

**TOWN OF WOLFEBORO
PLANNING BOARD
October 4, 2016
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, Paul O'Brien, Vaune Dugan, John Thurston, Members, Dave Alessandrone, Alternate.

Staff Present: John Krebs, Interim Town Planner, Lee Ann Keathley, Administrative Secretary.

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Town Hall Great Hall.

I. Scheduled Appointments / Public Hearings
Binnacle, LLC
Special Use Permit
Agent: Peter Cooperdock, Fernstone Associates
TM #201-80
Case #201616

Kathy Barnard stated the applicant has requested a continuance of the application to November 1, 2016.

Town of Wolfeboro ~ Parks & Recreation Department
Site Plan Review; Equipment Shed
Agent: Christine Collins, Director of Parks & Recreation
TM #144-6
Case #201624

Christine Collins, Director of Parks and Recreation, stated the department is proposing a 16'x24' equipment storage shed at the Abenaki Lodge site. She stated the shed would be constructed on a cement slab and include electric heat to keep timing equipment and ski race equipment at non-freezing temperatures. She stated that no water or plumbing is proposed.

John Krebs stated the construction of the shed does not create additional parking. He noted RSA 674:54 exempts the Town from its own regulations and only requires written notification to the Planning Board for any municipal project.

Chairman Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Stacie Jo Pope to cite no objection to the Town of Wolfeboro Parks and Recreation Department Site Plan Review application, Tax Map 144-6. All members voted in favor. The motion passed.

**Sawmill Marina Boating Club and Town of Wolfeboro
Boundary Line Adjustment
Agent: Jim Rines, White Mountain Survey & Engineering, Inc.
TM #203-68
Case #201623**

Jim Rines stated the applicant proposes a boundary line adjustment in which Sawmill Marina Boating Club would acquire a 16 SF portion of property owned by the Town of Wolfeboro and identified as Wood Avenue; noting Woods Avenue runs from Bay Street to the shore of Back Bay on Lake Winnepesaukee. He stated the applicant met with the BOS who held two public hearings and subsequently voted to convey by quitclaim deed the 16 SF area with the condition that Sawmill Marina Boating Club "... continue to maintain the grassy portion of Wood Avenue, beyond the paved portion of Wood Avenue, for non-vehicular public access to the waterfront of Back Bay; and further conditioned upon Sawmill Marina at its expense maintaining at least one picnic table in the grassy portion for use by the public during the period May 1- October 15 each year." He stated the purpose of the boundary line adjustment is to realign the last segment of the common boundary line so that the imaginary extension of this adjusted boundary line segment will be reconfigured to satisfy NH DES' 20' setback to the Marina's docks from said imaginary extension of the boundary line. He stated such would allow NH DES Wetlands Bureau to grant a permit for the placement of new pilings for the docks and minor modifications to the dockage on the Sawmill Marina Boating Club's property to improve safety. He stated the boundary line adjustment would make the location where the docks are affixed to the land a greater distance from the common boundary line which would be more consistent with the intent of zoning setbacks. He requested waivers from Sections 147-7.D. and 174-9.A.; noting the property is served by municipal water and sewer and no construction is proposed therefore, topography and soil/wetland information is not necessary.

It was moved by Stacie Jo Pope and seconded by Paul O'Brien to grant the following waivers; Sections 147-7.D and 174-9.A. All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Paul O'Brien to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

John Krebs reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, incorporated into the approval;
Plan 1. Plan of Boundary Line Adjustment Involving Lands of Sawmill Marina Boating Club Realty Trust and the Town of Wolfeboro, Bay Street, Wolfeboro, NH, Dated September 14, 2016, Prepared by James F. Rines, PE, White Mountain Survey & Engineering, Inc.
2. The applicant shall submit the Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
4. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
5. The applicant shall be responsible for all recording fees.

There being no questions or comments, Chairman Barnard closed the public hearing.

It was moved by Paul O'Brien and seconded by Vaune Dugan to approve the Sawmill Marina Boating Club and Town of Wolfeboro Boundary Line Adjustment application, Tax Map 203-68. All members voted in favor. The motion passed.

Brewster Academy
Site Plan Review; New Dormitory
Agent: James Rines, PE, White Mountain Survey & Engineering, Inc.
TM #218-150
Case #201621

Stacie Jo Pope recused herself.

Chairman Barnard appointed Dave Alessandrini, Alternate, to sit in for Stacie Jo Pope, Member.

Kathy Barnard noted the public hearing is open and was continued from September 6, 2016. She requested the applicant speak to the outstanding issues including review of the Town's Design Review standards. She stated the Board received correspondence from the following individuals; Laura Spector-Morgan, Planning Board Town Counsel, Mike Hodder, Bob Tougher, Cynthia Steer, Ramona Donahue and Greg Cantwell. She stated Town Counsel stated the Town could enact zoning to effectuate aesthetic purposes however, the Board could not deny a site plan based on aesthetics unless there is a specific regulation the proposal does not comply with.

John Krebs noted the central issue with the project that has been the change/blockage of views from Clark Road and the properties along Clark Road. He stated that while the importance of viewsheds has been raised in the Master Plan, there is no Zoning Ordinance which protects the view of Wolfeboro Bay from Clark Road and which would prevent the proposed building from being approved.

Jim Rines stated Clark Road is considered a side setback to the property; noting a 10' setback is required however the applicant is proposing the building to be 25' from Clark Road. He stated alternative locations were reviewed with John Krebs; noting there is no feasible alternative location for the placement of the dormitory due to either drainage or wetland issues. Referencing drainage issues, he stated changes were made per the recommendation of the Town's consulting engineer; noting Tighe & Bond have signed off on those revisions.

Craig Gemmell, Head of School, Brewster Academy, addressed the necessity for the construction of the new dormitory and impact to the quality of student housing and needs of the school; noting the need to invest in residential programs and spaces. He reviewed the number of total students and faculty and its shared use of their facilities to the community (being an "open" campus). He stated the proposal has been identified as a critical project in past Master Plans. He reviewed alternative locations; noting all other locations are comprised therefore, the current proposed location was chosen. He stated a partial view of the lake would be obstructed.

Randy Walker, Esq., Brewster Academy, reviewed the Town's Zoning Ordinance and Master Plan; noting the changes to such now classifies Brewster Academy as a permitted use rather than a pre-existing nonconforming use. He noted the school is one of the largest employment sectors in the community and this project will further their mission and ensure long term vitality of the school. He reviewed the uses of the Residential/Office/Institutional Overlay District and the square footage of surrounding structures within the district; noting the size of the surrounding structures are comparable in scale to the proposed dormitory. He stated the Town doesn't regulate views therefore, the Town cannot control the placement of a building based on such. He noted that when the property is viewed from Wolfeboro Bay, it is the only property that has preserved its green space. He requested support and approval of the application.

Jim Rines stated the Town's consulting engineer signed off on the outstanding issues noted in their original review; noting additional grading and retention basins were added including an increase in the size of the pipe from 6" to 8" that provides treatment into one of the retention basins. He stated it was determined that South Main Street would be the frontage for the campus therefore, Clark Road becomes the side setback (noting the setback is 10'). He stated the building is located 24.7' from the Clark Road right-of-way.

Kathy Barnard stated the project meets the front setbacks however, questioned the design standards within such.

Jim Rines referred to Randy Walker's testimony regarding the design standards. He noted that 175:40 states in all paragraphs "should be within the district". He stated the Clark Road section is not within the ROI District and the proposed building is consistent when compared to other structures within the District.

Cynthia Steer, 14-16 East Clark Road, stated she understands what the project does for Brewster Academy however, questioned what it does for the Town of Wolfeboro. She stated her view from Clark Road will be affected and questions whether the value of her home will be affected.

Kathy Eaton stated she is speaking as an individual and not as the Chairman of the EDC. She stated that as one of the top three employers the health of Brewster Academy affects the economic health of Wolfeboro; noting the school is critical to its economy. She stated the school allows for public access for enjoyment.

Greg Cantwell, 26 Clark Road, stated the arguments made are in good faith and made without venom; noting the efforts made from the community are sincere. He stated the governing authorities have talked about views and referenced 175-36:B. He stated the Planning Board does have a viewshed and a map; noting the westerly view from Upper Clark Road is to be preserved and labeled as #8 on the map. He stated that view is being affected by the project; noting Brewster Academy didn't even consider the views of his mother's property or the residents of Clark Road. He encouraged the Board to act on the ordinance and reject the application.

Barbara Emerson, Clark Road, stated the size of the proposed dormitory does not compare to the homes on the other side of the street; noting the houses on Clark Road are small and it cannot be compared to the buildings on South Main Street. She expressed concern regarding traffic impact; noting there is a tremendous amount of vehicular and pedestrian traffic because of the beach, residents and Genesis Healthcare. She stated the parking area for the dormitory accessed by Clark Road will impact Clark Road.

Ramona Donahue stated the comments made are not an attack on Brewster Academy but rather, are in opposition to a building that blocks a view. She stated it is the intent of the abutters to save the view for the future. She referenced the Master Plan Land Use Chapter and HCS.2. She submitted and read the following petition; *"We, the undersigned, request that the Wolfeboro Planning Board, reject the application of Brewster Academy. The application ignores the expressed interest of the town and the public in preserving the last remaining views available to the public of the mountains and the lakes. The construction of the dormitory building will change the character of the public and private properties on upper Clark Road and is not compatible with nearby residential neighborhood."* She noted the 136 people signed the petition.

Member of the public stated the proposal affects all those who use Clark Road corridor; noting the building is sited poorly from an aesthetic aspect. He stated the building is too close to the road and the view belongs to the Town. He requested the building be relocated and noted that although students and faculty come and go, residents remain.

Bob Hughes stated he is representing himself. Referencing the architectural plans, he stated that although the building looks massive on paper, the entire dimension of the building will not be seen at one time. He stated land is assessed less the further away it is located from Main Street and noted the Town does not assess a property for its view.

Nancy Hirschberg, 40 Clark Road, stated the corner of the dormitory is 120' from her home and will have no views of the lake or mountains. She stated that when she purchased her home she spoke to Brewster Academy regarding their plans for the field and was never informed of plans to build a dormitory. She stated her issue is with the scale of the building; noting that despite the fact the school is in a mixed use district, it's truly a residential neighborhood. She stated the view is part of the Town's Master Plan and requested the dormitory be built in the location of the maintenance building.

Bob Tougher, 60 Clark Road, agreed with the recommendation to locate the dormitory in the location of the maintenance building. He stated at the informational session held by Brewster Academy on 9/23/16 Mr. Gemmell stated the maintenance building is at the end of its serviceable life and, the school is concerned for the safety of

its students relative to the maintenance building. Therefore, he questioned why the school is building the dormitory and not addressing safety concerns. He recommended removing the maintenance building and placing the dormitory in its location; noting there would be no maintenance traffic in the area of the dormitory.

Mr. Martin, Lamb Court, stated the small residential aspect of houses on Clark Road is true however, the houses on Wolfeboro Bay are to scale to the proposed building. He stated he doesn't feel the view would be obstructed completely. He stated the construction of the dormitory is within Brewster Academy's legal right and its mission.

Margot Skelley reviewed the benefits and enhancements to the local economy by allowing the update to Brewster Academy's housing for its faculty and students. She stated she supports the proposal.

Kathy Barnard reviewed the purpose and intent of the ROI District; noting such states that buildings be compatible to nearby residential and institutional buildings.

Jim Rines stated the structure has been designed in a way that breaks down the mass of the structure. He stated the dormitory may not be the same size as the residences on Clark Road however, it is consistent with other dorms. He stated that in the 35 years he has been presenting applications, he has not once had an application that addressed views. He stated the view is two-way; noting the view from Wolfeboro Bay is probably seen by more people than on Clark Road. He stated the proposal is consistent with the Town's zoning, Master Plan and the State's Shoreland Protection Act which includes preserving land along the water in order to preserve water quality. He stated alternate locations on the campus either have steep slopes or compromises student safety.

John Krebs reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;
 - Plan 1.** ALTA/ACSM LAND Title Survey Prepared For Brewster Academy, South Main Street, Wolfeboro, New Hampshire, Prepared By James Rines, PE, White Mountain Survey And Engineering, Inc., Po Box 440, Ossipee, NH 03864, Dated September 15, 2006.
 - Plan 2.** 2 of 5, EXISTING CONDITIONS PLAN for Brewster Academy Dorm, South Main Street and Clark Road, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated August 17, 2016.
 - Plan 3.** 3 of 5, PROPOSED CONDITIONS DRAINAGE PLAN for Brewster Academy Dorm, South Main Street and Clark Road, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated August 17, 2016.
 - Plan 4.** 4 of 5, PROPOSED LANDSCAPING AND LIGHTING PLAN for Brewster Academy Dorm, South Main Street and Clark Road, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated August 17, 2016.
 - Plan 5.** 5 of 5, PROPOSED STORMWATER MANAGEMENT AND EROSION CONTROL PLAN for Brewster Academy Dorm, South Main Street and Clark Road, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated August 17, 2016.
 - Plan 6.** EXTERIOR PERSPECTIVE 1 AND 2, Proposed Dormitory For Brewster Academy, Prepared by Samyn D'Elia Architects, PA, undated and unsigned.
 - Plan 7.** EXTERIOR PERSPECTIVE 3 AND 4, Proposed Dormitory For Brewster Academy, Prepared by Samyn D'Elia Architects, PA, undated and unsigned.
 - Plan 8.** EXTERIOR PERSPECTIVE 5 AND 6, Proposed Dormitory For Brewster Academy, Prepared by Samyn D'Elia Architects, PA, undated and unsigned.
2. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer. The cost shall be borne by the applicant.
3. The applicant shall be responsible for the payment of financial security in the amount of \$351,228.

4. The Temporary Erosion Control Structure Maintenance Notes and Sitework Sequencing requirements are hereby adopted by reference as a condition of approval.
5. The applicant's engineer shall submit a letter certifying compliance with the American's With Disabilities Act.
6. 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.
7. The applicant shall be responsible for the payment of all recording fees.

Kathy Barnard questioned whether a condition should be added to request an updated Master Plan for Brewster Academy prior to review of another application. She stated the Board has reviewed previous master plans for the school; noting the applicant submitted such into the record as part of its application.

Mike Hodder stated such is not germane to this application.

Paul O'Brien stated he does not agree with making such a condition of approval.

Kathy Barnard stated the school's Master Plan should comply with zoning. She stated views and viewsheds are mentioned in the Town's Master Plan and the Board discussed implementing a viewshed ordinance however, did not move forward with such. She stated the existing ordinance does not speak to the view preservation issue.

Mike Hodder stated that as a Board member, he feels the Board does not have standards to apply in support of the interruption of a viewshed.

Vaune Dugan agreed with Mr. Hodder and recommended a work session to discuss viewsheds and examine large parcels with multiple frontages.

Paul O'Brien stated the Master Plan is not an ordinance and agreed with Ms. Dugan that the Board should further discuss the issue.

It was moved by Mike Hodder and seconded by John Thurston to approve the Brewster Academy Site Plan Review application, Tax Map 218-150, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Action Item

P&D Zimmerman Family Limited Partnership Release of Financial Security Tax Map #218-17

John Krebs stated the Town's consulting engineer, Tighe & Bond, performed a site inspection and noted the following issues;

1. Reseeding required along the southern pavement limits
2. Minor changes to the Site Plan must be shown on an As-Built plan provided by the developer/applicant provided that the Planning Board is in agreement with the changes.
 - B.1; proposed bituminous curbing changed to 4-6' wide paved apron along the southern edge of the driveway.
 - B.2; the handicap parking at the west end of the building was constructed differently than depicted on the approved Site Plan.
 - B.3; the landscaped island at the east end of the building was not constructed.
 - B.4; the stop bar and single white line at the exit was not installed at the exit.
 - B.5; additional landscaping was planted.

- B.6; the stone retaining wall at the northeastern edge of the pavement was not installed and the steep slope may meet the requirements for a guardrail).

Referencing #1, John Krebs recommended the area be reseeded this fall. Referencing #2, bullets 1, 2 and 5, (B.1, B.2 and B.5), he stated such were acceptable to the Town's engineer and he concurs. Referencing bullets 3 and 4 (B.3, B.4) he stated that unless the developer has a compelling reason that the island should not be built, and the Board approves the change, he would recommend that the island be constructed in accordance with the approved Site Plan. Referencing bullet #6 (B.6), he stated the developer shall either complete the retaining wall in accordance with the approved Site Plan or provide the Town's engineer with documentation that a guardrail is not required. He stated the Board should review and approve any changes proposed to this portion of the Site Plan. As such, he stated that based on the Town's consulting engineer's comments, he would recommend denying the release of financial security until all issues are resolved to the Board's satisfaction.

It was moved by Paul O'Brien and seconded by Mike Hodder to deny the Release of Financial Security for P&D Zimmerman Family Limited Partnership, Tax Map #218-17, based on the recommendation of the Town's consulting engineer and Interim Town Planner until the resolution of all outstanding issues. The motion passed.

III. **Public Comment**

None.

IV. **Informational Items**

The Board received the following informational item; memo to the BOS regarding business directional signs.

V. **Planning Board Subcommittee Reports**

N/A

VI. **Approval of Minutes**

N/A

VII. **New/Other Business**

Kathy Barnard stated the Master Plan Survey conducted by UNH is completed.

The Board discussed conducting the paper survey and placing a public notice regarding such in the Granite State News; noting the paper survey is ready to go rather, just needs to be implemented.

Stacie Jo Pope volunteered to write a press release.

It was moved by Vaune Dugan and seconded by Paul O'Brien to adjourn the October 4, 2016 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:23 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

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