

**TOWN OF WOLFEBORO  
PLANNING BOARD  
August 7, 2018  
MINUTES**

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

**Members Absent:** Dave Alessandroni, Tom Brown, Alternates.

**Staff Present:** Matt Sullivan, Director of Planning and Development, Cathleen LaPierre, Recording Secretary.

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

**I. Introduction of Board Members**

Chairman Barnard introduced the members of the Planning Board and Staff.

**II. Public Comment**

None

**III. Scheduled Appointments / Public Hearings / Public Forum**

**Yum Yum Shop/16 North Main Street, LLC**

**Agent: Bryan D. Berlind, Land Technical Service Corp.**

**Site Plan Review; Revision of Proposed Structural Waterfront Patio**

**TM # 217-101, Case 2018-12**

Kathy Barnard noted the application had been continued.

Bryan Berlind with Land Tech representing the Yum Yum Shop, stated concerns involving parking and other uncompleted elements in the first site plan discussed 2 weeks prior, resulted in a new application/continuance and this evening is requesting another continuance. Two deeds each containing an easement with reciprocating traffic flow are poorly defined. The addition approved in 2000 shows 8 parking spaces, curves along the lot line, and traffic flow arrows to be a clockwise loop into the properties from the Yum Yum shop exit entrance and leaving the property through the condominium exit. Although the deeds do not reflect a clockwise flow, per these records that was the pattern being used. The current parking plan submitted shows angled parking with isles being 45 degrees and continuing to show a clockwise traffic pattern. However, 2 planters were placed on the condominium lot side blocking the one-way traffic flow and needs to be sorted out, hence a request for continuance. The applicants have asked Attorney Randy Walker to assist in working with the neighbors to prepare an agreement and propose a new parking plan.

Kathy Barnard asked if it is the same number of spaces and will have a handicap space.

Bryan Berlind confirmed yes.

Matt Sullivan stated that is a reduction in spaces; the existing plan had 5 spaces while the proposed has 4.

Bryan Berlind responded the existing plan prior to this application has 8 spaces.

Matt Sullivan asked if the approved plan has 5 spaces.

Bryan Berind responded the approved plan started with 5 and ended with 4 and handed out a proposal. He stated the applicants sketch would need some adjustments and asked the Board which plan they prefer.

Kathy Barnard stated this is not the Boards procedure as regulations need to be followed.

Matt Sullivan stated he reviewed the applicant's parking plan 4 business days ago with the 7 parking spaces. He noted the maneuvering isle crosses the existing easement onto that other property, but the parking spaces do not. The critical issue when comparing this plan to the other is the safety related to pulling directly into the loading and unloading area; it may not be correct to have parking spaces in that area. He stated he believes the 4 parking spaces in the front is a better design for safety reasons, disposal of solid waste, and loading purposes.

Mike Hodder stated he felt it inappropriate to ask the Board to choose a parking plan in support of the application and should come to the Board with a parking plan and let the Board decide whether it fits the requirements of the ordinances the Board must uphold. He suggested Mr. Berind return with a plan.

Kathy Barnard agreed and stated the public should also have input.

Bryan Berind read a letter requesting a continuance for September 4, 2018.

Vaune Dugan asked if the planters are encroaching on some right of way issues and is concerned regarding what is currently happening; getting in and out of the parking spaces properly.

Bryan Berind confirmed the planters are blocking a legal right of way; however, believes this can be resolved peacefully and are requesting the time to do so.

Mike Hodder stated he would be willing to continue this application but would not want to make that continuance contingent upon any other part of the letter just read to the Board. Continue the hearing to clear up problems that have arisen from fulfilling requirements from the original application. Then perhaps the Board consider a second application.

Vaune Dugan stated the Board does not have the second application but rather an approved plan.

Mike Hodder stated the issues with the plan need to be cleared up.

Kathy Barnard asked the Board what should be done with the approved plan.

Matt Sullivan replied the former approval still needs to be finalized. The bollards curb stops are the last remaining items from that approval. The planters restricting access by an easement is not element of the approved plan and since on abutting property becomes a civil issue. The Board cannot assist other than to work with the applicant to address the parking issue in the hopes the abutter will remove the planters. He agreed with Mike Hodder to continue the hearing not conditional on the matters in the letter.

Vaune Dugan stated the application is not complete.

Mat Sullivan suggested voting to continue the discussion.

John Thurston thanked the Yum Yum shop for striping the parking lot; however, the Board approved a legitimate plan and feels it imperative to stick to that plan.

*Kathy Barnard opened the public hearing for comments.*

Ronn Bronzetti stated upon striping there was a small incident where a car hit another and is concerned about safety; therefore, the barrels were set in place until this could be sorted out. The relationship between the abutters is cooperative and feels this will be resolved.

John Thurston asked Mr. Bronzetti if he could foresee the flow going the original way.

Ronn Bronzetti replied he would like to discuss it with the other abutters.

Bryan Berlind stated procedurally this is an amendment to the first approval.

Matt Sullivan recommended the Board re-notice the application with the accurate description therein.

Kathy Barnard asked if the Board should continue this application.

Matt Sullivan confirmed.

**It was moved by Mike Hodder and seconded by Peter Goodwin to continue the 16 North Main Street, LLC Site Plan Review application and public hearing to September 4, 2018. All members voted in favor. The motion passed.**

**Ellen Gray**

**Agent: Randolph Tetreault, LLS, CWS**

**Special Use Permit; Construction in Wetlands Buffer for Garage.**

**Tax Map #186-23**

**Case #2018-15**

Randolph Tetreault with Norway Plains Associates stated the project proposes a 2-car garage/breezeway addition to an existing detached single-family dwelling unit. The proposed impervious percentage would be 22%. As discussed at TRC, Ms. Gray agreed to remove the existing driveway located off Bernard road. He noted 18 sq. ft is in a 25' buffer area and the 8' breezeway will service as an entrance.

Mike Hodder questioned if the Conservation Committee commented.

Matt Sullivan replied yes and noted the Commission recommended a porous driveway and asked how the runoff is being handled.

Randolph Tetreault replied the driveway is tipped and anything running along it will be directed into the infiltration trench.

Mike Hodder asked why the garage structure was placed there.

Randolph Tetreault responded the area proposed is flat and fits with the house and avoids issues pertaining to slopes and setbacks.

Referencing sheet 3 of plans, Matt Sullivan asked for clarification on square footage numbers.

Randolph Tetreault went over the following:

- Existing driveway house in depth is 1760 SF or 12% of the lot
- Lot is 14,462 SF
- Existing Building is 800 SF
- Existing decks and steps is 341
- Existing driveway and walkway is 620 SF
- Area of the jurisdictional wetland on the lot is 1800 SF
- Proposed breezeway and garage is 700 SF
- Proposed garage within the wetland buffer is 18 SF

- Proposed garage within the wetland setback is 180 SF
- Proposed driveway is 1267 SF
- Proposed driveway within the wetland buffer is 1226 SF

Matt Sullivan asked for confirmation the applicant would agree to a condition of removing the existing gravel driveway as the public works director had a concern with 2 driveways on a residential lot.

Ms. Gray agreed to removing the driveway.

Vaune Dugan asked how the original house is, did it come in for a special exception predate the setbacks.

Randolph Tetreault stated it does not require a special use permit.

Matt Sullivan confirmed it did not come in proximity to the wetlands area.

Vaune Dugan stated the deck is over it.

Matt Sullivan confirmed and stated it is an issue that needs to be addressed subsequent to this hearing.

Randolph Tetreault stated when the septic design was redone they met the setback.

John Thurston asked if the addition 8' extension from the garage folks will access the slider/french door.

Randolph Tetreault confirmed.

Peter Goodwin questioned if there was only 6' bridge to the house from the garage, would that take care of a corner.

Randolph Tetreault replied yes.

Peter Goodwin asked if the present front door is on Bernard Street, will that be the front door to the house; how will people walk in.

Ellen Gray replied folks will enter through the garage and might have a path for visitors.

Randolph Tetreault stated she would need to change her address if the garage was placed on the other side.

John Thurston questioned parking.

Brad Harriman stated looking at the driveway crossing the closed drainage system was there any thought into possibly installing a drop in on the uphill side of driveway.

Randolph Tetreault responded yes but there was no need to put any additional culvert on top of the other closed system.

Brad Harriman stated leaves plug up drains and they could potentially splice into existing pipe.

Randolph Tetreault agreed and stated it would be in Ms. Gray and the towns best interest to keep an eye on that but did not feel it would not be a bad idea to possibly amend if needed.

John Thurston asked who is responsible for the culvert.

Randolph Tetreault responded the Town.

**It was moved by Mike Hodder and seconded by John Thurston to accept the Ellen Gray Special Use Permit application as complete, Case #2018-15, Tax Map #186-23. All members voted in favor. The motion passed.**

Kathy Barnard opened the public hearing for comments

Kathy Barnard noted the Conservation Commission has recommended a porous driveway or other measure to prevent contamination of the wetlands.

Peter Goodwin stated it needs to be a permeable surface.

Kathy Barnard stated it could be a condition.

Mike Hodder cautioned the Board as it would be an additional expense to the applicant and believes the storm water management plan is robust.

Randolph Tetreault stated the gravel driveway is designed to be away from any run off into the wetlands.

John Thurston stated the applicant shows a good design as all the water runs downhill, bumps off the high side and is guided to where it should be going.

Matt Sullivan reviewed the following conditions of approval;

- 1) The following plans, as amended to the date of approval, are hereby incorporated into this approval:
  - Plan 1.** Existing Features Special Use Permit Plan, Owner/Applicant: Ellen R. Gray, 2 Bernard Drive, Wolfeboro, NH Project Location: 2 Bernard Drive, Wolfeboro, NH, 03894, Tax Map 186 Lot 023 prepared by Norway Plains Associates, Inc., 2 Continental Boulevard, Rochester, NH, Dated July 2018.
  - Plan 2.** Proposed Garage and Driveway Special Use Permit Plan, Owner/Applicant: Ellen R. Gray, 2 Bernard Drive, Wolfeboro, NH Project Location: 2 Bernard Drive, Wolfeboro, NH, 03894, Tax Map 186 Lot 023 prepared by Norway Plains Associates, Inc., 2 Continental Boulevard, Rochester, NH, Dated July 2018.
  - Plan 3.** Stormwater Management Special Use Permit Plan, Owner/Applicant: Ellen R. Gray, 2 Bernard Drive, Wolfeboro, NH Project Location: 2 Bernard Drive, Wolfeboro, NH, 03894, Tax Map 186 Lot 023 prepared by Norway Plains Associates, Inc., 2 Continental Boulevard, Rochester, NH, Dated July 2018.
- 2) 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.
- 3) The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan including, but not limited to:
  - a) Silt fencing
- 4) Final large format copies to be provided including Certified Wetlands Scientist Stamp AND L.L.S OR P.E. Stamp AND to include gravel parking area as To Be Removed.
- 5) An inspection by the Town shall be required of siltation devices prior to construction.
- 6) The applicant shall be responsible for all recording fees.
- 7) The applicant shall revise the plan to represent the corrected impervious surface coverage impacts to wetlands and square feet and the construction sequence as discussed in the Planning Board minutes of 8/14/18.
- 8) The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 *Wetlands Boundary Monumentation*. This includes:
  - (1) Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour.

- (2) Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
- (3) The cost shall be borne by the applicant/developer or their successors in interest.
- (4) The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.

*There being no further comments from the public, Kathy Barnard closed the public hearing.*

**It was moved by Mike Hodder and seconded by John Thurston to approve the Ellen Gray Special Use Permit application, Case #2018-15, Tax Map #186-23, subject to the recommended conditions of approval . All members voted in favor. The motion passed.**

**Joseph I. Melanson, III 2002 Trust/Cynthia W. Melanson 2002 Trust**

**Agent: Randy Walker**

**Preliminary Conceptual Consultation-Subdivision**

**Tax Map #201-081**

Randy Walker with Walker & Varney PC representing Joseph and Cindy Melanson stated their goal is to obtain a 2-lot subdivision; one lot with frontage on Highland Terrace where they currently have a home and the second having frontage on Maplewood Drive. The reason for the preapplication subdivision request is regarding the status of Maplewood Drive as it is not maintained by the Town; it is unclear if the road is a Class 5 or Class 6. The applicant has buyer for the lot on Maplewood Drive and would like to ask for the Board's conceptual approval or a waiver if necessary to proceed with the 2-lot subdivision.

Peter Goodwin questioned the lot line.

Vaune Dugan referenced a document Joseph Melanson handed out and asked if this lot line proposed on this plan is not the lot line your proposing.

Randy Walker stated they will not quite cut that lot in half, but each lot will have more than enough acreage.

Joseph Melanson spoke on his parent's behalf and stated there was an original line that was eliminated in a subdivision in 2003 and they would like to get that line back there.

Vaune Dugan asked how much of Maplewood drive is a class 5 road.

Randy Walker responded he was not certain.

Matt Sullivan stated the Public Works Department also has difficulty deciphering that.

Vaune Dugan asked if the Public Works Department would say this is a class 5 road.

Matt Sullivan replied no.

Peter Goodwin asked who plows the road up to lot 55.

Randy Walker replied the residents contribute.

Peter Goodwin asked if residents then consider it to be a private road.

Randy Walker responded yes.

Matt Sullivan asked what specific waiver is being requested and stated Mr. Walker has not addressed subdivision of these lots adequately. The Board does not have the authority to waive the dimensional control in the zoning

ordinance which he believes to be necessary as lot frontage is defined in this district as 150 ft. Lot frontage is further defined as a lot line dividing a lot from a street right of way. The only definition of street we have in zoning ordinance refers specifically to a public street. There is clearly a question as to whether this road is a public class 5 or public class 6, or private. The road status is unclear and as a result don't believe this has 150' of lot frontage under the definition of zoning ordinance; therefore, the Board cannot waive that provision.

Mike Hodder stated the issue is the nature of the road and the simplest solution would be to ask the ZBA for a variance to allow the subdivision to go through. The issue of whether Maplewood is a class 5, class 6 or private road cannot be determined by the Board.

Vaune Dugan stated it is a precedent issue.

Matt Sullivan agreed and stated it's best to clear the status of the road.

Randy Walker stated the idea is to get some clarity and was hoping to waive the portion of the class 5, or class 6 or private portion.

Matt Sullivan suggested the Board's attorney step in to determine the class of the road.

Mike Hodder disagreed.

Kathy Barnard asked Matt Sullivan if a solution would be to bring this section of the road up to a class 5 standards.

Matt Sullivan confirmed that is a solution.

Vaune Dugan stated if its found that the Board could grant this subdivision based on part of the road being on a public maintained road she would be comfortable. However, would prefer the attorney state it could be less than 150' of publicly maintained road, otherwise believe a variance would be best.

Mike Hodder stated the applicant should request a variance.

Brad Harriman stated a class 5 road can exist that is not maintained year-round by a municipality.

Matt Sullivan agreed and stated they do not do any maintenance on this road.

Peter Goodwin stated the Board should decide on what to do at this time; when the status of the road is known, then decide on the application.

Mike Hodder suggested the applicant come to the Board with some legal certainty in the application.

Kathy Barnard asked Matt Sullivan if it makes sense the Board does not have enough information to decide.

Matt Sullivan confirmed and will investigate the status of the road.

Kathy Barnard stated the Board should table it for the September 4, 2018 meeting due to the lack of clarity.

Vaune Dugan requested to add wetland setbacks to the agenda.

#### **IV. Action Items**

None

**V. Approval of Minutes**

July 24, 2018

Corrections: Page 3, 5<sup>th</sup> paragraph; strike “filed” and replace with “filled”

**It was moved by Vaune Dugan and seconded by Peter Goodwin to approve the July 24, 2018 minutes. All members voted in favor. The motion passed.**

**VI. Communications & Miscellaneous**

N/A

**VII. Unfinished Business**

**Master Plan Forum Format**

Matt Sullivan confirmed the 13<sup>th</sup> the deadline for purpose statements and goals. The format as discussed at the last meeting will include a brief presentation at the beginning, breakout sessions to present the purpose statements and goals, and 10 to 15 minutes per table based on the 5 tables.

**Collden Farms Development Agreement**

Matt Sullivan followed up a question John Thurston had regarding the transferability; it would be transferable.

John Thurston asked that the fire pond be cleaned out as that was one of the conditions set forth with initial application.

Matt Sullivan stated he will speak to the buyer.

**VIII. New Business**

Vaune Dugan noted the importance of what the Board’s expectations are regarding wetland setbacks.

Matt Sullivan suggested increasing inspection frequency or whether a surveyor should do some sort of certification. Potentially it could be a lack of understanding of the full scope of the ordinance.

Mike Hodder agreed and stated the Board continues to run into this issue and there needs to be checks and controls.

Matt Sullivan stated if the Board began looking into more stringent requirements for surveyors it might result in intimidation and terrifying to property owners and applicants.

Peter Goodwin stated Ms. Gray in her original construction really didn’t know what was allowed and wasn’t allowed. Perhaps educating folks could help avoid this.

Kathy Barnard asked if Bryan Berlind submitted the statement he read.

Matt Sullivan stated no.

**IX. Planning Board Subcommittee Reports**

N/A

**X. Nonpublic Meeting**

N/A

**It was moved by Kathy Barnard and seconded by Vaune Dugan to adjourn the August 7, 2018 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.**



There being no further business, the meeting adjourned at 9:15 PM.

Respectfully Submitted,  
*Cathleen LaPierre*  
Cathy LaPierre

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