

**TOWN OF WOLFEBORO
PLANNING BOARD
July 11, 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 7:00 PM at the Wolfeboro Town Hall Great Hall.

I. Scheduled Appointment

Jon Hoagland

Agent: Deidre Benjamin, Stoney Ridge Environmental

Special Use Permit

Case #2017-18

Tax Map #158-2

Deidre Benjamin stated the applicant was informed that wetland and shoreland permits were required by the State; noting the applicant has received NHDES approvals for such. She stated the applicant has also received a septic system approval and a partial conditional Town of Wolfeboro Shoreland permit; noting the project does not require federal permits.

Kathy Barnard confirmed the applicant is only requesting approval of a wetland crossing for a driveway.

Deidre Benjamin stated 1,000 SF of wetlands have been impacted over the years and noted the property has a shared drive access and shared beach access. She stated the applicant has issues accessing his property during the winter due to the driveway being blocked by snow and during the summer and therefore, has opted to pursue private access to his property. She stated the property has 47' of frontage on the road and only one area to gain access via crossing the wetland; noting impact to the wetland is under 90 SF and there is no alternative location for the drive access. She stated no principle functions were found associated with the wetland system; noting the wetland exists only to convey runoff from the road and acts as a vegetative outlet prior to the runoff emptying into the lake. She stated there is no impact to the way the wetland functions and an appropriately sized culvert is proposed to allow for continued flow; noting the wetland trisects that area of the property. She stated erosion and sediment controls have been installed and such will remain until following construction and noted the wetland is not utilized by any wildlife rather, the wetland is used as a conveyance for stormwater. She stated raspberry, bittersweet and sensitive fern were found; noting the wetland is not a unique wetland system. She noted the project does not increase flooding or pollution and the wetland has no recreation or aesthetic value.

Kathy Barnard questioned the date of the subdivision and whether the property has always been accessed by a shared driveway.

Jon Hoagland stated he believes the house on the lot is the original house.

Vaune Dugan questioned how the current roadway is accessed.

Jon Hoagland stated he posted a bond for \$25,000 to cross the area.

Matt Sullivan stated questioned the grade following the construction of the driveway; noting a 6'-10' drop in the grade.

Jon Hoagland stated the existing driveway is between 24% and 26% grade; noting the grade would be between 16% and 18% grade with a landing at the top of the driveway. He stated he is replacing the existing waterline and the grade needs to come up 6' to accommodate such.

Peter Goodwin verified a vegetative buffer exists above and below the wetland.

Mike Hodder asked how the property is currently accessed.

Jon Hoagland stated via a shared right-of-way; noting the common area consists of a shared parking area for fourteen cars.

Mike Hodder asked Mr. Hoagland if he signed any covenants as part of being in the association.

Jon Hoagland replied no. He stated there was an agreement with the previous owner to only use the property in the winter months.

Mike Hodder asked if the associations has officers.

Jon Hoagland replied yes.

Mike Hodder asked Mr. Hoagland if he has discussed the issues with the officers of the homeowners association.

Jon Hoagland replied yes, following his driveway being blocked by a landscaper.

Mike Hodder asked Mr. Hoagland if he has anything he could show the Board that he has contacted the homeowners association.

Paul O'Brien questioned the location of the congestion on Baas Drive.

Deidre Benjamin replied the shared parking area for the beach.

Paul O'Brien asked if the blocking is occurring on Baas Drive.

Deidre Benjamin replied no, on the association common area.

Matt Sullivan stated the proposal meets the criteria of the ordinance and zoning requirements. He stated the wetland acts as a vegetative swale during low flows and questioned what occurs during high flow.

Deidre Benjamin stated there is no evidence of high flows.

Matt Sullivan asked if there is sheet flow impact from the paved shared area onto the applicant's property.

Deidre Benjamin replied yes and noted the proposed culvert would infiltrate sheet flow.

Matt Sullivan questioned whether such would result in additional sheet flow.

Deidre Benjamin replied no, the rain garden would infiltrate stormwater and noted that a drip edge around the house and two infiltration trenches at the driveway are also proposed.

Matt Sullivan questioned the width of the apron entrance to Baas Drive.

Deidre Benjamin replied 16'; noting 2' shoulders on each side of the driveway has been accounted for.

Vaune Dugan questioned whether NHDES provided comments in their approvals that the Board should be made aware of.

Deidre Benjamin stated NHDES provided general comments; noting some of the comments do not apply to the Special Use Permit application.

Matt Sullivan stated many of the Conservation Commission's comments relate to the dock project.

Kathy Barnard noted the Board did not conduct a site visit.

Peter Goodwin asked if there is a maintenance plan for the rain garden.

Deidre Benjamin stated she provided the applicant with a manual for continued maintenance.

Peter Goodwin requested such be added as a condition of approval.

Brad Harriman asked if there are existing culverts at Baas Drive.

Jon Hoagland replied no and noted he installed once culvert, crushed stone and rip rap thus far.

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

Chairman Barnard opened the public hearing.

Tom McManus, 7 Baas Drive, stated he is the treasurer of the homeowners association; noting the association has met and discussed this subject. He stated it is not their intention to obstruct or deny the application and noted they discussed protection of the environment, lake resource and usage of association property. He expressed concern for water runoff.

Kathy Barnard stated the Planning Board is focusing on the construction of the driveway.

Tom McManus stated he is present to discuss the driveway and its proximity of such. He stated the homeowners association maintains that prior to the fill being done from Baas Drive to the bottom of the depression was and below that depression is a culvert. He stated the buffer is now gone and the association would like to know what can be done with regard to remediation. He reviewed the proposed conditions plan; noting he likes the idea of proposed infiltration trenches due to storm events that create washouts. He expressed concern regarding snow storage because the area is not plowed in the winter. He stated the 16% grade stated by Mr. Hoagland is anecdotal because no measurements have been taken. He noted that due to the grade snow would be plowed downhill and salt and sand would be needed and questioned how such would be remediated. He noted the proposed conditions plan is not stamped and questioned whether a pin could be set on property line of the Hoagland property and the association's property. He questioned whether a swale and vegetative buffer or infiltration trench could be installed; noting such would greatly protect the association's assets and property.

Paul O'Brien questioned whether any covenants are being violated.

Tom McManus requested the plans be submitted to the association Board of Directors for approval; noting the Board of Directors have not received any plans.

Mike Hodder asked Mr. McManus if Mr. Hoagland has approached the homeowners association and sought relief from them regarding cars blocking the driveway.

Tom McManus replied no and noted he is not aware of any instance where association members blocked Mr. Hoagland's access to his property. He stated Mr. Hoagland has 1/14 right to access his property, use and enjoy his property.

Matt Sullivan asked if Mr. Hoagland has four season access.

Jack Lynch, 10 Baas Drive, Board of Director, replied no and noted that both 9 and 13 Baas Drive have seasonal occupancy permits.

Matt Sullivan asked if the seasonal occupancy permits were issued by the Town of Wolfeboro.

Jack Lynch replied yes.

Tom McManus stated the association never maintains the access drive during the winter months. He stated the Board of Directors voted this past year to continue to not maintain access; noting that while the Board of Directors do not prevent access, they also do not encourage it.

Kathy Barnard asked if the homeowners association would allow access in the winter.

Tom McManus stated the association cannot deny such.

Paul O'Brien questioned the issuance of a seasonal occupancy permit by the Town.

Matt Sullivan stated he is not aware of such a permit.

Paul O'Brien stated that unless otherwise stated in the covenants, Mr. Hoagland has the right to access his home and requested Staff to determine whether a seasonal occupancy permit was issued.

Mike Hodder stated he believes the issue is of a private nature and not a matter for the Board.

Paul O'Brien stated it is unclear whether a conversation the homeowners association and applicant has taken place.

Jack Lynch stated the association has a committee to rewrite the bylaws.

Paul O'Brien asked how a vehicle would access the property in the winter if there is an emergency.

Jack Lynch stated emergency vehicles do not have access.

Peter Goodwin expressed concern for water runoff onto the association property and questioned whether a possible solution would include moving the driveway away from the property line and a berm be constructed.

Tom McManus stated he is confident that if the Board of Directors were to sit down with Stoney Ridge Environmental that the issues could be addressed.

Vaune Dugan stated it seems that the applicant's property is the only property accessed by the common area.

Tom McManus stated one other property is accessed via the common area.

Deidre Benjamin stated she spoke with Mr. Hoagland regarding an option of changing the trajectory of the driveway; noting the NHDES Shoreland permit could be amended to reflect such.

Tom McManus expressed concern regarding the proximity to the association's property line.

Matt Sullivan recommended continuance of the application to 8/1/17 and scheduling a site walk on that date.

Mike Hodder requested the applicant to address issues of a private nature prior to the next meeting.

Jack Lynch stated the homeowners association would pay for the property monumentation.

Barbara Hunt, 15 Baas Drive, stated that if the driveway is moved it would be closer to her property.

Dan Dudgeon, 9 Baas Drive, Vice-President of the homeowners association, stated he also uses shared property to access his property. He stated there is a 3-4' high snow bank as a result of the Town's plowing of Baas Drive; noting he has had to park on Baas Drive and hike to his house. He expressed concern for sheet runoff down the driveway and onto association property.

The Board reviewed the following outstanding issues;

- Seasonal occupancy permit
- Grading plan detail
- Applicant to meet with homeowners association

It was moved by Vaune Dugan and seconded by Paul O'Brien to continue the Jon Hoagland Special Use Permit application and public hearing to August 1, 2017.

Discussion of the motion:

Mike Hodder stated he is not in agreement to continue the application; noting he feels there is adequate information to make a decision.

It was moved by Vaune Dugan and seconded by Paul O'Brien to continue the Jon Hoagland Special Use Permit application and public hearing to August 1, 2017. Peter Goodwin, Vaune Dugan, Kathy Barnard, Brad Harriman, Paul O'Brien voted in favor. Mike Hodder opposed. The motion passed.

Site walk scheduled for August 1, 2017 at 6:20 PM.

Depot Square Condominium Association

Removal of Affordable Nonprofit Housing for the Elderly Subdivision Designation

Case #2017-21

Tax Map #214-47

Matt Sullivan stated the subdivision was originally approved in 2003 under the Affordable Nonprofit Housing for the Elderly section of the Zoning Ordinance, which provided a density bonus allowing for the approved twelve units. He stated the existing development does not meet the requirements, particularly the income ranges, of the ordinance. He stated the applicant requests that subsequent to the revocation of Units 5-10 that the subdivision be reclassified as a traditional condominium subdivision. He stated the subject lot, being 0.68 acres, is compliant with the multifamily density requirement within the C1 Central Business District.

It was moved by Mike Hodder and seconded by Paul O'Brien 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 applicant shall be responsible for the payment of all recording fees.
2. All other site plan conditions, including those of prior approvals, are hereby incorporated.

3. 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 questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the Depot Square Condominium Association application to remove the Affordable Nonprofit Housing for the Elderly subdivision designation, Case #2017-21, subject to the recommended conditions of approval. All Members voted in favor. The motion passed.

Hutchinson Family Trust

Agents: Randy Tetreault, Norway Plains Associates, Inc.

Boundary Line Adjustment

Case #2017-22

Tax Map #203-111, 203-112

Randy Tetreault, Norway Plains Associates, Inc., stated the applicant proposes a boundary line adjustment between two developed existing lots of record; noting such are located entirely within the Village Residential District. He stated the proposal does not affect existing road frontage and all current setbacks would be maintained. He stated the applicant intends to sell the 4 acre lot and would like to maintain a buffer from that lot. He requested the following waivers; Sections 174-7.D. 4 and 6, 174-9.A. 1 and 2 and 174-9. B. 1-3; noting both properties are existing developed lots and no further development is being proposed and both lots are serviced by Town water and sewer.

Matt Sullivan stated the proposal complies with the Zoning Ordinance and noted that both lots are located in the Village Residential District (1/2 acre zoning) however, both lots abut the Residential District. He requested the applicant revise the plans to depict the property lines under the stonewalls.

Referencing Mr. Sullivan's request to revise the plans, Randy Tetreault stated that typically such is not done because stonewalls serve as a physical boundary line.

Matt Sullivan confirmed the stonewall is deed referenced and therefore, agreed to not require a revision of the plan.

Kathy Barnard questioned the "Z" symbol depicted on the plan.

Randy Tetreault stated an internal stonewall is depicted on the plan and the symbol represents that such is not a boundary line. He stated the internal stonewall is depicted on the plan to because it represents a physical feature on the lot.

Vaune Dugan recommended placing the symbol on the key.

Matt Sullivan reviewed the waivers requested by the applicant; Sections 174-7.D.4. & 6 (2' contours), 174-9.A.1 & 2 (soils, slopes, lot loading), and 174-9.B.1.3. (High Intensity Soil Survey).

It was moved by Mike Hodder and seconded by Vaune Dugan to grant the following waivers; Sections 174-7.D. 4 and 6, 174-9.A. 1 and 2 and 174-9. B. 1-3. All members voted in favor. The motion passed.

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

Chairman Barnard opened the public hearing.

Wendy Hutchinson, applicant, stated the intent is to protect the land behind her house.

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. Sheet 1, Boundary Line Adjustment Plan, Owner: Hutchinson Family Trust, P.O. Box 1655, Wolfeboro, NH, Project Location: 183 and 175 North Main Street, Wolfeboro, NH, 03894, Tax Map 203 Lot 111 and Tax Map 203 Lot 112, prepared by Norway Plains Associates, Inc., P.O. Box 249, Rochester, NH 03866, dated June, 2017.
2. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
3. The applicant shall submit a mylar plan for recording at the Carroll County Registry of Deeds.
4. Payment of all recording fees.
5. 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.

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

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Hutchinson Family Trust Boundary Line Adjustment application, Case #2017-22, Tax Map #203-111 and 203-112, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Walter W. Fischer 1993 Trust

Agents: Randy Tetreault, Norway Plains Associates, Inc.

Reconfiguration on Nonconforming Lots

Case #2017-23

Tax Map #201-58, 201-59 and 201-60

Randy Tetreault stated the applicant owns three existing lots; one developed lot and two vacant lots. He stated the lots were subdivided in 1959; noting the owners inherited the properties from their father. He stated the proposal includes reconfiguring the three lots of record into two lots thus, eliminating the middle lot. He noted the lots are nonconforming with road frontage and are not serviced by Town water or sewer.

Mike Hodder asked why waivers are not being requested as with the Hutchinson Family Trust boundary line adjustment application.

Randy Tetreault stated he is not requesting waivers because one of the lots is fully developed and the other lot has an existing approved septic system.

Matt Sullivan stated high intensity soil mapping is a requirement for a subdivision; noting the ordinance is not clear as to whether a lot reconfiguration would require high intensity soil mapping.

Randy Tetreault stated that typically when a subdivision is created the lot size is determined by a certain soil type however, these lots have already been created.

Matt Sullivan requested the applicant amend the plan to reflect "Winter Harbor" and not "Johnson Cove". He reviewed 175-55 and noted he feels that (1) is applicable to the application. He stated none of the lots are not conforming with regard to road frontage however, the lots are accessed by an easement and right-of-way. He stated the lots are not conforming with regard to shore frontage (lots have 115' of shore frontage and 150' is required) however, the proposal is more conforming.

Randy Tetreault stated the owners have a right to pass and repass; noting an area is outlined for utility and access easements.

Mike Hodder asked why Town Counsel has not reviewed such.

Matt Sullivan stated Town Counsel hasn't reviewed the easements because the easement deed has not been prepared.

Mike Hodder stated he would prefer review by Town Counsel prior to Planning Board approval.

Randy Tetreault stated that sometimes monuments are placed on the corners of the easement.

Mike Hodder expressed concern that the Board would approve an application without review of the easement by Town Counsel.

Randy Tetreault recommended depicting an area on the plan for the benefit of the vacant lot so that if the lots are sold separately the utility and access easements are in place.

Mike Hodder expressed concern regarding the easement language and possible effect on the right-of-way.

Mike Hodder asked if the Conservation Commission reviewed the proposal.

Matt Sullivan replied no however, Dan Coons was present at the TRC meeting and did not make any comments.

It was moved by Mike Hodder 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.

Matt Sullivan reviewed the following recommended conditions of approval;

1. The following plans, as amended to the date of this approval, are adopted by reference as part of this approval;
Plan 1. Sheet 1, Lot Reconfiguration Plan, Owner: Walter W. Fischer 1993 Trust, P.O. Box 60, Dover, NH, 03820, Project Location: Partridge Drive, Wolfeboro, NH, 03894, Tax Map 201-58, 201-59, 201-60, prepared by Norway Plains Associates, Inc., P.O. Box 249, Rochester, NH 03866, dated June, 2017.
Plan 2. Sheet 2, Topographic Lot Reconfiguration Plan, Owner: Walter W. Fischer 1993 Trust, P.O. Box 60, Dover, NH, 03820, Project Location: Partridge Drive, Wolfeboro, NH, 03894, Tax Map 201-58, 201-59, 201-60, prepared by Norway Plains Associates, Inc., P.O. Box 249, Rochester, NH 03866, dated June, 2017.
2. The proposed easements to be reviewed by the Town's attorney, the cost of which to be borne by the applicant.
3. The applicant shall submit a mylar plan for recording at the Carroll County Registry of Deeds and provide payment of all recording fees.
4. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
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.

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

Kathy Barnard confirmed with the Board that the proposal eliminates two nonconforming lots and creates one more conforming lot; noting the applicant should conform to the setbacks of the zone.

Randy Tetreault noted the proposal meets the Form Factor.

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Walter W. Fischer 1993 Trust, Case #2017-23, Tax Map #201-58, 201-29 and 201-60, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Public Comment

None.

III. Action Item

Rules of Procedure

Mike Hodder stated he would prefer the second reading be conducted this evening and the adoption of the Rules of Procedure be scheduled for 8/1/17.

Matt Sullivan reviewed the proposed changes to the Planning Board Rules of Procedure; noting such is considered the second formal reading of such.

It was moved by Vaune Dugan and seconded by Paul O'Brien to adopt the Planning Board Rules of Procedure. All members voted in favor. The motion passed.

IV. Informational Item

The Board was provided the following information; memo from Matt Sullivan, dated July 6, 2017, see attached.

Matt Sullivan stated he has begun the RFP for consulting services for the Master Plan update. He stated the process has always been supported by a consultant and due to his workload he would like to revert to the original plan. He stated the conclusion and policy statements cannot be developed without identifying the existing conditions.

Mike Hodder asked who would oversee the consultant.

Matt Sullivan stated he would.

Paul O'Brien stated that if the purpose of such is to accelerate the process then he is in favor of such however, Staff's memo does not read that. He recommended Staff set priorities.

Matt Sullivan stated he is asking the Board to support the development of a RFP to assist him and the Board with the update to the Master Plan. He stated the Master Plan is not secondary to the tactical items however, the tactical items have clear deadlines in place and therefore becomes a priority.

Kathy Barnard stated Staff is reacting to what the Board has asked of him.

Brad Harriman stated he supports the development of a RFP due to Mr. Sullivan's other commitments to the Town beyond the Planning Board.

Mike Hodder noted the statute does not require the update rather, only recommends an update.

The Board agreed to support the development of a RFP for the Master Plan update.

V. Planning Board Subcommittee Reports

None.

VI. Approval of Minutes

June 20, 2017

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the June 20, 2017 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

Referencing the 6/20/17 minutes and the Lone Wolfe Brewery Site Plan Review application, Mike Hodder asked if Chairman Barnard has written a letter to the BOS regarding "No Parking" signage on Libby Street.

Kathy Barnard stated she spoke with the abutters on Libby Street regarding such; noting the abutters are concerned that signage could impact the residences given the small driveways.

Matt Sullivan stated many of the abutters requested the Board wait to submit a request for consideration by the BOS; noting the property owners would like to see if it becomes a problem.

Brad Harriman stated he spoke to the BOS regarding the issue; noting Chief Rondeau was present. He stated it was confirmed that the residents of Libby Street are required to request action by the BOS. He noted the fence has been installed.

Referencing the Lodging Forum, Paul O'Brien asked if the Planning Board would be asking the inn owners to come back and speak to the Board to discuss their needs.

Matt Sullivan stated the EDC is discussing scheduling their own forum. He stated the Board agreed that Staff would talk to the inn owners.

VII. New/Other Business

N/A

It was moved by Paul O'Brien and seconded by Mike Hodder to adjourn the July 11, 2017 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:42 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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

DATE: July 6th, 2017
TO: Planning Board Members
FROM: Matt Sullivan, Director of Planning and Development
SUBJECT: July 11th, 2017 General Meeting Memo

Dear Planning Board Members,

It is with great regret that I inform you that I will be unable to take on the role I had hoped and anticipated to for the Master Plan update. Simply put, I am too busy at this time to dedicate the time and effort necessary to move the effort forward in a way I, and I know the Board, will be comfortable with. I must be respectful of my own capacity, in the context of the following work plan for the Department over the next 4-5 months:

- Wayfinding Signs Program
- 319 Grant Administration
- Capital Improvements Program Development
- Architectural Design Standards
- Sign Ordinance Re-Write
- Migration of Zoning Ordinance provisions to Site Plan Regulations
- Zoning Map Update
- Stormwater Management Site Plan Regulations

At this time, I recommend that the Planning Board continue with its strategy to develop an RFP for consulting services for the Master Plan Update as allocated in its budget, with a goal of signing on a consultant in the coming months.

I apologize for this delay. I understand and appreciate the Planning Board's patience with my schedule in moving this update forward and during my first six (6) months.

Thank you,



Matt Sullivan, Director of Planning and Development