does this work? How's this been working? Then the Board can come up with Work Session topics.
- **Chair K. Barnard:** It will probably take two or three meetings. Thank you very much, Rich.

**(d) Planning Board Rules of Procedure and Code of Ethics:**

**Summary of Draft Document by T. Austin, and Discussion:** Just to let the Planning Board know what's in the draft, I took the Code of Ethics as the Board discussed at the last meeting on 5/2/2023. I took out the pronouns. I fixed everything the Board discussed. Maybe this goes on for a future Work Session meeting, to see when the Board wants to have its two consecutive meetings?

- **Chair K. Barnard:** Is everybody comfortable with the things that have been added? Because if they are, then this would be Meeting Number One.
- **Comment on Pronouns by J. Thurston:** I wasn't very comfortable with the pronouns. I think that the Board of Selectmen should make a universal change with all of the documentation. I don't think that the Planning Board should make this change now, unless it's going to be a Town policy.
- **T. Austin:** Maybe since it's 9:15 p.m., we leave this for comments and people can e-mail the Chair K. Barnard or me and see what changes there are, to discuss at the next meeting.
- **Chair K. Barnard:** Okay, other than the pronouns, is everybody comfortable with the rest of it?

**Comment on Grammar by D. Breskin, and Discussion:** I have a comment about grammar. In the second paragraph under Code of Ethics for Planning Board Members, where it says code, it reads "Members of the Town of Wolfeboro Planning Board members," so one of those "members" should be removed.

- **R. Murray:** The second "members," right after "Board" should be removed.
- **Chair K. Barnard:** All right. Is that substantial or not?
- **T. Austin:** I don't think so.
- **D. Breskin:** No, I don't think it's substantial.

**Comment on Combining Code of Ethics with Rules of Procedure by R. Murray, and Discussion:**

I think the Code of Ethics and the Rules of Procedure should be separate documents. They are separate in the sense that the Rules of Procedure tell the public and the Planning Board how meetings are going to be run; whereas the Code of Ethics tells the Planning Board members how they are to behave.

- **D. Breskin:** I would agree with Roger's comment.
- **Chair K. Barnard:** How does everybody else feel?

- **J. Jacobs:** The way this is written on the first page, it says "authority" first, and then it basically says that the Code of Ethics is part of the Rules of Procedure. So: is it, or is it not?
- **P. Goodwin:** I think Julie's comment is that the Code of Ethics is a part of the Rules of Procedure, rather than a separate document.
- **R. Murray:** I think it should be a separate document.
- **Chair K. Barnard:** Well, at the last meeting, we said we would include it - the Code of Ethics in the Rules of Procedure - but that's okay. Anybody else?
- **T. Austin:** What about a future Work Session?
- **Chair K. Barnard:** They want them separate.

**Comment by T. Austin on Pronoun Use by Board of Selectmen vs. Planning Board, and Discussion:** I understand John's point. I don't know if what BOS does should determine what the Planning Board does. I think you can have separation. I understand that there should be a policy, but I don't know if BOS will adopt a policy. I still feel uncomfortable referring to Linda Murray as a *Selectman*. She seems to be okay with it.

- **Chair K. Barnard:** She said at the training session that she was not comfortable with it, and she refers to herself as the "Chair."
- **J. Jacobs:** That's fine, but she is a *Selectman*.
- **T. Austin:** There is a statutory flexibility on how Selectmen refer to themselves, but I don't know if that translates the same way with pronouns.
- **Chair K. Barnard:** Okay, let's change, because we made quite an issue out of it last time.
- **R. Murray:** I think the Planning Board should adopt its own Code of Ethics. It's not up to BOS.
- **Chair K. Barnard:** Right, we are adopting.
- **T. Austin:** I'll pull apart the Code of Ethics and the Rules of Procedure, for a future Work Session.
- **Chair K. Barnard:** All right, very good.

**Chair K. Barnard:** We'll hold off on Roadway Design. Does any Member of the Public have a comment?

V. Public Comment:

**Anne Blodget, Wolfeboro Resident, on Natural Resource Protection:** I'd like to thank Rich Masse and the Wolfeboro Waters group for protecting our precious natural resources. After all, it's in the Master Plan.

**Suzanne Ryan, Wolfeboro Resident, on Class VI Roads, Dead End Roads, and Discussion:** Once again, Class VI roads, Dead End roads, premature and scattered growth. We need to come up with a standard. Little by little by little these approvals for building more houses on Class VI Roads are going to cause a problem. At some point, somebody should say "No," we should say "Stop;" just like you're dealing with Shorefront Regulations and the runoff. There's a reason for Class VI Roads: they're mostly for backlots and farm roads and woodlots. Not every lot in the Town of Wolfeboro, in the state of New Hampshire, is a buildable lot. Some lots just can't be built upon for various reasons. I'd like to see this put on the Work List.

- **T. Austin:** There is a State law that says you can't build on Town Class VI Roads [without BOS approval]; at this point, your comments could probably be useful for the Selectmen.
- **Suzanne Ryan:** I've been going around with the Town on this for a half-dozen years. Kathy [the Chair] knows I've talked about Class VI Roads, the detrimental effect that I feel there is on the Town and backlands. There's plenty written on it, I suggest borrowing a book from the Planning Office, "A Hard Road to Travel." Keep Class VI Roads as Recreation Trails, stop building houses on them.

***V. Dugan Announces Heritage Commission Event:*** The Heritage Awards will be given at the Village Players Meeting on May 24<sup>th</sup> at 5:30 p.m., in recognition of Historic Buildings.

***Anne Blodget:*** Please RSVP on the Heritage Commission Facebook page or send an e-mail to HeritageCommission@WolfeboroNH.us

***Chair K. Barnard Announcement:*** Roger Murray is interested in being on the Conservation Subdivision Committee.

***Chair K. Barnard on date for Housing Meeting:*** On the topic of Housing, we've talked about having a meeting in July or August. We need to put some thought into this. We could also discuss Short-Term Rentals.

- ***T. Austin:*** I suggest that the parties interested in a Housing Meeting e-mail me, so I can coordinate a schedule. I'll put that list together.

***T. Austin Announcements:***

- I was appointed to the Executive Committee of the Lakes Region Planning Commission.
- Jason Durrance and I will be going to a NHMA Educational Forum on "Tiny Houses in New Hampshire." Wolfeboro does not have a Minimum House Size.
- Rust Pond: a Letter of Approval for A-319 Grant Funds for the North Inlet work was received. That project is moving forward.

***Motion to Approve Planning Board Minutes of May 2<sup>nd</sup> 2023 by Roger Murray. Seconded by Kathy Barnard. The motion passed (5-0-2), with Peter Goodwin and Vaune Dugan abstaining.***

***At 9:17 p.m. Motion to Adjourn by Doug Breskin. Seconded by Peter Goodwin. The motion passed unanimously (7-0-0).***

Respectfully Submitted,

*Livia M. Nicolescu*