

Town of Wolfeboro
Planning Board Minutes
Great Hall at Wolfeboro Town Hall - 84 South Main Street
Tuesday, February 14, 2023
7:00 PM

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

II. Members Present: Chairman Kathy Barnard, Vice Chairman Mike Hodder, Peter Goodwin, Doug Breskin, Vaune Dugan, John Thurston, Linda Murray, alternate Selectmen's Representative, Julie Jacobs, Alternate

Absent: Brad Harriman Selectmen's Representative

Staff Present: Tavis Austin, Director of Planning and Development

K. Barnard provided an overview of the public hearing process and read the project into the record.

III. Public Hearings:

- (a) **SEAN & WENDY O'BRIEN**—8 Hodge Shore Road South—Tax Map/Lot #164-009 – Case 2023-02 – Special Use Permit- Construction in wetland buffer -Formal Submission/Public Hearing

Peter Cooperdock, agent for the applicant, outlined the project as submitted. He discussed the requested waivers and submitted reasons therefore. He specifically noted removal of the existing septic field, limits of the 2,098 SF of wetland crossing/impact, proposed septic capacity for the 6 bedrooms on the property, existing state shoreland and septic approvals, and Army Corps of Engineers review/approval of the proposed culverts.

K. Barnard asked the applicant to state how §175-10 C.1. was addressed.

P. Cooperdock stated there was no alternate location for the proposed septic and barn given the applicable setbacks. Further, each element is essential to the use of the property and were located in a manner to not conflict with the adjacent parcel's vernal pool. He also commented on 'no increased traffic' as a result of the proposal and the adjacent parcels prior Board approval for similar construction closer to vernal pools and with larger buffer impacts than currently proposed.

K. Barnard referred to memo received from Conservation Commission (ConCom) and their suggestions of placing both the barn and new septic in the same area with fewer wetland crossings.

P. Cooperdock stated the barn and septic cannot be in the same area given the requisite setbacks. He added the barn cannot be constructed now—without wetland impacts—and restated the barn and septic as proposed not able to be located on same small area of ground.

K. Barnard suggested a smaller barn structure could be built on the property without a Special Use Permit.

M. Hodder stated proposed project was a want rather than a need. Zoning regulations need to be honored regardless of property owner preference. He continued noting applicant did not provide justification—beyond their stated desire—for not complying with regulations.

There was discussion of the existing septic and P. Cooperdock concluded that discussion stating State would not permit replacement in current location given lake setback.

P. Goodwin asked if the proposed barn could be constructed on adjacent 'Lot 11' similar to proposed septic field location.

T. Austin explained inability to have accessory structure on a parcel without a primary structure. Such could be pursued following a boundary line adjustment or merger.

P. Cooperdock added that lack of access would remain.

V. Dugan suggested the proposal seems to be going beyond what the regulations permit on such a wet lot.

M. Hodder motioned to accept the waivers as submitted and therefore the application complete. K. Barnard seconded the motion which passed with a unanimous vote.

K Barnard opened the public hearing at 7:28 PM. There were no comments.

K. Barnard restated the alternative locations suggested by ConCom.

J. Thurston suggested that barn location closer to the existing residential structure would be less impactful to wetland areas.

M. Hodder stated that buried pipelines could be buried and then allow for revegetation where a road would remain an open impact area. T. Austin clarified that Special Use Permit would still be required for such lines.

L. Murray stated it made sense to move the septic, but the barn and crossings did not seem essential.

V. Dugan agreed stating current proposal did not seem essential.

P. Goodwin acknowledged benefit of improving the septic but felt the proposed crossing for a barn seemed questionable.

J. Thurston stated confusion with Board members being supportive of the digging for septic improvements but not with the proposed driveway.

P. Goodwin commented that Board concern over the driveway suggests larger concern with the project.

K. Barnard returned to early comments recalling ability to revegetate after installing pipes; a condition the road would preclude.

J. Thurston responded noting functional need for road simply to install the new septic.

L. Murray noted similarities with the recent work on Pleasant Valley road where revegetation is occurring.

M. Hodder stated that another 15 years with vegetation would be better than 15 years without.

T. Austin reminded Board that it was not their function to solve the septic issue, rather to evaluate wetland impacts of the proposal.

M. Hodder couldn't see breaching the regulations for fixing septic.

P. Cooperdock stated the State providing no relief for lake setbacks related to replacing septic systems; there's not a hardship relief criteria. Further, with limited elevation change across property and combination of state and Town setbacks, the current proposal is only option to improve septic.

M. Hodder suggested locating the proposed barn in area 4 as depicted on the submitted plan.

P. Cooperdock such placement precludes septic access as a budling would be in the way.

K. Barnard stated the driveway seemed essential for the septic resolution and suggested an alternate location for the barn could be found.

M. Hodder noted clear restrictions on barn locations given existing setbacks. He commented that through the Board's discussion, particularly the discussions on need for driveway if only for septic and the gamut of setback restrictions on the property, his opinion of the project changed and the requested permit seems just.

M. Hodder motioned to approve the project based on the findings of fact, as previously stated, as submitted and conditioned upon the conditions of approval from the Planner's memo. V. Dugan seconded the motion.

V. Dugan asked if a condition related to 'no habitable space in proposed barn' should be added. Board voted 6-1-0 against the amendment.

The Board voted 6-1-0 for the motion as articulated by M. Hodder; K Barnard voting no.

- (b) **MOUNTAIN LAUREL FARM SOLAR PASTURE GARDEN, LLC** - North Wakefield Road – Tax Map/Lot # 092-003 – Case # 2023-03 _ Site Plan Review – Commercial Grade Ground Mounted Solar Array Farm – Formal Submission/Public Hearing

K. Barnard read the project into the record.

Andrew Kellar, NH Solar Garden, introduced himself and Tom LaCroix, Nobis Engineering, as agents for the project.

A. Kellar provided an overview of the project. He detailed aspects of the 2019 Community Power Initiative, efforts in NH to increase renewable energy sources, and then spoke to project specific elements. He outlined working collaboratively with the property owner, Amanda Bevard, and the adjacent property owner Don Dube as access to the site was across the Village Corner parcel.

He continued noting the site presented no wildlife, heritage, wetlands, fire concerns. He spoke to the memo from Wolfeboro Fire Chief Tom Zotti and the letter from D. Dube related to access agreements. He then spoke generally about the submitted site plan contents and the use of agrovoltaic vegetation controls.

P. Goodwin noted proximity to the nearby conservation land and that comments may arise from users of said area related to visual impacts.

J. Thurston questioned lot coverage and potential glare.

T. Austin addressed question on lot coverage.

A. Kellar stated that panels are designed to absorb light, not reflect light. He also noted lack of roads adjacent to project area.

T. Lacroix presented the list of requested waivers and read the justifications thereto as submitted. Waivers included: solid waste, landscaping, pedestrian facilities, site lighting, snow removal, acknowledgment of FEMA A zone on property, no changes to street access, no staff—therefore no parking, no proposed signs, and no bicycle facilities.

M. Hodder asked if a utility waiver should also be included as site will not connect to Town utilities.

There was limited discussion on snow and impact to panels.

T. Lacroix stated project designed to accommodate snow.

M. Hodder motioned to accept the waivers as submitted, including the added utility waiver. K. Barnard seconded the motion which passed unanimously.

T. Lacroix turned his presentation to details on the site plan. He commented on updated soils information which reveals the site having better soils for drainage than understood at time of design, as well as pending Alteration of Terrain Permit.

M. Hodder asked for clarification on the overflow weirs from the infiltration basins. T. Lacroix stated that based on updated soils information, there was actually no need for the infiltration basins; accordingly, there would be no overflow.

T. Lacroix went on to discussed the soil information being updated since the original application from “B” soils to “A” soils; he discussed the increased infiltration capacity of the “A” soils.

K. Barnard asked about the access easement from Village Corner.

T. LaCroix and A. Kellar addressed the access easement, changes from the existing access lane, and the memo from D. Dube stipulating the agreement.

J. Thurston asked about the construction type of the access drive.

T. LaCroix stated it was a standard 8” lift with gravel surface.

M. Hodder asked if T. LaCroix could articulate an argument as to why an Environmental Impact Statement was not required for the project.

T. LaCroix noted no changes in runoff, no changes in stormwater, no changes in parking, access, or other similar site impacts that would ordinarily be addressed with an EIS.

There was some discussion amongst Board members about noticing neighboring Towns.

T. Austin reminded the Board of the statute related to taking jurisdiction of a project and the Board’s need to determine if they believed there to be a regional impact.

M. Hodder wondered if a notice should be sent in the spirit of municipal congeniality.

T. Austin stated such a notice could be prepared should the Board decide to request a notice.

K. Barnard motioned to accept the waivers as submitted and deem the application complete. M. Hodder seconded the motion which passed with a unanimous vote.

K. Barnard opened the public hearing at 8:45PM.

Lance Dupree, a Village Corner abutter, asked the Board to request a fire break between the project area and Village Corner. He commented on potential fire issues related to solar arrays.

T. LaCroix and A. Kellar discussed the adjacent project's fire ponds and memo from T. Zotti relative to fire related issues. They detailed the response plan as agreed upon by T. Zotti.

L. Clark, as resident not as ConCom, spoke in favor of the project and was in favor of the advancement of renewable power projects moving forward in town.

K. Barnard asked for clarification on access easement and conservation easement.

T. Austin clarified that the Village Corner property is an open space/active recreation easement and not a conservation easement; there are no concerns or conflicts with the proposed access easement.

K. Barnard recalled the accepted waivers, memo from Conservation Commission, the Variance granted to the use by the ZBA, and the regulatory compliance demonstrated by the application materials.

M. Hodder motioned to accept K. Barnard's comments as findings of fact and to move approval of the project as submitted conditioned upon the conditions of approval as follows:

1. The following plans, as amended to the date of this approval are incorporated into the approval:
 - a. **Plan Set: Materials** as received on January 16, 2023; Nobis Project No. 100483.000 (10 sheets, including cover).
2. Applicant shall submit copy of final access easement instrument to the Town prior to recordation; related recordation expense shall be responsibility of the applicant.
3. Applicant shall be responsible for the payment of all recording fees for Notice of Decision.
4. All 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.

K. Barnard seconded the motion that passed with a unanimous vote.

IV. Discussion Items:

(a) PAC-10 Yr. Plan Update/Reminder

T. Austin reminded Board to the 10-year plan public information meeting set for 2/16/23, 6-8P, Great Hall.

K. Barnard informed members of the upcoming BEA brown bag.

(b) Minutes of 01/17/2023

D. Breskin noted incorrect word used; page 2.

M. Hodder suggested amendments to his comments in the CIP discussion.

M. Hodder motioned to approve the minutes as amended. J. Thurston seconded the motion which passed unanimously.

V. ADJOURN

M. Hodder motioned to adjourn the meeting at 9:25 PM. V. Dugan seconded the motion which passed with a unanimous vote.