

TOWN OF WOLFEBORO
PLANNING BOARD
June 20, 2023
DRAFT MINUTES

- I. Call to Order at 7:00 p.m.** Chair Kathy Barnard called the meeting to order in the Great Hall, 84 South Main Street, at 7:00 p.m.

II. Introduction of Planning Board Members

Members Present: Kathy Barnard (Chair), Doug Breskin (Vice-Chair), Brad Harriman (BOS Representative), Vaune Dugan, Peter Goodwin, Roger Murray, John Thurston.

Alternates Present (who vote if designated by the Chair): Julie Jacobs, Steve Webster.

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

III. Public Hearings:

- a) ROBERT BECKWITH, 16 LIBBY STREET, Tax Map & Lot #217-13, Case #2023-06:**
Conditional Use Permit – Accessory Dwelling Unit – Continued from 06/06/2023.

Chair K. Barnard: The issues in the previous hearing were: 1) Where is the proposed Accessory Dwelling Unit [ADU] located within the previously permitted and newly built garage structure? 2) Per the zoning regulations, there needs to be a Connecting Door from the Main Dwelling to the ADU. Applicant R. Beckwith says if a Connecting Door were to be installed at the second floor, above the ground-floor garage, it would connect his existing bedroom in the Main Dwelling to the proposed ADU. He prefers not to put a Connecting Door at the second floor if he doesn't have to. The Planning Board, with the Applicant, is trying to determine how the current proposal complies to the zoning ordinance.

Applicant R. Beckwith: There are two garages. The proposed ADU is less than 700 SF. I've provided a deed re: the easement with the abutting property owner, the church.

Summary Discussion re: Accessory Dwelling Unit and Conditional Use criteria, paraphrased below:

- **D. Breskin:** What portion of the newly built structure is considered to be the ADU?
- **Applicant R. Beckwith:** The ground floor is a garage, for use by both units.
- **T. Austin:** I've been looking at the upstairs of the garage as the Accessory Dwelling Unit [ADU].
- **V. Dugan:** It's a question of intent: the intent is that the ADU is subordinate to the main dwelling, and that both units are attached by a door, even if that door is not likely to be used. As long as the proposed ADU looks subordinate, and as long as both structures are attached, it passes the test for me. Does the Planning Board care if the occupants can go into the existing bedroom or not? Is that meeting the intent for the addition of an ADU?

- **P. Goodwin:** I think of this proposal as being able to pass the 30-year test. Will this still work according to the zoning regulations 30 years from now?
- **J. Thurston:** In trying to set a precedent for the Conditional Use for an ADU, I'm trying to understand the entry into the proposed ADU. You could call the garage a hallway, but then you've got another doorway to go outside. I don't see an interior door getting you directly into the ADU. I'm having a tough time saying that this is what we're requiring of you, in official terms. We're trying to set a precedent for everybody else. We've had everybody else follow the criteria. That's why I reiterate the criteria because I have to meet that criteria to satisfy myself and everybody else that goes through the process.
- **V. Dugan:** Is there an interior door?
- **Applicant R. Beckwith:** I will put a door in to get the Conditional Use [approval for the ADU].
- **V. Dugan:** A further intent of the ordinance is to provide a rentable dwelling unit or units.
- **Chair K. Barnard:** Are there any Public Comments on this proposal?

Summary of Public Comments re: Concerns about Accessory Dwelling Unit [ADU] requirements and Concerns about Stormwater Runoff, paraphrased below:

- **Suzanne Ryan, Resident of Wolfeboro:** I attended the public hearings on the zoning amendment for ADUs. I remember discussion about the connecting door: where the door was going to be, how it was going to be, and what its purpose was. There should be a door to the main residence, either at a shared wall or hallway. If he can put in a duplex, then why wasn't he told that this may not be the best usage of the ADU ordinance and just do a duplex? Does he want the ADU because he needs the garage, the living quarters for himself, and to rent out? I think it's a mistake to say yes on this one.
- **Derek Brown, 30 Libby Street:** There is an existing gully which drains to my house, to my back yard. There is construction debris in the gully which is blocking the drainage of stormwater runoff into Bay Street. The stormwater runoff is reducing my property value. I e-mailed pictures to the Planning Board and I will now distribute printed copies of those pictures. They show changes to the landscape which affects the drainage gully. There is no plan for stormwater runoff, though this was discussed at a previous Planning Board hearing.
- **Audrey Cline, Resident of Wolfeboro, representing an Abutting Property Owner [per RSA 175-215]:** Was there a Site Plan submitted for this proposal? There was a suggestion at the previous Planning Board hearing to put a door between the Main Dwelling and the ADU. What is the existing square footage of the Main Dwelling? That information can't be found in this application, so it's not clear if the ADU area is 30% of the Main Dwelling area. Some of the requirements for the proposed ADU are not documented. Code definitions for "interior door" and "exterior door."
- **Chair K. Barnard:** Do we have a calculation for the size of the unit?
- **T. Austin:** 748 Square Feet.
- **Chair K. Barnard:** Okay, what about the drainage issue that was brought up by the neighbor?
- **T. Austin:** It's up to the Planning Board if you'd like to impose the Stormwater Regulations on this, or not. An ADU is not subject to Site Plan Review and it's well short of the square footage. That's not to say that it is legal to increase the rate or quantity of water leaving a property. I'll leave it to the Board to determine whether evidence has been provided to substantiate that what has happened is increased water, or not.

- **D. Breskin:** There was a permit issued for the overall structure; the Applicant is now converting a portion of that structure into an ADU. I would expect that the stormwater issue is related to the overall structure, not directly to the ADU. Is that accurate?
- **T. Austin:** Correct.
- **R. Murray:** One of the criteria for Site Suitability is the absence of environmental constraints.
- **V. Dugan:** I believe that there's an Agreement necessary between the Owner of an ADU and the occupant of the ADU that one of the units is always owner-occupied, either unit.
- **D. Breskin:** And that Agreement is what gets handed down in perpetuity.
- **T. Austin:** Duplexes are also allowed in this zoning district. So, without a Conditional Use Permit the duplex could exist. However, this proposal is for an ADU, so the Applicant is willing to accept a higher level of restriction.
- **J. Thurston:** The way I look at it is: the Applicant got a permit to build a garage. The garage is now turning into an ADU, but it's still really a garage. As for water runoff, the grass area on the hillside is a good absorbing area, though I don't know how that water gets redirected to that hillside. Just slow it down and absorb it a little bit better? I don't know. But that's what the pictures show on the hillside, below his wall. We know that the church did some work also. We can't pin it all on this Applicant. From the 1971 original picture until now, there were other people that did other topography movement there. So, I can't get hung up on the drainage when it's not quantifiable, at this point.
- **Derek Brown, 30 Libby Street:** There is a long history of previous approvals for the abutting church property, beginning about 25 years ago, with no plan for water running off the increased parking area they created.
 - At the bottom of the hill, Grange Hall was built, torn down, and rebuilt. The owner put up a larger structure. The entire area is now paved, higher [in elevation] compared to the abutting neighbor uphill, there is no place for the water to go. This is an accumulation of bad building practices.
 - I've had my property re-surveyed. I'm in the process of trying to figure out how to get it regraded because of bad building practices that have gone through this Board. I'm not saying that you, personally, are responsible; but it's time to stop kicking this down the road.
 - The Wolfeboro Inn, about 15 years ago, tried to put a deal together with the church to build a parking lot in that back field. It was brought to this Board. The neighbors found out about it - some of them are sitting here - after that deal was underway. We brought people in to look at the possibilities of water problems. When they learned they needed to put retention ponds in, which would impede the parking, the deal was stopped.
 - What the church did then was let their property turn into a forest with springs that can no longer evaporate. Guess where that water's going? To the low lot in the area. It's time to take ownership, as a group, and fix this.
- **Chair K. Barnard:** Let's close the Public Comments. How does the Planning Board want to proceed?

John Thurston made a motion to approve the Accessory Dwelling Unit, with the condition of putting a doorway in. Seconded by Peter Goodwin. Roll call vote: K. Barnard (Yes), D. Breskin (No), B. Harriman (Yes), J. Thurston (Yes), P. Goodwin (Abstain), R. Murray (No), V. Dugan (No for Another Reason). The motion did not pass (3-3-1).

Roger Murray stated that before reaching a decision under this article, a majority of the Board shall have viewed jointly the subject area. He suggested that the Planning Board view the Subject Property at 16 Libby Street and he requested a Notification to Abutting Property Owners, per RSA 676:7. The site visit is scheduled for Tuesday, July 11th 2023 at 5:00 p.m., to be confirmed by the Notification.

Vaune Dougan reminded the Board that the garage structure on the Subject Property exists already, because the owner obtained a Building Permit for it. Will a site visit address the issue of Use?

IV. Discussion Items

- a) **TOWN OF WOLFEBORO PUBLIC SAFETY BUILDING, 251 SOUTH MAIN STREET, Tax Map 231-057: Presentation of Site Plan and Architectural Documents of Phased Construction for Updated Facility for the Police and Fire-Rescue Departments.**

Chair Kathy Barnard said the Planning Board can make non-binding recommendations for this project.

Brad Harriman recused himself. *Chair Kathy Barnard* asked *Alternate Julie Jacobs* to be a voting member and she accepted.

Town Manager James Pineo will present the most relevant drawings for this project. Police and Fire-Rescue Departments are present to answer operational questions. For the site design: *Randy Tetreault* and *Paul Blanca*, Norway Plains Assoc, are present.

The updated Public Safety Building will consolidate the functions and support services of the Police and Fire-Rescue Departments by expanding the Existing 6000 SF Police Dept Building into an Updated 30,000 SF Public Safety Building during a three-phase construction period of about 18 to 24 months. This project was approved by the passage of Warrant Article 11: Public Safety Building Renovations and Expansion.

Summary Discussion about Site Design, Stormwater Runoff, On-Site Parking, Exterior Lighting [paraphrased]:

- *Chair K. Barnard:* Please speak to the Stormwater Runoff management for this site.
- *Paul Blanca, Norway Plains Assoc:* The Stormwater Management System is designed to reduce Total Suspended Solids [TSS].
- *P. Goodwin:* This system is designed to work with the existing soil conditions.
- *J. Thurston:* Is this an attenuation system? Where is it located?
- *P. Blanca:* Yes, there is an attenuation system under the parking area and it ties into the existing drainage system. The location is shown on the Site Plan.
- *Fire Chief:* The new system works with the existing system.
- *Chair K. Barnard:* What is proposed for the landscaping?
- *Town Manager J. Pineo:* Some existing trees must be removed, a few will remain.
- *R. Murray:* What about the parking spaces?
- *P. Blanca:* We maximized the parking spaces while having to work around the required turning radii for Fire and Police and Emergency vehicles and equipment.
- *J. Jacobs:* What about the exterior lighting?
- *Town Manager J. Pineo:* Based on the operational needs of the Public Safety Building, the exterior lighting would probably be on all night.
- *Rich Masse, Wolfeboro Waters Committee:* Please address the Stormwater Regulations.

- **P. Blanca:** We propose the removal of a portion of Total Suspended Solids [TSS]. The existing soil conditions preclude other treatments for stormwater runoff. The water will discharge into the existing drainage system in North Main Street.

Discussion about Building Design:

- **J. Thurston:** What will go into all the extra space for the expansion?
- **Town Manager J. Pineo:** We expect to add about six new personnel to the Police and Fire-Rescue Departments. In anticipation of a 50-year life cycle for the updated Public Safety Building, the Town can save money by building out most of the structure now.
- **J. Thurston:** Given the look of the proposed Public Safety Building in the drawings, have you considered the look of the existing Wolfeboro Public Library, right next door?
- **Town Manager J. Pineo:** We can look at this.
- **S. Webster:** Is the tower really necessary?
- **Town Manager J. Pineo:** Yes, because the Fire Department must maintain and dry the canvas hoses, equipment which is expensive. We also need our Fire Fighters to practice putting up ladders. It is possible that the proposed tower will have to be cut from this budget.

Public Comments:

- **Suzanne Ryan, Wolfeboro Resident:** Does the tower need a flat roof?
- **Town Manager J. Pineo:** Adding a “cupola” to the tower would exceed the height limit.
- **Construction Manager Conneston Inc:** If we exceed the height limit, the entire building structure needs to increase, per the International Building Code [IBC], state and local building codes.
- **T. Austin:** The height limit is 30 feet, 35 feet for a sloped roof greater than 10/12.

Chair K. Barnard asked the Planning Board for Non-Binding Recommendations for the Public Safety Building and Site:

- **V. Dugan:** Screen the rooftop equipment.
- **J. Thurston:** Carry the town theme for the building materials such as brick and white trim. Let's make a nice landscaping plan for this site.
- **K. Barnard:** Exterior lighting should be dark-sky compliant.
- **Query by J. Jacobs:** Will there be fencing at the back yard?
- **Response by Town Manager J. Pineo:** Fencing is proposed only at the north lot line.
- **Query by K. Barnard:** Are the proposed number of parking spaces adequate?
- **Response by Town Manager J. Pineo:** The site area is constrained.
- **V. Dugan:** Share parking with the Wolfeboro Public Library.

b) E.A.C., LLC and SAWYER, LLC, 50 & 60 SOUTH MAIN STREET, Tax Map 217- Lots 58, 59: Design Review for site and new building for HUNTER'S SHOP N' SAVE.

Randy Tetreault and Paul Blanca of Norway Plains Assoc, for the Applicants: For Design Review, we've responded to previous feedback from this Board and the Public about the Site Design. A detailed Landscape Plan and an exterior Lighting Plan are in progress.

Zach Smith of Harriman Architects, for the Applicants: We've addressed the Architectural Standards for the new building by responding to previous feedback from this Board and the Public about the design of the new building.

Summary discussion about the new Building Design, paraphrased: Architect Zach Smith presented the biggest changes to the new building design, including the added gables at the roof, a stronger cornice line, the addition of exterior wall-mounted lights, the addition of window awnings, the addition of outdoor display areas. Wall murals would work well at the west elevation. The loading area needs to fit an 18-wheeler truck.

- **D. Breskin:** What are the building materials?
- **Zach Smith:** The roof is standing seam metal.
- **V. Dugan:** What is the precedent for the flattened arch at the window? Is it a real window?
- **J. Jacobs:** The west elevation still looks like a warehouse. I'd like to see the west elevation look like a few different buildings.
- **J. Thurston:** I've been looking at other Hannaford stores, this design looks much better. What about the existing light poles at the perimeter of the parking lot?
- **Zach Smith:** We're not touching the existing perimeter light poles.
- **D. Breskin:** What happens to the awnings in winter, with snow accumulation?
- **Zach Smith:** We propose Sunbrella awning fabric, which is very durable.

Summary discussion about the Site Design, paraphrased:

D. Breskin: Where is the transformer? We require screening.

Paul Blanca: Yes, we'll also have screening for the dumpsters and other equipment.

Summary of Public Comments and Responses, paraphrased:

- **Patty Cooke, Wolfeboro Resident:** There is an exterior lighting issue that was supposed to be addressed. Is there screening at all the equipment, including the rooftop? I'm asking the Planning Board to revisit the issue of site lighting. We've done a lot to have dark-sky-compliant light fixtures. Why does Wolfeboro use Town lighting poles to light parking lots? This is a slippery slope. Comparing the exterior lighting of Huggins Hospital, Hunter's is not dark-sky-compliant. This is an opportunity to right a wrong, please look at this issue tactfully and carefully.
 - **Zach Smith:** There is no rooftop equipment.
 - **J. Thurston to T. Austin:** Did you say you'd look into the lighting issue?
 - **T. Austin:** My understanding is that the light pole at the center of the parking lot is out.
 - **S. Webster:** I agree with you, Patty. For this project, removal of the Town light pole and the addition of exterior lighting at the building is a good effort.
- **Suzanne Ryan, Wolfeboro Resident:** Why not size the Stormwater Runoff Management plan for a 100-year storm instead of a 50-year storm? The site trees won't thrive very long, please find a few locations for Rent-A-Trees. What is the sidewalk material at the building perimeter? At the new building elevations, could the window areas have more detail, such as lattices or shutters? Are the window awnings fixed or retractable?
 - **Paul Blanca:** We will have perimeter trees.
 - **V. Dugan:** We are anticipating a Planting Plan.
 - **Zack Smith:** The new building has real windows and we're still working on the window at the west elevation.

- **R. Tetreault:** We don't know the sidewalk materials yet.
- **Shopper at Hunter's for 26 Years, Wolfeboro Resident:** The store entrance and window awnings, the metal roofing, building material colors consistent with the Town, visibility by pedestrians, landscaping done by volunteers.
- **Rich Masse, Wolfeboro Waters Committee:** We acknowledge the engineering design that has gone into this project with a site area of 1/3-acre, for the Stormwater Management Plan. Where is water directed from the roof of the new Hunter's building and from the Walgreen's parking lot? Could we capture the runoff from the Hunter's building roof? Let's bring less water to the stormwater management equipment by controlling runoff at the roof. Have you looked at a 100-year storm event? Have you considered a trench drain at the speed bump? Is there diversion or capture of stormwater at the other entrances/exits of the Hunter's parking lot?
 - **Paul Blanca:** The roof runoff and the Walgreen's lot do have trenches to drain them.
 - **D. Breskin:** Will a trench drain work in the winter?
 - **Paul Blanca:** Stormwater management equipment for a 50-year storm event is the maximum used by NH state. The speed bump at lot entrance from South Main Street works like curbing. At Glendon Street, some of the stormwater runoff will sheet into that street and discharge into the Town drainage system. Trench drains do have a maintenance issue in the winter.
 - **V. Dugan:** Where does the roof water go?
 - **Paul Blanca:** The roof water is captured under the parking lot, and then goes into the Vortechs system.
 - **R Tetreault:** There is a Maintenance Schedule for the Vortechs system.
 - **S. Webster:** Let's give credit where credit is due.
- **Ann Blodget, Wolfeboro Resident:** The risk of a 100-year storm event is 26% in New Hampshire. The risk of a storm event bigger than a 100-year storm is 6%. Boston has many Green Roofs, I recommend one for this project.
- **Suzanne Ryan, Wolfeboro Resident:** How is the Planning Board answering questions from the public?
 - **Chair K Barnard:** The applicant will have more info, they are listening.
 - **R. Tetreault:** I'd like to hear from the Planning Board about any insurmountable issues.
 - **J. Thurston to R. Tetreault:** How does parking work in the Walgreen's lot?
 - **R. Tetreault:** The parking in the Walgreen's lot will be shared with the Hunter's parking.
- **Abutting Property Owner on School Street:** I have concerns based on living next door to Hunter's. There was loud equipment at the old building, especially in the summer when the windows are open. There was ponding on the roof of the old building.
 - **R. Tetreault:** The landscape plan will help with noise mitigation.
 - **Zach Smith:** Some equipment has gotten a lot quieter.
- **Henriette Dudley, Wolfeboro Resident:** The west elevation of the new Hunter's building needs more creativity, such as wall murals.

R. Murray on the Requirement of a Special Exception for the Expansion of a Non-Conforming Structure by 25%, paraphrased: I'm asking about the project timeline and about the Expansion of a Non-Conforming Structure, per RSA 175-43. I interpret this situation as needing a Special Exception because the new building has street setbacks greater than what is currently allowed.

- **Chair K. Barnard:** In the C-1 District, I'm not sure that this structure is Non-Conforming.

- **R. Tetreault:** We submitted a full set of plans today, on 6/20/2023. The Planning Board will have to make their own determination on this issue. Please decide as a group, with no dissent between Town Boards and Town Departments, and no dissent between Planning Board members. The project timeline:
 - January 2023 and February 2023: correspondence with Town Planner.
 - March 2023: opinion from Code Officer.
 - March 15th 2023: meet with Technical Review Committee.
 - March 21st 2023: meet with Planning Board, show a Conceptual Site Plan.
 - May 10th 2023 and May 16th 2023: meet with Planning Board.
 - June 7th 2023: meet with the Technical Review Committee.
- **R. Murray:** I wasn't on the Planning Board until after the Town Elections. I was surprised that the Applicant didn't go to the Zoning Board of Adjustment.
- **Planning and Development Director T. Austin:** We got a legal opinion, the advice of Counsel is that no Special Exception is Required. This project is on the Agenda for the Planning Board meeting on July 11th 2023.
- **Chair K Barnard:** Can we hear from the Owner?
- **Dan Craffey, Owner of Hunter's Shop N Save:** I need to reopen by May 2024 and get my 80 employees back to work.
- **V. Dugan:** I asked for clarification of the 1-year project timeline at a previous Planning Board hearing, on May 2nd or 16th 2023.
- **Chair K. Barnard:** The application is in, let's deal with it.
- **Steve Jackson, Neighboring Property Owner:** Does the Planning Board vote tonight?
- **T. Austin:** No, the Planning Board doesn't vote, this is Design Review.
- **R Murray:** We're talking about the Planning Board proceeding at the hearing on July 11th 2023.

c) HARRIMAN HILL - PHASE III Conceptual Site Plan, BECK DRIVE, Tax Map 175-20-1

Kathy Barnard and Brad Harriman disclosures and recusals from this case.

Applicants, Lakes Region Community Developers and Eastern Lakes Region Housing Coalition Inc.:

The proposal is to amend a previous approval for the final phase of an existing, 3-Phase Affordable Housing Development.

- Due to abrupt increases in construction costs and changes in housing demand, Applicants seek to amend a previous 2020 approval of Phase III for 20 Housing Units for Purchase; instead, Applicants currently seek to build 30 Rental Housing Units without changing the previously approved number of Bedrooms or the previously approved amount of Building Footprint Area or the previously approved Impacts to Town Infrastructure.
- The sole change in the Site Plan was requested by the Wolfeboro Fire Department, to provide a second emergency site egress.
- Phases I and II of Harriman Hill Affordable Housing are very successful. There is a waiting list of 30 households.
- The timeline is critical, as funding for Affordable Housing becomes available in just two months, this fall of 2023.

Northpoint Engineering LLC: Present the amended Site Plan, services, and rental housing unit type (including several ADA units). The Community Building changed its location. There are 59 parking

spaces, including HC spaces. The roadway profile changed to a lower cross-slope, to accommodate ADA requirements. The buildings have sprinkler systems, due to Multi-Family Use requirements. The amended Phase III has more housing units but the same number of bedrooms

Summary Discussion about Amended Site Plan, paraphrased:

- ***T. Austin:*** There is no distinction in the zoning regulations between Affordable Housing that is for sale or for rent.
- ***Applicant:*** We were careful to stay within the regulations of the original approval.
- ***J. Thurston:*** I'm wondering about Snow Storage and a Stormwater Management Plan for this site?
- ***Applicant:*** We're using an infiltration system for the stormwater runoff.
- ***J. Thurston:*** So, you're moving water towards your detention pond?
- ***Applicant:*** Yes, there will be a basin with an outlet and a swale.
- ***T. Austin:*** Is there a net decrease in the Impervious Area?
- ***Applicant:*** Not sure yet. But if can get all comments from the Planning Board, we can prepare our submittal for the July 11th hearing.
- ***V. Dugan:*** I look forward to seeing a plan for Snow Storage and Stormwater Management.
- ***J. Jacobs:*** I appreciate the addition of a sidewalk. There are lots of people walking here. Why not phase in a pedestrian connection for later?
- ***V. Dugan:*** Yes, why cross the road twice?

No Public Comments for this case.

d) PLANNING BOARD RULES OF PROCEDURE and CODE OF ETHICS:

Roger Murray made a motion to adopt the Rules of Procedure for the Planning Board. Seconded by D. Breskin. The motion passed unanimously.

Roger. Murray made a motion to adopt the Code of Ethics for the Planning Board. Seconded by D. Breskin. The motion passed unanimously.

V) Public Comment

VI) Minutes

R. Murray: The 5/16/2023 Minutes need edits. The 6/6/2023 Minutes need the addition of Public comments.

J. Jacobs: The last name of the Abutting Property Owner for Case #2023-07 is Hersey (not Percy).

VII) Motion to Adjourn

At 10:43 p.m. Chair K. Barnard made a motion to adjourn. D. Breskin seconded the motion. The motion passed unanimously.