

**TOWN OF WOLFEBORO
PLANNING BOARD
June 16, 2020
7:00 PM
MINUTES**

Members Present: Roll call: Kathy Barnard – yes (acknowledged there is no one present with her), Vaune Dugan– yes (acknowledged there is no one present with her), Brad Harriman – yes (acknowledged there is no one present with him), Mike Hodder – yes (acknowledged there is no one present with him), Peter Goodwin – yes (acknowledged there is one present with him) , Julie Jacobs (as Alternate sitting in for John Thurston) -- yes (acknowledged there is no one present with her).

Members Excused: Susan Repplier, Member; John Thurston, Member.

Staff Present: Matt Sullivan, Director of Planning and Development, Mary Jane Shelton, Recording Assistant.

Chairman Barnard opened the virtual meeting at 7:00 PM.

Kathy Barnard read the following script:

Good evening and welcome to the May 19th meeting of the Wolfeboro Planning Board.

As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through **dialing the following phone #+1 (646) 749-3122 followed by the audio access code 918-242-429, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.**

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using GoToMeeting, and instructions are provided on the Town of Wolfeboro website at wolfeboroh.us on the Virtual Town Meeting Login Information page.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem accessing the meeting via phone or computer, please immediately call 603-391-8489 OR email planningdirector@wolfeboroh.us

d) Adjourning the meeting if the public is unable to access the meeting.

In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

e) Meeting Notes

Members of the Board will be unmuted for the entirety of the meeting. Members of the public will be muted for the meeting with the exception of public comment portions or public hearings.

I'd like to start the meeting with a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Thank you.

Matt Sullivan requested the public mute their microphones and turn off their web cameras unless providing public input.

I. Acknowledgement of Kingswood Graduating Seniors

It was requested by Mike Hodder that the Planning Board offer a formal acknowledgement of the graduating seniors of Kingswood High School and he proposed the following motion:

"The Planning Board acknowledges the extraordinarily difficult circumstances under which the 2019-2020 school year ended and therefore wishes to extend our sincerest congratulations to the Kingswood Regional High School senior class of 2020 on their graduation and our best wishes for the graduates as they embark on their new adventures in life."

Said motion was seconded by Kathy Barnard. Roll call vote: Vaune Dugan - yes, Brad Harriman - yes, Mike Hodder - yes, Peter Goodwin - yet, Julie Jacobs - yes, and Kathy Barnard - yes. All members voted in favor. The motion passed (6-0).

II. Scheduled Appointments/Public Hearings

Lakes Region Model Railroad Museum (LRMRM) (Continued From 06/02/2020)

Site Plan Review for Museum Use - Formal Submission/Public Hearing

Agent: Randy Tetreault, Norway Plains Associates

John Simms, Lakes Region Model Railroad Museum

Tax Map #217-46, 61 Railroad Avenue, Case #2020-15

Kathy Barnard, Chairman, appointed Julie Jacobs as a voting member, in John Thurston's absence. Randy Tetreault (Norway Plains) and John Simms were present representing the LRMRM.

Initially, LRMRM met with ZBA who wanted Planning Board input, specifically surrounding public safety access, ADA access, abutter issues and fire code questions related to occupancy figures.

At the second ZBA meeting, subsequent to the initial Planning Board review, a Use Variance was granted. The abutter issue brought by the Bean family was resolved and they are supportive of the project.

The concerns centered around three major items that were addressed at a site visit:

1. Proposed edge of pavement that was very close to a proposed set of steps accessing the building along with the ADA ramp. This issue was resolved through a reconfiguration of the ramp and

handicapped railing. A review and consultation with Dave Ford, Public Works Director of the Town of Wolfeboro to address this and issues with Railroad Avenue and easement on town property.

2. The handicapped access and ADA compliance related to that. In order to meet requirements for LChip funding, handicapped parking must be located at the east end of the building. This change necessitated figuring out access from the handicapped parking to the ramp with the new configuration of the ramp, etc. This was accomplished by laying out a walkway utilizing Bridge Falls path.

3. Questions regarding whether steps for egress were needed in addition to the ADA ramp were discussed and resolved with those present at the site review including representatives of the ZBA, fire department and Bergeron Technical Services (a consultant for LRMRM) who were present.

John Simms offered that there would be landscaping designed to discourage patrons from walking in the road and encouraging use of Bridge Falls path.

Matt Sullivan then addressed the Notice of Decision from the ZBA who had substantial concerns about code compliance related to occupant load, sprinklering, egress to internal space and pointed out that these issues were addressed in the letter from the ZBA. In particular, Matt pointed out Condition 9 in the letter, the proposed use will need to be life safety and building code compliant prior to a building permit being issued.

Matt informed the Board that he did seek legal guidance from the Town's land use attorney Laura Spector Morgan and had her review primary source documents to ensure that proper authorization was obtained in this situation, and there is a letter in tonight's meeting packet reflecting her legal assessment that the applicant was duly authorized by the owner of the property.

Matt reported on a meeting between himself, the Public Works Director, Jim Bean, Randy Tetreault and John Simms wherein site design issues integrating this project with the Railroad Ave Layout Project. As a result of such, it was determined that and is reflected in the revised site layout plan that several aspects of the project require involvement of the town -i.e., stone dust placement for access path, etc. to ensure ADA compliance. In line with that a Proposed Condition of Approval will be that a Certificate of Occupancy would be contingent upon the final layout of Railroad Ave.

Chairman Barnard opened the public hearing.

Suzanne Ryan inquired about the fire exits, Planning Board's jurisdiction over interior design elements and if consideration had been given to locating the ADA ramp on the rear of the building for aesthetics and proximity to handicapped parking. Matt Sullivan addressed the first two issues and John Simms the third item. John Simms explained that although many layouts were considered, the others changed the nature and functionality which made the project too far from a rehabilitation of the building which is a requirement of LChip funding.

Matt Sullivan pointed out to the Board, the relationship between number of egress areas and the occupant load, the building code requirements and the assessment by Bergeron Technical Services with respect to this issue.

Julie Jacobs brought up the issue of snow removal and how that will be handled. Discussion ensued, outlining all options and considerations, including the potential of paving the affected portion of Bridge Falls path, who will be responsible for snow removal in what areas and the planned reduction in museum attendance during the winter months.

John Simms stated that the LRMRM is leasing the building, and will handle snow removal on the ramp. The land that it is sited on is owned by the Town who will continue to maintain the Bean park land as they now do. The issue of clearing snow from the Bridge Falls path is unclear.

Matt stated that the lease is currently under negotiation with the Board of Selectmen, thus he cannot comment on the level of the Town's involvement in snow removal.

Chairman Barnard expressed concern over the mention of a future "car addition" which has been brought up now and in the past. Matt Sullivan stated it is not part of this site plan review and would not come under the ZBA approval. John Simms stated this is something that may be discussed in the future.

Mike Hodder disagreed with Laura Spector-Morgan's opinion re LRMRM's standing to apply for site plan review. His position is that the owner of the property is the Town of Wolfeboro and its citizens, not the Board of Selectmen from whom LRMRM received its application authority. Mike Hodder stated he finds LRMRM has no standing to apply to this board for site plan approval. In addition, he has the following concerns: snow storage, access to ADA ramp, parking arrangements, LRMRM's relationship to Railroad Avenue and possible plowing of Bridge Falls path. Mike Hodder stated his concerns and objections will result in his not voting for this application.

Vaune Dugan stated that items such as code compliance, snow storage/removal agreement(s) and lease terms being settled with the Town should be conditions for site plan approval.

Brad Harriman stated that layout of Railroad Avenue by the Town and resolution of snow removal/storage issue be included in conditions for site plan approval.

John Simms stated that the lease agreement has been put on hold while a construction agreement with the Town is being negotiated. The construction agreement covers from now until CO is issued.

Matt Sullivan stated that the Board of Selectmen requested that the ZBA and Planning Board review and approve the project prior to a lease agreement being signed. The Applicant has accepted risk that they may have to return to this Board for review/approval based upon terms of final lease.

Randy Tetreault gave an explanation of path layout and how it is limited by the space constraints, LChip funding, etc.

Michael Hodder reiterated that this application troubles him due to issues previously discussed.

Peter Goodwin stated that although there are numerous issues yet to be addressed, he feels it is a worthwhile project for the Town.

Matt Sullivan clarified that the issue being raised regarding snow storage was the responsibility, not the mechanism, for removal/storage. Matt Sullivan also clarified that code compliance is addressed through materials in applications. Matt Sullivan further stated that with respect to the construction agreement, the Planning Board can require security requirements not related to site work but such are highly unusual. Matt Sullivan explained that the condition placed on the applicant that there be no exterior modification relates to dimensional expansions, with exception of ramp and HVAC equipment, not painting and refurbishing work.

Conditions of Approval proposed by Matt Sullivan:

1. *The following plans, as amended to the date of this approval are incorporated into the approval:*
 - Plan 1.** *Proposed Site Layout Plan, Lakes Region Model Railroad Museum; Owner: Town of Wolfeboro; Project Location: 61 Railroad Avenue, Wolfeboro, NH, 03894; Tax Map and Lot: 217-046, prepared by Norway Plains Associates, 2 Continental Boulevard, Rochester, NH 03867, dated March 2020.*
 - Plan 2.** *Existing Conditions Plan, Lakes Region Model Railroad Museum; Owner: Town of Wolfeboro; Project Location: 61 Railroad Avenue, Wolfeboro, NH, 03894; Tax Map and Lot: 217-046, prepared by Norway Plains Associates, 2 Continental Boulevard, Rochester, NH 03867, dated June 2020.*
 - Plan 3.** *Construction Details, Lakes Region Model Railroad Museum; Owner: Town of Wolfeboro; Project Location: 61 Railroad Avenue, Wolfeboro, NH, 03894; Tax Map and Lot: 217-046, prepared by Norway Plains Associates, 2 Continental Boulevard, Rochester, NH 03867, dated March 2020.*
 - Plan 4.** *Offsite Parking Sketch, Lakes Region Model Railroad Museum; Owner: Town of Wolfeboro; Project Location: 61 Railroad Avenue, Wolfeboro, NH, 03894; Tax Map and Lot: 217-046, prepared by Norway Plains Associates, 2 Continental Boulevard, Rochester, NH 03867, dated March 2020.*
2. *The applicant shall be responsible for the payment of all recording fees to the Carroll County Registry of Deeds, prior to signing of the plans.*
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. *All final plans to be stamped by a Licensed Land Surveyor, Landscape Architect, Wetlands Scientist, and Professional Engineer, as applicable.*
5. *A letter of compliance with the Americans with Disabilities Act (ADA) for external site elements shall be submitted prior to signing of the plans.*
6. *The Town shall secure an access easement or complete a boundary line adjustment with Tax Map 217-44 prior to the issuance of a Certificate of Occupancy to ensure that pedestrian access is possible.*
7. *This approval shall be conditional upon the completion of proposed improvements to and layout of Railroad Avenue by the Town of Wolfeboro. No Certificate of Occupancy shall be granted for the Museum Use until those improvements are completed.*
8. *All conditions of Zoning Board of Adjustment Case #09-SE-20 are hereby incorporated as part of this approval.*
9. *This site plan review approval shall expire in 2-years unless substantial completion is achieved in accordance with RSA 674-39.*
10. *All on-site parking spaces are to remain for public use.*
11. *A document shall be provided defining the responsibilities for and method of snow storage removal prior to the signing of the plans.*
12. *There shall be no exterior modifications to the building, exclusive of work related to general renovation, with the exception of defined improvements as follows: steps, lighting, ADA ramp, AC/trash area, and signage.*
13. *The Town shall execute a Lease with the Lakes Region Model Railroad Museum prior to issuance of a Certificate of Occupancy.*

14. *The Town shall execute a Construction Agreement with the Lakes Region Model Railroad Museum prior to the issuance of a Building Permit.*

John Simms stated that exterior renovations/modifications that are planned will not significantly change the appearance of the building and they attempt to restore it to its original historical appearance -- i.e., shingles, etc.

Chairman Barnard closed the public comment section.

It was moved by Peter Goodwin and seconded by Vaune Dugan to approve the LRMRM's site plan application subject to conditions as set forth above. Roll call vote: Vaune Dugan - yes; Brad Harriman - yes; Michael Hodder - no; Peter Goodwin - yes; Julie Jacobs - yes; Kathy Barnard - yes. The motion passed (5-1).

III. Action Items - None

IV. Public Comment

Chairman Barnard stated there is no public present online and Matt Sullivan stated he has not received public comment via email.

V. Other Business

a. **Approved BOS 2021-2030 Capital Improvement Plan Goals**

Matt Sullivan commented on some concerns he has discussed with Chairman Barnard and Michael Hodder about what precedents the CIP guidelines set for the capital improvement process. He stated that the CIP guidelines put forth by the BOS are specifically intended for the department heads at the beginning of the process. Matt discussed clarification for this year's committee and that these guidelines are not intended to specifically guide the outcomes of the CIP process with respect to the Planning Board's role.

Michael Hodder suggested that the document be forwarded as being drafted by the Planning Board rather than the Town Planner to the CIP.

BOS has chosen Paul O'Brien as their representative to the CIP. Matt Sullivan stated that he received a positive response from the Governor Wentworth School District regarding a potential representative.

b. **Email from Anne Blodget and Potential Addition to 2020 Work Plan**

Peter Goodwin stated that Ridge lines were discussed as part of the Master Plan. Kathy Barnard stated there is a model ordinance that the State has put out and it should go on our work plan.

Matt Sullivan stated that no new applications were received for the month of July and it would be a good opportunity to circle back to the work plan. Matt Sullivan proposed a work plan meeting at the July 21, 2020 meeting. Matt Sullivan also expressed desire to address the impact fee issue at the second July meeting as well.

Vaune Dugan brought up the question as to how the Planning Board addresses the architectural standards - i.e., what is the procedure, what are the documents that should be reviewed, etc. Matt Sullivan enlisted Vaune Dugan's assistance in addressing this.

c. Future Planning Board Meeting Locations

Matt Sullivan announced that the July 7, 2020 PB meeting will be hosted at Town Hall with hybrid meeting access. Protocols will be encouraging the wearing masks, social distancing with seating, etc. Digital access will still be provided.

Michael Hodder asked Matt Sullivan about the current status of the Master Plan. Matt Sullivan advised that the Plan is fully revised and available online. He is just waiting to have it printed and anticipates it should be available by the July 7th meeting.

Michael Hodder also requested an update on the Short Term Rental Subcommittee. Matt Sullivan advised that he will be sending out a notice to reconvene that committee shortly.

VI. Approval of Minutes - N/A

VII. Adjournment

It was moved by Kathy Barnard and seconded by Vaune Dugan to adjourn the June 16, 2020 Wolfeboro Planning Board meeting. Roll call vote: Kathy Barnard - yes; Peter Goodwin - yes, Brad Harriman - yes, Michael Hodder - yes; Vaune Dugan - yes; Julie Jacobs - yes. All members voted in favor. The motion passed (6-0)

There being no further business, the meeting adjourned at 8:45 PM.

Respectfully Submitted,

Mary Jane Shelton

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