

**Town of Wolfeboro**  
**Planning Board Minutes**  
**Great Hall at Wolfeboro Town Hall - 84 South Main Street**  
**Tuesday, January 03, 2023**  
**7:00 PM**

**I. Chairman Barnard called meeting to Order 7:00 PM**

**II. Members Present: Chairman Kathy Barnard, Vice Chairman Mike Hodder, Vaune Dugan, Peter Goodwin, Doug Breskin (attending remotely/electronically), John Thurston, Brad Harriman Selectmen's Representative, Julie Jacobs, Alternate**

**Absent: None.**

**Staff Present: Tavis Austin, Director of Planning and Development**

**III. Public Hearings:**

- (a) **Case # 2023-01:** Conditional Use Permit for Accessory Dwelling Unit for Charles Finnie & Allison Gervais of 17 Highland Terrace, Wolfeboro, NH 03894, Tax Map 201-081; Formal Submission/Public Hearing.

K. Barnard read the project into the record.

Charles Finne, owner/applicant, provided an overview of the project as submitted.

K. Barnard asked about residency.

C. Finne confirmed he and his wife reside in the home.

M. Hodder addressed the regulations and the need to address site suitability, neighborhood impact, and traffic. He continued recalling his personal knowledge of the area and the site being g clearly suitable with no neighborhood impacts. Particularly as the proposed ADU is entirely within the existing structure.

V. Dugan state that egress window needs, though not purview of the Board, should be considered.

M. Hodder asked Staff if the submitted checklist information had been verified.

T. Austin confirmed it had.

J. Thurston asked if there were plans for short term rental.

C. Finne stated no, there would be no short term rental.

K. Barnard opened the public hearing at 7:10 PM.

There were no public comments.

T. Austin provided overview of the recommended conditions of approval should the Board so act.

K. Barnard closed the public hearing at 7:11 PM.

**M. Hodder motioned to approve the application as submitted, subject to the conditions of approval as submitted, as the application materials had satisfied the regulations specifically site suitability, neighborhood impact, and traffic and as the checklist of ADU requirements had been verified. K. Barnard seconded the motion which passed unanimously.**

**Conditions of approval:**

- 1) 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imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part.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.**
- 2) The applicant shall obtain appropriate Town of Wolfeboro Building Permit.**
- 3) Applicant shall be responsible for payment of all recording fees to Carroll County Registry of Deeds for Notice of Decision recordation.**

**IV. Discussion Items:**

**(a) Impact Fees- ADG presentation**

T. Austin provided the Board with the Impact Fee discussion that resulted in in ADG LLC, being secured to provide an overview of the Town's impact fee structure and guidance for next steps.

Stuart Arnett, ADG LLC, introduced himself, ADG, and acknowledged the efforts of Matt Henry who compiled much of the report currently before the Board. He mentioned specifically that this year's request of the Town is significantly different from the previous work of BCM (Mayberry), in that no numbers, prices, formulas, fee estimates were discussed. Rather this report was to analyze how the Town had implemented its Impact Fee regulations and to make suggestions for moving forward. He clarified that all impact fee monies collected are to be spent expressly as outlined in the regulations. He pointed out the Town should be verifying that all monies transmitted to the SAU should be verified for compliance with the regulations, and noted where the report provides suggestions and alternatives to moving forward. He concluded his opening remarks noting that many municipalities in NH are moving away from impact fees given the amount of time in effort required in their oversight.

T. Austin referred to the email from the Town Treasurer and asked S. Arnett to comment.

S. Arnett asked if the Town can verify that all monies went only to the bond—as outlined in the regulations and statute, and with what schedule. He recalled the original bond running until 2039; has the +/- \$400K already remitted to the school all been used for that capital expenditure? He concluded noting the Town needs to improve its processes for moving forward in line with the statute and regulations. Note the regulations were adopted appropriately, but they have not been reviewed since their adoption.

M. Hodder asked if S. Arnett was aware of any statutory authority the Board may have in interrogating the SAU about expenditures of monies received.

S. Arnett responded stating the Town can withhold payment of collected monies until the process is clarified—provided monies are expended within the 6 years of collection per statute.

M. Hodder stated he understood, but remains unaware of any auditing authority of the Board.

S. Arnett stated regulations amendments could be drafted to address the process; specifically, where the Board has not reviewed the regulations since their adoption.

P. Goodwin said it appears to be an accounting question of determining monies collected vs. spent and where spent.

Carl Bagge, Town Treasurer addressed the Board with total fees collected/remitted to date, and the current balance in the Town account. He spoke to the annual bill from the school and the Town's history of remitting all collected impact fees in addition to the annual bill.

M. Hodder pointed out the impact fees are not to address the annual bill but the capital expense. Is that documented.

V. Dugan asked if a cover letter or similar from the Town to the SAU at the time of remittance clarify the process.

J. Thurston asked what year the impact fees started and if the fee was reduced after Middleton became part of the district.

K. Barnard stated 2011.

Board members generally discussed the origin of the impact fee regulations and the intended purpose for the collected funds.

S. Arnett suggested the process be improved to prohibit payments without certification and require verification for payment requests from the SAU. Basically, the Board needs to review the processes in place and work to better communicate with the SAU as the Board is ultimately responsible for statutory compliance.

M. Hodder asked if this 'tracking issue' is what's moving many communities away from impact fees.

S. Arnett concurred based on his observations to date.

K. Barnard suggested Staff draft a memo for her signature to the SAU and cc'd to the Town Manager, Treasurer, and Finance Director, to ask for a coordinated review of the process to date and to work toward improving the process for moving forward. To verify all impact fee monies are spent appropriately.

M. Hodder noted the questions arising with impact fee analysis are somewhat analogous to the concerns expressed during the recent public hearings on proposed zoning amendments as it again appears that Boards, Committees, and/or Departments are acting individually and not cooperatively as a collective to address Town needs. As suggested by the Chair's proposed memo, all parties need to work together to address this issue.

K. Barnard stated the memo may lead ultimately to a subcommittee of the Planning Board, however, the full Board will ultimately need to make changes to update the regulations as necessary and improve the process. She thanked S. Arnett and ADG for their work.

**(b) 2023 Workplan**

K. Barnard referred to the draft work plan showing 10 items as presented by Staff. She added some additional items for the Board to work on in 2023.

J. Thurston added another regarding boathouses on Winnepesaukee.

Full draft list attached.

**(c) Public Input**

K. Barnard opened the floor for public input. There were no public comments other than a submitted written statement from D. Orloff who expressed an opinion that there should be no regulations preventing short term rental in Wolfeboro.

**(d) Minutes of 12/20/2022**

T. Austin mentioned corrected times for public hearing openings/closings in the draft minutes.

M. Hodder recited some additional corrections.

M. Hodder motioned to approve the 12/20/2022 minutes as corrected.

V. Dugan seconded the motion which passed unanimously.

**VI. ADJOURN**

**M. Hodder motioned to adjourn the meeting at 8:21 PM. K. Barnard seconded the motion which passed with a unanimous vote.**