

**TOWN OF WOLFEBORO  
PLANNING BOARD  
June 6, 2017  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Vaune Dugan, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Paul O'Brien, Peter Goodwin, Members.

**Member Absent:** Dave Alessandroni, Alternate.

**Staff Present:** Matt Sullivan, Director of Planning and Development.

**Staff Absent:** Lee Ann Hendrickson, Administrative Secretary.

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

**I. Scheduled Appointment  
Depot Square Condominium Association  
Agent: John Simms  
Subdivision Revocation; Case #2017-12  
Tax Map #214-47**

John Simms, resident of Depot Square Condominiums, stated Depot Square is now owned by the current occupants. He stated the subdivision approval allows for the construction of two additional buildings on the lot however, the owners feel that to construct the remaining buildings would be an affront to the Town. Therefore, he stated the Association is requesting modification of the original subdivision approval to replace a 10-unit building with a 4-unit building (revocation of 6-units). He noted the existing parking area will remain common area.

Matt Sullivan stated he had expressed a concern regarding Mr. Simms representing the Association however, Mr. Simms has documentation authorizing such.

John Simms submitted said authorization.

Matt Sullivan stated a public hearing notice was originally posted for both site plan review and subdivision revocation however, following further review it was found that there is no site plan review approvals on record therefore, that application was withdrawn. He stated the condominiums were approved as part of the nonprofit elderly housing provision of the ordinance which supplied a density bonus; noting the proposed revocation brings the site more in accordance with the required density within the C1/CBD therefore, becoming more conforming. He stated under 676:4-a there are five ways by which the Planning Board can revoke a subdivision; noting 676:4-a addresses such. He stated the Association has requested to be released from the obligation of replacing a catch basin in the roadway in front of the building. He stated the only the Board could approve such is if the catch basin were to be removed from the plan; noting such would not be appropriate because the catch basin in fact exists. Therefore, the BOS would have to release the Association from that responsibility and condition of approval since the Planning Board does not have the authority to do such.

Kathy Barnard verified there are no waivers being requested.

Mike Hodder asked if there are concerns regarding the public notice requirements.

Matt Sullivan stated the public notice requirements were satisfied.

Vaune Dugan stated she is in favor of the proposal.

Kathy Barnard questioned whether the elderly requirements would remain as part of the approval.

Matt Sullivan stated the elderly and nonprofit requirements are not treated separately therefore, any future approval would include both or neither. He questions whether the use is being abandoned however, he does not believe the question has an impact on the revocation itself. He stated he would confirm with Town Counsel.

Kathy Barnard questioned encroachment issues.

Matt Sullivan stated there potentially are encroachment issues on the as-built plan provided on the 2017 plan however, such is a potential zoning issue that would be remedied through enforcement.

**It was moved by Mike Hodder and seconded by Vaune Dugan to accept the application is complete. All members voted in favor. The motion passed.**

Chairman Barnard opened the public hearing.

Matt Sullivan reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of this approval, is incorporated into the approval:  
**Plan 1.** Amended Site Plan for Depot Square Condominium, Depot Square, Owner: Depot Square Condominium Association, P.O. Box 1273, Wolfeboro, NH 03894, Tax Map 217 Lot 47, prepared by David M. Dolan Associates, 23 Main Street, Center Harbor, NH 03226, Dated May 9, 2017.
2. The applicant shall be responsible for the payment of all recording fees.
3. All other site plan conditions, including those of prior approvals, are hereby incorporated.
4. Addition of Planning Board signature block and L.L.S. stamp to final plan.
5. All components of the application package and any requirements imposed by other agencies are part of this approval unless otherwise clarified in some manner, or superseded in full or in part. The most recent documentation and this notice herein shall generally be determining.

Kathy Barnard noted the proposal is more in conformance with zoning.

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

**It was moved by Paul O'Brien and seconded by Mike Hodder to approve the revocation of Units 5 through 10 of the approved 2005 Depot Square Condominium Association Subdivision plan, Case #2017-12, subject to the recommended conditions of approval. All Members voted in favor. The motion passed.**

**LaBoca, LLC & Twillingate Trust of 2010**

**Agents: Elizabeth Rice**

**Site Plan Review ~ Walk-in Cooler**

**Case #2017-17**

**Tax Map #217-115**

Elizabeth Rice stated she and her husband own LaBoca, LLC and are currently operating a bakery at 50 North Main Street and plan to open a restaurant by the end of the month. She stated on March 17, 2017 they purchased the assets of the Wolfe Den which was owned by the late Barbara Naramore and began leasing the space from Dick and Kathy Eaton, Twillingate Trust of 2010. She stated the space currently has an 8'x8' walk-in cooler located behind the building which was installed two years ago; noting the cooler was not properly permitted at the time of the installation. Therefore, she stated a Site Plan Review application was submitted to permit the cooler and establish the documentation related to such. She stated the cooler has not been used since they have occupied the space.

Matt Sullivan stated the application is minor in nature however, because it requires modification to the exterior it requires a full site plan review process. He stated a modification to the front of the deck was permitted in 2015 and believed that such should be included as a change on the plan. He stated the applicant has requested a waiver from the Site Plan Review Regulations for Section 173-13, requiring review by the Technical Review Committee. He stated the cooler would require a building permit.

Vaune Dugan questioned why a building permit would be required if the cooler already exists.

Matt Sullivan stated a building permit was not issued when the cooler was installed.

Paul O'Brien questioned the statement in the Planner Review regarding enforcement action by the Town.

Matt Sullivan stated there were several letters issued by the Planning & Development Department relative to the cooler requiring the submittal of a building permit; noting that action was never completed.

**It was moved by Mike Hodder and seconded by Paul O'Brien to grant the following waiver; Site Plan Review Regulations Section 173-13 (requiring review by the Technical Review Committee. All members voted in favor. The motion passed.**

**It was moved by Mike Hodder and seconded by Vaune Dugan to accept the application as complete. All members voted in favor. The motion passed.**

Chairman Barnard opened the public hearing.

Kurt DeVlyder, attorney representing the Estate of Barbara S. Naramore and the Barbara S. Naramore Revocable Trust, stated he is in support of the proposal. He stated it is an existing situation that will not have much impact however, would correct an existing noncompliant situation. He requested approval of the application.

Kathy Eaton, owner of 50 North Main Street, stated she supports the proposal.

Matt Sullivan reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of this approval, is adopted by reference as part of this approval;  
**Plan 1:** Site Plan, 50 North Main Street, Owner: Twillingate Trust of 2010, Richard and Katherine Eaton, Trustees, P.O. Box 1020, Wolfeboro Falls, NH, 03896, Project Location: Wolfeboro, NH, 03894, Tax Map 217 Lot 115, prepared by Wayne Kelloway, R.L.S, Lakes Region Survey Service, P.O. Box 115, Wolfeboro, NH 03894, Dated March 26, 1979 and revised July 15, 1981. Amended by Joanne K. Coppinger, P.E., 25 Hauser Estates Road, Moultonborough, NH 03254, dated March 28, 2017.
2. The applicant shall be responsible for the payment of all recording fees.
3. The application, as submitted, does not satisfy all requirements for a building permit.
4. All components of the application package and any requirements imposed by other agencies are part of this approval unless otherwise clarified in some manner, or superseded in full or in part. The most recent documentation and this notice herein shall generally be determining.

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

**It was moved by Mike Hodder and seconded by Mike Hodder to approve the LaBoca, LLC & Twillingate Trust of 2010 Site Plan Review application, Case #2017-17, Tax Map #217-115, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

## **II. Public Comment**

None.

### III. **Action Item**

#### **Appointment of Planning Board Alternate**

Kathy Barnard stated Thomas Brown has requested a one year appointment as Alternate to the Planning Board.

Thomas Brown stated he was employed by Strafford Planning Commission as a data analyst and currently lives in Wolfeboro.

**It was moved by Vaune Dugan and seconded by Peter Goodwin to appoint Thomas Brown as an Alternate to the Planning Board for a one year term. All members voted in favor. The motion passed.**

### IV. **Work Session**

#### **Wayfinding Signs**

Matt Sullivan stated the Wayfinding Sign Committee met on 5/17/17 and made some changes to the signs; noting he has met with Mrs. Harriman regarding those changes. He stated the Public Works Department will be assisting the Department with installing the signs in six locations. He stated the intent is to collect feedback throughout the next 3-4 months; noting the Department's phone number is placed on the signs with input being collected on a rolling basis for the next nine months.

Paul O'Brien there are couple of Facebook sites (You Know You're From Wolfeboro..) for Wolfeboro that information regarding the signs could be posted.

Matt Sullivan expressed concern for misinformation and would like to ensure that the feedback is productive.

Vaune Dugan questioned whether comments could be received on the Town's website.

Peter Goodwin recommended Letters to the Editors in the Granite State News.

#### **Rules of Procedure**

Matt Sullivan reviewed the recommended revisions to the Planning Board Rules of Procedure.

The Board agreed to the following revisions;

- Page 2, Alternates; to read as follows; "Alternates not appointed to sit during a public hearing: An Alternate may participate in the review, question, comment, and deliberation on an application but shall not vote on the application. Prior to any vote on an application the chairman shall announce who is voting on the application."
- Page 4, Public Meeting and Hearing, j.; insert a second sentence to read as follows; "A five (5) minute limit is suggested."

Matt Sullivan noted a second reading of the Rules of Procedure is scheduled for 6/20/17 and adoption of such is scheduled for 7/11/17.

#### **Lodging Forum**

Paul O'Brien requested helping existing lodging facilities on the work plan.

Matt Sullivan stated he is currently interfacing with existing owners of lodging facilities.

Mike Hodder reviewed his analysis of the Lodging Forum.

The Board discussed the existing facilities located in zoning districts that are not amenable.

Paul O'Brien stated he has noted a diminution of winter activities. He stated he came away from the forum with the idea that the Board could begin on a group by group basis a conversation.

Kathy Barnard stated the Board needs to make a decision regarding the cap for the number of rooms and noted the Board has an obligation to follow up.

Vaune Dugan stated she did not hear anyone asking to remove the 50 room limit removed.

Paul O'Brien stated he would rather have the Board spend their time working with existing owners to be successful.

Kathy Barnard stated she thought the EDC's Business Retention Program focused on such.

The Board scheduled discussion of the 50 room cap for the June 20, 2017 Planning Board meeting.

Matt Sullivan stated he would request the Board to consider a Special Exception for above the 50-room cap rather than a Variance.

John Thurston questioned the evidence to support such.

Matt Sullivan stated it would be a change in the zoning ordinance that would make the process less restrictive.

Kathy Barnard stated the Special Exception criteria deals with traffic and noise

Matt Sullivan agreed and added that the Special Exception criteria addresses more with public health, safety and welfare related issues.

Vaune Dugan asked what it is that would be inherent in the land that would make it be a relief from 50 rooms.

Mike Hodder stated the purpose of the Board is to provide zoning relief. He stated the architectural standards being developed are key to the protection of the Town.

John Thurston stated the 50-room limit should not be increased and the Board should focus on helping the existing owners.

**V. Informational Items**

The Board was provided the following information; letter from the Energy Committee, dated May 23, 2017.

**VI. Planning Board Subcommittee Reports**

None.

**VII. Approval of Minutes**

**May 2, 2017 Site Walk Minutes**

**It was moved by Paul O'Brien and seconded by Vaune Dugan to approve the May 2, 2017 Wolfeboro Planning Board Site Walk minutes as submitted. All members voted in favor. The motion passed.**

**May 2, 2017 Regular Meeting Minutes**

**It was moved by Mike Hodder and seconded by Paul O'Brien to approve the May 2, 2017 Wolfeboro Planning Board Regular Meeting minutes as submitted. All members voted in favor. The motion passed.**

May 16, 2017

It was moved by Paul O'Brien and seconded by Vaune Dugan to approve the May 16, 2017 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

VIII. New/Other Business

N/A

It was moved by Mike Hodder and seconded by Paul O'Brien to adjourn the June 6, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 8:29 PM.

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson

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