

**TOWN OF WOLFEBORO
PLANNING BOARD
June 20, 2017
MINUTES**

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

Members Absent: John Thurston, Member, Dave Alessandroni, Alternate.

Staff Present: Matt Sullivan, Director of Planning and Development, Lee Ann Hendrickson, Administrative Secretary.

Chairman Barnard opened the meeting at 7:02 PM at the Wolfeboro Town Hall Great Hall.

**I. Scheduled Appointment
Lone Wolfe Brewing Company Inc.
Agent: Kurt DeVlyder
Site Plan Review
Case #2017-16
Tax Map #217-27**

Kurt DeVlyder stated the applicant intends to move the existing business to 36 Mill Street and provide food and pub services. He stated 57 indoor seats and 30 outdoor seats are proposed. He stated deliveries would be made by small trucks however, if a delivery via a tractor trailer is necessary, access is available on Libby Street. He reviewed the parking calculations and noted compliance with the ordinance. He noted ADA compliance and no addition or expansion of the square footage of the structure (reviewed 175-130.B). He distributed a copy of Google maps of the area to demonstrate off-site parking availability; noting there is an additional 26 parking spaces and 6 of those spaces are within 500'. He stated two snow storage areas are illustrated; noting excess snow will have to be removed (trucked away) and access to the building and on-site parking spaces to be kept cleared. He noted no changes to utilities and outdoor seating area would be lit by string lights and dark sky compliant; noting the majority of the outdoor space is surrounded by buildings. He stated litter storage is located within the staircase on the side of the building in bins and would be removed off site. He noted the sprinklers and hood were installed this week and referencing the diameter of the sewer pipe, he noted such is a Public Works issue. He stated there are no issues with the Fire Department.

Vaune Dugan asked how noise would be addressed with regard to outdoor seating.

Kurt DeVlyder stated the Town's noise ordinance would dictate such; noting the abutters are entitled to quiet enjoyment of their property. He stated the property is located in the C1 District where residential and commercial uses are mixed.

Mike Hodder questioned the hours of operation.

Kurt DeVlyder replied 11am-10pm.

Mike Hodder questioned whether there would be music at the establishment.

Graham Combes replied yes and noted such would be mainly nonamplified acoustic music.

Mike Hodder questioned whether the music would be confined within the building.

Graham Combes replied yes.

Mike Hodder questioned whether the doors would be open to the patio; noting he wants to establish use and impact to abutters.

Matt Sullivan asked the Board whether the applicant adequately addressed questions related to parking.

Kathy Barnard stated the TRC notes reflects two dwelling units located above the restaurant.

Bill Iannazzi, owner of 36 Mill Street and manager of 29 Libby Wolfeboro, LLC, stated there are 2 buildings; duplex located at 29 Libby Street that has four parking spaces dedicated to such. He stated there are two units located above the brew pub that have four parking spaces associated with such; noting the residential units are not permitted to park in the spaces allotted for the brewpub.

Matt Sullivan expressed concern for site distance relative to delivery vehicles and questioned the hours of delivery.

Graham Combes replied deliveries would be prior to the hours of operation and noted he does not foresee having tractor trailer deliveries. He stated that if there is a need for tractor trailer deliveries, the deliveries could be made to the Haines Hill Road site; noting the deliveries could be made off site and delivered separately to the downtown location.

Mike Hodder stated tractor trailers take up $\frac{2}{3}$ rd of the width of the street making it difficult to get around the truck. He asked if the applicant would agree to such a condition relative to tractor trailer deliveries.

Kurt DeVlyder stated such is an unnecessary and not appropriate; noting that tractor trailers cannot block the roadway and if such occurs, it would be an issue for the Wolfeboro Police Department.

Mike Hodder stated the drawing depicts a gate and divider and questioned such.

Graham Combes stated planters are proposed as a divider on the patio and the gate is for an emergency exit. He stated the planter boxes are removed for snow storage.

Kathy Barnard stated that at the TRC meeting it was stated that excess snow would be taken off site.

Bill Iannazzi stated there will not be access from Libby Street or exit onto Libby Street from the outdoor patio area; noting a fence is proposed above the elevation change. He stated the staircase shown on the plan is accessed by the tenants only.

Mike Hodder questioned operation during the winter.

Kurt DeVlyder replied yes, indoors.

Mike Hodder questioned the frequency of removal of kitchen waste.

Graham Combes replied daily.

Matt Sullivan stated the application is not in compliance with 175:92.1. (5) however, the applicant was provided a building permit by the Planning and Development Department for the relocation of the door from the front to the side. Therefore, he stated a variance from the zoning provision is not necessary.

Vaune Dugan questioned screening of the dumpster.

Kurt DeVlyder recommended lattice and noted such would be accepted as a condition of approval.

Paul O'Brien questioned brewing on site.

Graham Combes stated per the Liquor Commission on site brewing is required to be retained; noting such is a one barrel system.

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

Chairman Barnard opened the public hearing.

Susan John, 40 & 57 Mill Street, expressed concern for safety, odor and noise. She stated that when she rebuilt her building after it was destroyed by fire, she was not allowed any outdoor storage of litter. She stated there was no notice of anything except for this hearing and expressed concern for parking and proximity of the restaurant to her building. She stated she fights for parking for her employees and clients.

Matt Sullivan stated there is a 0' setback in the C1 CBD for litter storage.

Vaune Dugan questioned the setback of the stairs.

Matt Sullivan stated such is subject to the 5' multifamily setback and it appears that the staircase encroaches onto the setback.

Bill Iannazzi stated that when the first building permit was approved (there are two building permits), he thought that it would be ok (after speaking with the previous building inspector) to continue the deck in the alleyway to access both units. However, he stated he was advised by Mr. Sullivan that the deck should not be continued any further. He stated the stairs and a partial deck was present when the building was purchased; noting he stopped constructing the expansion of the deck when he was told it was not permitted.

Paul O'Brien asked if the building previously had a fire suppression system.

Bill Iannazzi replied no. He stated the building was gutted, the waterline upgraded and a mercantile sprinkler system installed on the first floor. Following a discussion with Tom Zotti, he stated he voluntarily installed a sprinkler system to the second floor.

Bill Swaffield questioned the location of the entrance to the restaurant.

Graham Combes located such.

Bill Swaffield stated he thought there were 3-4 parking spaces and questioned a decrease to 2 spaces.

Matt Sullivan stated an ADA handicap parking space is proposed therefore, there is a loss of one parking space.

Bill Swaffield asked if the ADA space is required.

Matt Sullivan replied yes.

Bill Swaffield stated there is a handicap space in the Town's parking lot across the street.

Matt Sullivan stated that due to site distance and safety concerns he advised the applicant to proceed with ADA parking on site.

Bill Swaffield stated that such is a problem. He stated a lot of seating is proposed without parking spaces for it; noting such will cause congestion. He stated people could park on Libby Street and walk between Kingswood Press and the building.

Matt Sullivan stated the applicant is meeting the Zoning Ordinance technically however, noted the applicant is taking a risk with the proposed parking solution.

Bill Swaffield questioned the number of fans and the direction by which the fans would blow.
Graham Combes stated the fans direction is towards Libby Street.

Bill Swaffield questioned the frequency of brewing.

Graham Combes stated once in a while.

Bill Swaffield expressed concern for the reality of the parking situation.

Fred Fernald, 24 Libby Street, questioned whether four spaces is adequate for the apartments and questioned whether the parking has been measured and approved.

Matt Sullivan stated residential parking would not be approved by the Planning Board and does not fall under the authority of this Site Plan application.

Bill Iannazzi stated there were four parking spaces on Libby Street and a landscaped area when he purchased the building. He stated landscaping was removed therefore, now there is an increase in parking spaces on Libby Street.

Derek Brown, 30 Libby Street, questioned the location for tractor trailer parking.

Matt Sullivan replied Mill Street.

Derek Brown asked if parking is allowed on the sides of Libby Street; noting the street is not posted.

Matt Sullivan stated parking is permitted if the road is not posted.

Derek Brown stated that if parking is unavailable that Libby Street is open for side street parking. He stated snow removal is a growing problem on Libby Street; noting such is a hazard and requested a condition related to such. He questioned whether one handicap parking space is enough for 87 seats.

Matt Sullivan replied no to the latter question however, the applicant applied the radius space parking plan and there are handicap spaces within the vicinity.

Derek Brown stated handicap regulations apply 100% of the time.

Bill Swaffield stated the tractor trailer parking location is in front of the only entrance to Kingswood Press and asked if the location could be changed to in front of the applicant's business. He questioned the parking situation/restrictions on Libby Street.

Matt Sullivan stated there are no parking restrictions on Libby Street therefore, side street parking would be allowed.

Brad Harriman stated that if a car is parked in the travel way it can be ticketed or towed.

Paul O'Brien asked if there would be a site distance issue if the tractor trailer parked on the curve in front of the business.

Bill Swaffield requested the Board to further review the tractor trailer parking location.

Kathy Barnard confirmed that parking signs on Libby Street would be considered by the BOS.

Brad Harriman recommended unloading on the other side of the street.

Kathy Barnard asked why the applicant submitted a plan depicting the location for the tractor trailer deliveries.

Matt Sullivan the applicant submitted such to demonstrate site loading and temporary loading and unloading.

Kathy Barnard stated the regulations for the CBD and Wolfeboro Falls Limited Business District addresses the number of parking and loading spaces and states that such shall not decrease; noting the Board has heard testimony that the number of spaces are decreasing.

Matt Sullivan stated he requested the applicant address additional parking availability, expansion of use and decrease in parking spaces. He stated 175-130 B. is intended as a safety valve; if there is a decrease in the number of parking spaces then the applicant must identify a solution via 175-130 A.(1), (2) or (3). He stated the applicant has adequately addressed such and identified a solution via 175-130 B. (2) (off-site parking spaces located within 500' of the site.

Mike Hodder asked why the proposal is not a change of use.

Matt Sullivan stated that it is considered a change of use however, if the footprint is not expanded the applicant is not required to provide additional parking but is required to provide a solution for additional parking.

Bill Iannazzi stated parking has not been decreased rather, it has been increased by removing the landscaping and allowing for additional residential parking on Libby Street; noting tenants previously parked in the commercial parking spaces.

Peter Goodwin stated that if the property is allowed three times the number of seating in the outdoor area, is the same amount of parking required.

Matt Sullivan stated the ordinance only addresses the expansion of the building footprint.

Kathy Barnard stated there are no regulations for outdoor patio seating and recommends such should be addressed in the future.

Kurt DeVlyder stated the outdoor seating area is not contemplated by the existing ordinance. He stated the patio is seasonal and noted four additional parking spaces in the Town parking area across the street.

Referencing the curve on Mill Street, Fred Fernald stated it is treacherous to cross the street from the Town parking lot.

Kurt DeVlyder stated Dave Ford indicated in his TRC notes that placing warning signage to address safety concerns; noting such signage may be necessary.

Matt Sullivan stated the applicant is compliant with ADA requirements.

Kurt DeVlyder stated there is more than sufficient parking without Libby Street parking.

Kathy Barnard questioned an odor issue.

Graham Combes stated there is no odor with the brewery and the kitchen is vented properly so that the odor goes above the residences.

Kurt DeVlyder noted that the business is not the only restaurant in the area and depending upon the wind direction will odor be detected.

Bill Swaffield stated he is concerned that someone will fall when walking between the Kingswood Press building and restaurant. Regarding the net gain or loss of parking spaces, he questioned whether the residential spaces are legal. He stated the parking spaces have gone from 4 to 1 and a space has been taken for the use of an entrance.

Kurt DeVlyder stated there is a narrow area between the buildings and the applicant is amenable to installing a fence between the buildings.

Matt Sullivan stated the property owners could work together privately regarding the fence installation.

Susan John questioned how the litter would be removed given the small tight area.

Graham Combes stated a dumpster is not being proposed rather, wheeled trash bins are proposed; noting such would be emptied daily. He stated he has contracted with Casella for trash removal.

Derek Brown questioned whether the Libby Street residents should request the BOS address no parking on Libby Street.

Brad Harriman stated he would request the Town Manager bring the issue before the BOS.

Kathy Barnard questioned whether such should be a condition of approval.

Mike Hodder stated the issue should be addressed directly by the BOS and not be made a condition of approval.

Matt Sullivan stated he is not comfortable with adding such as a condition of approval.

Kathy Barnard stated the Planning Board has authorized the chairman to write a separate letter to the BOS when the Board is not comfortable adding a condition of approval outside the Board's purview.

The Board agreed to authorize Ms. Barnard to submit a letter to the BOS regarding the No Parking signage.

Mike Hodder requested a condition of approval to prohibit tractor trailer parking because the applicant can have deliveries off site.

Paul O'Brien questioned how such would apply to all other businesses on Main Street and Mill Street.

Mike Hodder stated to allow another tractor trailer delivery complicates a difficult situation.

Paul O'Brien stated he does not agree with singling out and limiting one business.

Brad Harriman stated other businesses are allowed tractor trailer deliveries.

Matt Sullivan read 164:10; noting loading/unloading of tractor trailer deliveries are permitted on the easterly side of Mill Street to Bay Street.

Vaune Dugan requested the plan be revised to reflect 164:10.

Mike Hodder stated he withdraws his request for a condition to prohibit tractor trailer deliveries.

Kurt DeVlyder stated he is concerned for setting precedent if such a condition is imposed.

Matt Sullivan reviewed the following recommended conditions of approval;

1. The following plans, as amended to the date of this approval, are incorporated into the approval:

Plan 1. Delivery Plan, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: William Iannazzi and based on survey by Berry Survey and Engineering, 335 Second Crown Point Road, Barrington, NH, Dated September 27, 2016. Amended by William Iannazzi on unknown date.

Plan 2. Boundary Plan, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: Berry Survey and Engineering, 335 Second Crown Point Road, Barrington, NH, Dated September 27, 2016.

Plan 3. Snow Storage Plan, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: William Iannazzi and based on survey by Berry Survey and Engineering, 335 Second Crown Point Road, Barrington, NH, Dated September 27, 2016. Amended by William Iannazzi on unknown date.

Plan 4. Outdoor Seating Plan, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: William Iannazzi and based on survey by Berry Survey and Engineering, 335 Second Crown Point Road, Barrington, NH, Dated September 27, 2016. Amended by William Iannazzi on unknown date.

Plan 5. Interior and Exterior Layout Plan, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: William Iannazzi.

Plan 6. Exterior Lighting and Litter Storage, 36 Mill Street, Owner: 29 Libby Wolfeboro, LLC, Project Location: 36 Mill Street, Wolfeboro, NH, 03894, Tax Map 217 Lot 027, Prepared by: William Iannazzi.

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 or any other applicable permit.
4. Planning Board signature blocks to be added to all plan sheets.
5. Licensed Land Surveyor stamp to be added to Plan #2.
6. Revision dates and plan titles to be added to Plan #'s 3, 4 and 5.
7. Revision dates to be added to Plan #'s 1, 3, 4 and 5.
8. 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.
9. The applicant shall provide screening for solid waste disposal.
10. Adjustment of loading space on Mill Street to comply with 164:10 of the Town's Ordinance.

Matt Sullivan stated it appears the residential parking spaces are conforming; noting 9'x19' is required. However, he stated he does not feel it should be addressed through the site plan application.

Kathy Barnard stated the spaces are nonconforming parking spaces because they back into the street and such could be a potential zoning issue. She questioned whether there should be a condition of approval related to such.

Matt Sullivan stated the site plan, as presented, does not include parking spaces for the multifamily use and recommended addressing such administratively.

Kathy Barnard stated on street parking needs to meet parking requirements and noted the noise issue will be addressed through the Town's noise ordinance. She requested a condition be added relative to snow storage.

Derek Brown questioned the radius of the start of the corner on Mill Street and the entrance of the loading area; expressing concern that the trailer tractor parking will block the Town parking lot.

Kathy Barnard recommended warning signs for pedestrians crossing the street.

Kurt DeVlyder stated parking for the residential portion of the premises is beyond the scope of the application and the Planning Board's authority. Referencing snow storage, he stated such is an issue for the owner and tenant and noted a condition related to such creates a problem for enforcement.

Kathy Barnard stated snow storage is a specific requirement of the ordinance and noted that testimony at the TRC meeting indicated the snow would be removed from the site.

Matt Sullivan stated the following condition, condition #11, relative to snow storage; “Snow storage that exceeds the identified snow storage areas delineated on the plan shall be removed from the site.”

Mike Hodder requested a condition relative to trash removal on a daily basis.

Paul O’Brien disagreed with such.

Peter Goodwin stated that if the business is not open there will be no trash therefore, trash removal will not be necessary.

It was moved by Mike Hodder to add the following condition of approval; “Trash to be removed daily.”

Brad Harriman expressed concern if the restaurant is open on a holiday however, the trash removal contractor is not.

There being no second, the motion fails.

It was moved by Vaune Dugan and seconded by Peter Goodwin to add the following condition of approval; “Trash to be removed daily as possible.” Kathy Barnard, Vaune Dugan, Brad Harriman, Peter Goodwin, Mike Hodder voted in favor. Paul O’Brien abstained. The motion passed.

Matt Sullivan stated condition #12 as “Trash to be removed daily as possible.”

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

It was moved by Vaune Dugan and seconded by Brad Harriman to approve the Lone Wolfe Brewing Company, Inc., Case #2017-16, subject to the recommended conditions of approval (conditions 1-12). All members voted in favor. The motion passed.

It was moved by Paul O’Brien and seconded by Vaune Dugan to authorize Kathy Barnard as Chairman of the Planning Board to write a memo to the BOS requesting the BOS examine Mill Street traffic safety signs and traffic volume and parking on Libby Street. Kathy Barnard, Vaune Dugan, Paul O’Brien, Peter Goodwin, Mike Hodder voted in favor. Brad Harriman abstained. The motion passed.

II. Action Item

**Wolfeboro Property Holdings, LLC
Partial Release of Financial Security**

Matt Sullivan stated modifications to the plan reduced the cost of construction. He noted the following modifications include relocation of the handicap ramp to the front of the building, elimination of 8 lights and elimination of 14 shrubs (boulders to be used to delineate boundary). He stated the conduit bank has also been installed. Therefore, he stated he supports the reduction of the financial security from \$73,362 to \$44,130. He stated White Mountain Survey & Engineering submitted a revised cost estimate for site improvements.

It was moved by Paul O’Brien and seconded by Mike Hodder to approve the Engineer’s Opinion of Probable Sitework Cost and partial release of financial security for Wolfeboro Property Holdings, LLC from \$73,362 to \$44,130. All members voted in favor. The motion passed.

III. Public Comment

None.

IV. Work Session

Rules of Procedure

Matt Sullivan reviewed the changes per the Planning Board 6/6/17 meeting; noting such is considered the first formal reading of such. He noted the second formal reading and adoption of the Rules of Procedure is scheduled for 7/11/17.

Lodging, Definition of Inn, Hotel/Motel, Bed-and-Breakfast, 50-Room Cap and Nonconforming Uses

Kathy Barnard stated the Board began its review of the definitions of inn, hotel/motel and Bed-and-Breakfast two years ago and room cap two years ago however, the Board agree to table action on the room cap until the architectural design standards were addressed. She confirmed the consensus of the Board is to keep the 50-room cap.

Paul O'Brien agreed of the Board's consensus however, noted that such should not encumber the Board's conservation about architectural standards and definitions related to the 50-room cap issue. He stated that if the people want to change the cap, they can through a Petition Warrant Article.

Mike Hodder agreed to combine the definition of inn, hotel/motel and bed-and-breakfasts.

Paul O'Brien confirmed that the Board is not going to remove the 50-room cap.

The Board agreed that architectural design standards are a separate issue from the 50-room cap.

Referencing nonconforming uses, Matt Sullivan reviewed 175-43; noting that flexibility exists in the ordinance and the lodging owners need to be educated on such.

Paul O'Brien recommended following up with lodging owners to ask how to address the issues through changes to the ordinance. He stated he would prefer if the Board met with the owners again.

Kathy Barnard noted the Board expanded permitted uses for inns and hotels.

V. Informational Items

The Board was provided the following information; HB 299 (pending).

VI. Planning Board Subcommittee Reports

None.

VII. Approval of Minutes

June 6, 2017 Minutes

Corrections: Page 4, Rules of Procedure, 3rd paragraph; replace "second" with "first"
Page 5, 2nd paragraph; insert "at the lodging forum" prior to "asking"

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the June 6, 2017 Wolfeboro Planning Board Regular Meeting minutes as amended. All members voted in favor. The motion passed.

VIII. New/Other Business

Matt Sullivan stated he is recommending that all Special Use Permits be reviewed by the Planning Board and not by the Technical Review Committee.

It was moved by Mike Hodder and seconded by Vaune Dugan 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 9:50 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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