

Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
May 19, 2010

Members present: Chairman Linda Murray, Vice-Chairman Sarah Silk, Dave Senecal, Chuck Storm, and Marge Webster

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin, Planning and Development Director Rob Houseman, Public Works Director Dave Ford, and Recording Secretary Amelia Capone-Muccio

Chairman Murray called the meeting to order at 6:30 PM at the Wolfeboro Public Library.

Non-Public Session RSA 91-A: 3II

Mr. Owen stated a non-public session is needed for a personnel issue.

Consideration of Minutes

➤ ***April 19, 2010***

Chairman Murray noted these minutes were tabled to correct the first paragraph in order to clarify the attachments.
(See attachment #1)

Member Marge Webster moved the Wolfeboro Board of Selectmen accept the minutes of April 19, 2010 as amended. Chuck Storm seconded. Members voted and being none opposed the motion passed.

➤ ***May 5, 2010***

Ms. Silk amended page nine, the second sentence in the third paragraph to read as follows: *They notified the residents via WCTV and WASR of the break and that the water would be off until repaired.*

Ms. Silk amended page nine, the third bullet under Committee Reports to state: *Friends of Abenaki are gearing up for securing donations for snowmaking.*

Chairman Murray amended page eight, third paragraph from the bottom to read as follows: *Chairman Murray questioned why they would not use a line of credit and provided examples of projects bonded that had not spent all the bonded funds, but were completed and the taxpayers are making payments for these funds that were not used.*

Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the minutes of May 5, 2010 as amended. Marge Webster seconded. Members voted and being none opposed the motion passed.

Public Input

Wayne Kelloway joined the Board for discussion and provided a brief summary of his concerns to the Board. (See attachment #2, five pages) He explained his objection to actions by the Code Officer and that Mr. Totaro (whom he

is an abutter to) should have to go through Planning Board site review and approval that would include a public hearing for the changes made to his property.

Chairman Murray stated she has reviewed the issue with the Town Manager and Planning Director and suggested having the Planning Director contact Mr. Totaro to clarify his intent of the property and explain the Town's requirements.

The Board agreed to Chairman Murray's suggestion.

Ms. Silk noted that the complaints made have been forwarded to the appropriate Departments.

Public Hearing(s)

- 1. North Medford Club to hold the Lake Winnepesaukee Relay Race on September 25, 2010 from 9:00 AM – 3:00 PM beginning at the Alton Town Line (Route 28) to Tuftonboro Town Line (Route 109A).***

Chairman Murray opened the public hearing.

Darlene Hoover joined the Board for discussion and explained this is the 22nd annual event with no changes.

Being no others to speak for or against the request, Chairman Murray closed the public hearing.

Ms. Silk noted the Department Head's comments on the permit.

Member Marge Webster moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for the North Medford Club to hold the Lake Winnepesaukee Relay Race on September 25, 2010 from 9:00 AM – 3:00 PM beginning at the Alton Town Line (Route 28) to Tuftonboro Town Line (Route 109A). Chuck Storm seconded.

DISCUSSION:

Ms. Silk questioned if the motion includes signing the D.O.T form.

Marge Webster agreed to the amendment to the motion and Chuck Storm seconded. Members voted and being none opposed the motion passed.

Bulk Vote

A. Property Tax Abatements/Refunds

Approvals

- | | | |
|------|----------------------|-----------------------|
| i. | Abatement/Refund #34 | Tax Map 217, Lot 32-2 |
| ii. | Abatement/Refund #39 | Tax Map 250, Lot 7 |
| iii. | Abatement/Refund #42 | Tax Map 206, Lot 27 |
| iv. | Abatement/Refund #48 | Tax Map 271, Lot 1 |
| v. | Abatement/Refund #49 | Tax Map 190, Lot 94 |

Denials

| | | |
|-------|----------------------|---------------------------|
| vi. | Abatement/Refund #31 | Tax Map 199, Lot 8 |
| vii. | Abatement/Refund #39 | Tax Map 250, Lot 8 |
| viii. | Abatement/Refund #41 | Tax Map 206, Lot 4 |
| ix. | Abatement/Refund #42 | Tax Map 206, Lot 28 |
| x. | Abatement/Refund #46 | Tax Map 192, Lot 2 |
| xi. | Abatement/Refund #47 | Tax Map 200, Lot 21 |
| xii. | Abatement/Refund #55 | Tax Map 232, Lot 2, 4 & 5 |
| xiii. | Abatement/Refund #56 | Tax Map 125, Lot 3 |

B. Property Tax Credits/Exemptions

Approvals

- i. 6 Old Mill Drive Tax Map 231, Lot 78

C. Gravel Tax Levy Warrant

- i. \$1,014.82

D. Timber Tax Levies

- i. \$3,608.29
ii. \$1,619.19

Mr. Owen requested to add a Property Tax Levy in the amount of \$10,819,969.00 to the Bulk Vote.

Ms. Silk requested to remove Property Tax Abatement/Refund #55 to allow her more time to meet with the Assessing office.

Chairman Murray stated she had visited the Assessing office and they do have a map that clarifies such.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to remove Property Tax Abatement/Refund #55 from the Bulk Vote. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the Bulk Vote as listed above including the tax levy warrant. Marge Webster seconded. Members voted and being none opposed the motion passed.

New Business

A. Cell Phone Policy

Mr. Owen stated the Joint Loss Management Committee requested to withdraw this request, but he would like to replace the item with adoption of a Certificate of Resolution in regards to the bond approved last week.

Certificate of Authorization of Bonds and Approval of Loan Agreement with the New Hampshire Municipal bond Bank.

Member Marge Webster moved the Wolfeboro Board of Selectmen authorize the Town Manager to sign the loan agreement and to certify the vote regarding authorization of bonds and approval of loan agreement with the New Hampshire Municipal Bond Bank as follows:

RESOLVED: That under and pursuant to the Municipal Finance Act, Chapter 33, N.H.R.S.A., as amended, the New Hampshire Municipal Bond Bank Law, Chapter 35-A, N.H.R.S.A., as amended, and other laws in addition thereto, and to votes of the Issuer duly adopted on March 9, 2010 under Articles 11, 12, 13 and 15 of the Warrant for the Annual meeting of Issuer there be and hereby is authorized the issuance of a \$1,490,546 Bond of the Issuer (the "Bond") which is being issued by the Issuer for the following purposes: to finance (i) Center Street drainage upgrades; (ii) replacement of water mains and appurtenances in Glendon and Lehner Streets and other downtown streets; (iii) design and construction of Americans with Disabilities Act compliant entrances and restrooms at Pop Whalen Arena; and (iv) construction of streambank stabilization improvements along Smith River.

The Bond shall be dated as of its date of issuance, shall be in such numbers and denominations as the purchaser shall request, shall mature in accordance with the schedule set forth in Exhibit A to a certain Loan Agreement hereinafter described (the "Loan Agreement"), shall bear a net interest cost rate (as defined in the Loan Agreement) of three and seventy-five hundredths percent (3.75%) per annum or such lesser amount as may be determined by a majority of the Board. The Bond shall be substantially in the form set forth as Exhibit B to the Loan Agreement and otherwise shall be issued in such manner and form as the signatories shall approve by their execution thereof.

RESOLVED: That the Bond shall be sold to the Bond Bank at the par value thereof plus any applicable premium.

RESOLVED: That in order to evidence the sale of the Bond, the Treasurer of the Issuer and a member of the Board are authorized and directed to execute, attest and deliver, in the name and on behalf of the Issuer, a Loan Agreement in substantially the form submitted to this meeting, which is hereby approved, with such changes therein not inconsistent with this vote and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers shall be conclusively evidenced by the execution of the Loan Agreement by such officers.

RESOLVED: That all things heretofore done and all action heretofore taken by the Issuer and its officers and agents in its authorization of the project to be financed by the Bond are hereby ratified, approved and confirmed.

RESOLVED: That the Clerk and the signers of the Bond are each hereby authorized to take any and all action necessary and convenient to carry out the provisions of this vote, including delivering the Bond against payment therefor.

RESOLVED: That useful lives of the projects being financed are in excess of the term of Bonds.

I further certify that said meeting was open to the public; the aforesaid vote was not taken by secret ballot nor in executive session; that notice of the time and place of said meeting was posted in at least two (2) appropriate public places within the territorial limits of the issuer, or twenty- four (24) hours, excluding Sundays and legal holidays, before said meeting; that no deliberations or actions with respect to the vote were taken in executive session; and that the minutes of said meeting have been promptly recorded and have been or will be made open to inspection within one hundred forty-four (144) hours of said meeting, all in accordance with Chapter 91-A, N.H.R.S.A., as amended.

I further certify that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Water Sewer Connection Fees-Harriman Hill Workforce Housing

Dave Ford joined the Board for discussion and stated because this project is different than what is typically done for connections they had to base the water and sewer connection fees on a flow rate calculation and that they will not be required to pay the portion of the fee for constructing the lines, since they will be doing that work themselves. He recommended adopting the fees as outlined in the memorandum from Nobis dated April 29, 2010. (See attachment #3).

Ms. Silk questioned if the rate would be what is outlined on the rate sheet that is available at the Billing and Collections office.

Mr. Ford replied that sheet appears to have an error and will advise them that needs to be corrected.

Member Marge Webster moved the Wolfeboro Board of Selectmen to approve setting the water and sewer connection fees for the Harriman Hill workforce housing project based on the 4/29/2010 memo. Being no second the motion failed.

Ms. Silk questioned clarity on what the rates would be for phase III, noting the memo's rates are based on today's rates. She questioned what happens when the rate increases by the time phase III happens.

Mr. Ford replied that is a valid concern and that had not been considered. He explained this project is unique and is something that has never been done and the Board would need to decide how they would like to handle such.

Chairman Murray suggested having the rate set to what the current rate would be at that time.

Member Marge Webster moved the Wolfeboro Board of Selectmen approve setting the water and sewer connection fees for the Harriman Hill workforce housing project based on the 4/29/2010 memo from Nobis with the current water and sewer rates at the time of the building permit. Sarah Silk seconded. Being none opposed, the motion passed.

C. Town Asset Management Plan

Mr. Owen stated the Board has been provided with a copy of the Town Asset Management Plan and it has been updated to include last year's capital outlay and warrant article projects, but does not include the 2010 projects. He

explained that the building evaluation reports will lead to a Municipal Asset Plan and noted the Board has been provided with a copy of the building evaluation of the Public Safety Building.

Mr. Ford stated he met with the Fire Chief today and he plans to work on the immediate repairs to the building within the budget, some short term repairs will be put through capital outlay and the long term solution will need to be addressed including the possibility of tearing down the apparatus bays and rebuilding them. He stated the next steps are to get cost estimates for repairs and to decide whether or not to tie all the building repairs into one warrant article or to do them individually.

Chairman Murray questioned the portion that could be torn down.

Mr. Ford replied only the back portion of the building because it does have a lot of issues.

Ms. Silk questioned the report and the areas that could not be looked at and if they will be reevaluated. It seems some of the concerns have simple solutions and she questioned the work that has been done in the past not meeting code.

Ms. Webster stated the report was well worth it noting a lot of simple maintenance has not been done over the years and why don't they keep up to standards.

Mr. Storm agreed it seems they may pay twice for the work that was done over the years.

Mr. Ford pointed out that codes do change and the report is not complete. He noted that this is not his area of expertise. He questioned if the Board would want the Department Heads to do individual capital projects or one warrant article.

Chairman Murray replied those that could be done in Capital Outlay should be done as such. She did note an evaluation was done on the Public Safety Building in 2003 and it notes the same concerns, they need to get those on the CIP and fix them.

D. Town Hall Update

Mr. Owen stated members of the Town Hall Advisory Committee are present to provide an update of their work to date.

Joyce Davis, Chair, joined the Board for discussion and provided the Board with an update of their work to date by reading her attached statement dated May 19, 2010. (*See attachment #4*).

Richard O'Donnell, member of the Committee, joined the Board and provided the Board with a presentation of the proposed plans for the three levels and noted these plans derived from the original McGinley Kalsow & Assoc. plans with updates changing the expensive architectural costs. He stated they did add a third level with an elevator. He noted they also met with each Department Head to confirm their space needs. He reviewed each floor level with the Board.

DISCUSSION:

Mr. Senecal stated although they auditorium would not be completed right away the infrastructure for it would be done during the renovation.

Ms. Webster questioned the back entrance and if the main building access would be locked in the evening. Mr. O'Donnell replied it would and showed on the diagrams where it would be locked, but he had not considered the elevator.

Mr. Storm pointed out elevators can be set to lock out floors at a specific time.

Ms. Webster stated she would like to see a kitchen for the employees and a shower included in the design.

Chairman Murray stated the Board needs to take action on the two requests made.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the Committee in continuing to work on refining the plan to bring it to the level of detail needed to develop a professional cost estimate. Sarah Silk seconded. Being none opposed, the motion passed.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Committee to meet with the Town's Energy Committee to discuss strategies for maximizing energy efficiency in the building. Chuck Storm seconded. Being none opposed, the motion passed.

Chairman Murray stated the Board should look into digital storing of documents.

Mr. Owen replied that there are grants available for digital storing of documents and that in a previous town he worked for they hired an archivist who reviewed all the documents and down sized what was stored. He pointed out this cost \$40,000 and took one year to do.

The Board agreed to have the Town Manager research digital storing and the possibility of hiring an archivist.

E. Wolfeboro Nursery School Lease

Mr. Owen stated the Nursery School has contacted him in regards to starting the negotiation process for the lease and the Board needs to designate a member to work with him.

Chairman Murray volunteered to work with the Town Manager.

F. Monthly Budget Expenditures and Revenues Report

Pete Chamberlin joined the Board for discussion and stated the following:

- He included a copy of Cross-Country Appraisals Contract which seems to be in line.
- He included a copy of the state of the State's revenues that he received at a conference at the Local Government Center.
- The expenditures are in line except for the Welfare Budget and the revenues look good.

Chairman Murray questioned if the decision to not pay non-vital accounts payable and if they used too much of the cash available to lower the tax rate and now they are not able to make it until after the taxes are collected. She wondered if it would be something to consider next year of not applying the surplus to have more cash available.

Mr. Owen replied in other towns he had worked at they always had a warrant article for short term borrowing if needed.

Chairman Murray replied that is also something they could consider. She also questioned page 86 of the report under Electric Department Generation and the overage in the consultant line.

Mr. Owen replied that is the money for the monitoring wells of the parking lot the town purchased last year.

Any Other Business

Ms. Webster stated she would like to know the number of Call Firefighters, how many other towns have and how often Wolfeboro recruits for Call Firefighters.

Mr. Owen replied he would get such information from the Chief.

Ms. Silk provided an update from the Weekly Legislative Bulletin on the number of floor actions pending.

Town Manager's Report

Mr. Owen stated the following:

- Mr. Houseman had the clock on Town Hall serviced and repaired and it is keeping time and chiming again.
- The Cable TV Advisory Committee met and is working on the agenda for bargaining with Metrocast for a new Franchise Agreement. He stated one member resigned due to her work schedule and questioned how the Board would like to replace her.
- They have put out for bids on the Public Safety Building and Pop Whalen ADA improvements.

The Board agreed to allow the Cable TV Advisory Committee to seek a new member and if they are not successful the Board would put an ad in the paper.

Mr. Houseman stated he is awaiting an estimate to have the bushings of the clock repaired and repair to the curling letters on the clock.

Committee Reports

Mr. Storm stated the Planning Board had a work session on the changing the parking ordinance to parking regulations.

Ms. Silk stated the following:

- They held their first Hazardous Waste Collection for the season this past weekend and had 85 households attend.
- The McNeil Company has recalled several products such as Children and Infants Tylenol, Motrin, Zyrtec and Benadryl and consumers can visit the website to find out more about the recall. She stated that consumers can bring those recalled products to the medicine collections on the third Saturday in June and August in Wolfeboro 8:30 AM to Noon and on the second Saturday in Alton. Alton and Wolfeboro do not have to pay for the collection, but any other towns may participate for \$25.

Chairman Murray stated the following:

- The EDC Future Forum was Monday and will be aired on WCTV next weekend. If anyone has any suggestions to contact the Town Manager.
- The Milfoil Committee meets next week to discuss the purchase of the Diver Assisted Harvesters and reminded the public they will be hand pulling in Back Bay and Wolfeboro Bay June 6-11, 2010.
- The 250th Anniversary Committee will have a costume contest in the Great Smith River Canoe Race, will participate in the Boat Museum anniversary party on 5/28 and will be holding a barn dance on June 12 at the Moody Barn. Tickets are available at Avery Insurance, Chamber of Commerce, Town Hall and Black's Gift Shop.

Questions from the Public

None.

Questions from the Press

None.

Being no further business before the Board, Chairman Murray entertained a motion to enter non-public session.

Member Marge Webster moved the Wolfeboro Board of Selectmen to enter non-public session at 8:07 PM to discuss personnel issue. Member Sarah Silk seconded. Roll call vote: Marge Webster-yes, Sarah Silk-yes, Dave Senecal-yes, Chuck Storm-yes and Linda Murray-yes, the motion passed.

The Board re-entered public session at 9:14 PM.

Chairman Murray announced that the Board sealed the minutes of the May 19, 2010 non-public session by a 2/3rd vote as required by law.

Being no further business before the Board, Chairman Murray entertained a motion to adjourn.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 9:15PM. Member Sarah Silk seconded. Being none opposed, the motion passed.

Respectfully submitted,
Amelia Capone-Muccio
Amelia Capone-Muccio

Public Works Information Meeting – Operation of the Rapid Infiltration Basins

Dave Ford reviewed the background information relative to the permitting and construction phases of the site and timeline relative to such, see attached Wolfeboro Effluent Disposal Timeline. He reviewed the site plan and site features, see attached plan Rib Site Plan Surface Water Sample Points. He reviewed the location of the groundwater monitoring wells and data summary of such, see attached Rib Permit Monitoring Well Data; noting all reports related to such are filed with the State and the State has not required the Town to change the wells. He reviewed the path of the treated effluent from the plant to ESP (Effluent Storage Pond) and data and location of sampling sites for the entire effluent system see attached Wolfeboro Rib Water Quality Data Summary. He stated the effluent comes from the treatment plant, goes to the pond, and is then discharged into the RIB's (Rapid Infiltration Basins) which is then released into the water table and heads downstream. He reviewed the data logging of the monitoring wells and the location of said wells, see attached Water Level vs Discharge all four sheets; noting that since June 2009 data points are taken every hour. He stated the data also shows the flows of the RIB's; noting that due to high levels last year, the Town received permission from the State to spray; noting only half the area of the 100 acres was sprayed (staying out of the Mirror Lake watershed). He stated that regardless of the impact being much less in 2009 than previous years, the Town was still in violation due to runoff. He stated the system is now stabilized in the range of 350,000 gallons per day. He reviewed the stream gauging for Nineteen Mile Brook, see attached Nineteen Mile Brook-Stream Gauging; noting the brook is the ultimate receiving body, therefore, knowing the stream is very important. He located the four gauging stations on the plan, see attached West Alton Quadrangle, NH Minute Series. He stated the stations will continued to be monitored to determine the base flow and have a better understanding of impact. He reviewed the estimated flow from the RIB's based on the Wright-Pierce Phase 3 Hydro Report March 2007, see attached Estimated Flow from RIB based on W-P Phase 3 Hydro Report March 2007. He stated over the past year, we have averaged about 400,000 gallons per day (0.62 CFS (cubic feet per second)). He noted a significant portion during low flow which is a concern, noting acknowledgement of such. He stated Tuftonboro had conducted a gauging review and such should be looked at. He stated weirs were set up to measure the flow at the central and western wetland areas and reviewed the weir flows for such, see attached Flow Measurements in Central and Western Wetland Areas 4/16/2010. He noted the flows are in line with what had been predicted. He reviewed the updated RIB flow vs. ESP volume, see attached Update RIB Flow vs ESP Volume; noting such is subject to change based on daily conditions.

Page 7 Second paragraph from bottom

Added to second sentence with different engineers

5.19.10
R.D.S. attached #1

PO BOX 634
WOLFEBORO, NH 03894
Office (603) 569-2400
wkelloway@e-topo.com

BOARD OF SELECTMEN
Attn: LINDA T. MURRAY, Chairman
PO Box 629
Wolfeboro, NH 03894-0629

19May2010
HAND DELIVERED AT MEETING

RE: RICHARD TOTARO
CABIN COLONY RESURRECTION
Former Boulderbrook Cabins
64 Oakwood Road
Tax Map 266 Lot 10

SUMMARY OF CONFLICTS & RECOMMENDED SOLUTION

I assume you are each aware of letters I have submitted objecting to actions by the Code Enforcement Officer. Those letters address specifics and are in your records for reference.

I received a reply from the Town Manager yesterday that was dated 17May2010 (see accompanying copy). I hand delivered a rebuttal dated 18May2010 (see accompanying copy).

It is incomprehensible that a developer in this day and age has been allowed to commence a major project involving a dozen (12) dwelling units (cabins) in the Shore Front Residential District without having visited or obtaining approval of the Planning Board or Board of Adjustment.

The Code Officer is not likely to admit to a Gross Error. The Town Manager's letter to me is general and noncommittal. It appears that much of what the town knows about this development is all based on hearsay between the Developer and Code Officer. The file on this project is not substantiated by any recordkeeping or hard facts. The unique and unusual circumstances associated with this property speak a volume on the potential for conflict and error concerning zoning interpretations, definitions, and application standards.

Yet, the proper solution is simple and lawful – Planning Board Site Review. In that process the developer presents a comprehensive proposal in a public forum and citizens have an opportunity to learn and discuss particulars.

Stalling to take action to correct this problem simply guarantees that everyone involved will suffer the consequences for lack of good governance.

Why would the Town NOT want to know more information about a multi-dwelling development presently under construction in a Shore Front Residential District???

Sincerely yours,


Wayne J. Kelloway

Enc.: Reply from Town Manager dated 17May2010
Rebuttal from W.Kelloway dated 18May2010

5.19.10
B n S attachment #2

 COPY



*Town of
Wolfeboro*

Wayne Kelloway
72 Oakwood Road
PO Box 634
Wolfeboro, NH 0394

May 17, 2010

BOARD OF SELECTMEN
David A. Senecal, Chairman
Kristi Ginter, Vice Chairman
Linda T. Murray
Sarah M. Silk
Marge Webster

TOWN MANAGER
David W. Owen

Dear Mr. Kelloway:

Please let this letter serve as a response to your letter dated May 7th 2010, entitled Gross Error By Code Enforcement Officer and your letter dated May 11th, 2010 to our Health Officer Schelley Rondeau entitled Complaint of Failed Septic Systems.

A review of the letters sent by Ms. Cline shows that they relate to building code compliance and do not speak to the status of the nonconforming use. As you know, the seasonal cottage colony is no longer a permitted use in the district. In addition there is no limit under the zoning ordinance to the number of docks a property may have and therefore the issues regarding the DES dock permits are not before the town.

We have confirmed that Wolfeboro has a one year period in which abandoned or discontinued nonconforming uses may be reestablished. In addition, it should be noted that Mr. Totaro has not indicated that he has any intention of using his property to rent the cabins to third parties.

Regarding the Nonconforming Use, our legal counsel has advised the Town that in determining whether the right to a nonconforming use has been abandoned, the Courts look at of two factors: (1) an intention to abandon or relinquish the use, and (2) some overt act or failure to act carrying the implication that the owner neither claims nor retains any interest in the use. As you are aware this property is used by the owner and extended family since his purchase of the property. This is confirmed by the Town's Seasonal Water and Electric meters showing activity (open accounts) since May of 2003.

Your complaint about failed septic systems has been referred to our Health Inspector, David Senecal, for investigation.

CC: Board of Selectmen
Planning & Development Director
Health Officer
Health Inspector

Sincerely,

David W. Owen

Town Manager

84 South Main Street Post Office Box 629 Wolfeboro, New Hampshire 03894

(603) 569-8161

Fax (603) 569-8167

RECEIVED

MAY 16 2010



INCORPORATED 1770

WAYNE J. KELLOWAY
PO BOX 634
WOLFEBORO, NH 03894
72 OAKWOOD ROAD
Tax Map 259 Lot 34
Office (603) 569-2400
wkelloway@e-topo.com

18May2010

WOLFEBORO TOWN MANAGER
Mr. DAVID W. OWEN
PO Box 629
Wolfeboro, NH 03894-0629

**RE: RICHARD TOTARO
CABIN COLONY RESURRECTION
Former Boulderbrook Cabins
64 Oakwood Road
Tax Map 266 Lot 10**

ZONING VIOLATION

Dear Mr. Owen,

I appreciate your having responded to my letters of 07 & 11May2010 entitled Gross Error By Code Officer and Complaint of Failed Septic Systems.

Your response is generally informational but fails to address the core of the conflict as relates to Mr. Totaro substantiating having preserved the non-conforming use associated with this property.

I agree with you that non-conforming uses expire after having been abandoned for (1) year. I also agree that *"the seasonal cottage colony is no longer a permitted use in the district."*

You wrote *"it should be noted that Mr. Totaro has not indicated that he has any intention of using his property to rent cabins to third parties"*.

You do not state it clearly, but seemingly suggest that resurrection of the cabins may be related to *"this property is used by the owner and extended family"*

The original non-conforming use was cabin rentals. The owner abandoned that use; the non-conforming status has expired. The property is zoned Shore Front Residential.

Shore Front Residential allows one single-family dwelling / boathouse / accessory buildings (***not additional dwellings – i.e. cabins ... added by WK***).

If these resurrected cabins were to be for rental - there needed to be on record verifiable proof of the landowner having preserved the non-conforming status.

If resurrection of the cabins were to be for personal use on a parcel zoned for only one (1) single-family dwelling - there needed to be a variance from the Zoning Board Of Adjustment for these accessory buildings (former rental cabins) to be used as dwellings.

In either event above, the Code Officer's inappropriate and unauthorized actions allowed this undesirable cabin colony to resurrect with absolutely no presentation in a public forum. The scope and magnitude of this resurrection alone should have warranted a Planning Board Site Review procedure.

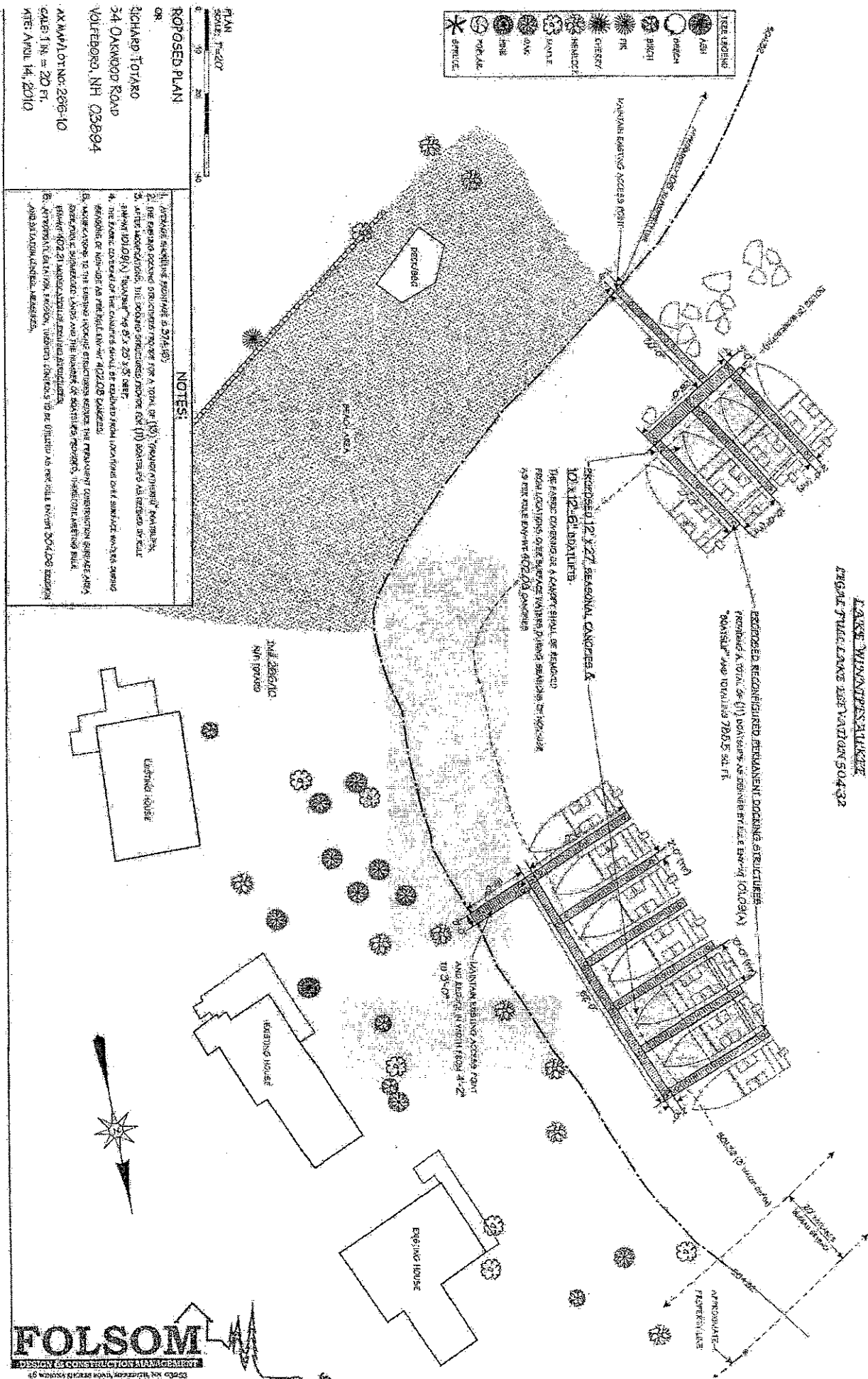
I suggest that the proper way to resolve these conflicts and avoid costly litigation for all parties is for the Town to take affirmative action to cause Mr. Totaro to immediately cease and desist all construction in progress and not allow occupancy of resurrected cabins until such time as zoning issues and site review are resolved by the Planning Board and / or town's legal counsel. Anything less than allowing a Planning Board review would deprive citizens of their right to protection under land use controls, zoning, and the like.

Respectfully submitted,


Wayne J. Kelloway

CC: Board of Selectmen
Planning & Development Director
Health Officer
Health Inspector

FIGURE 1. *WATER LEVELS* 1970-1971





MEMORANDUM

Date: April 29, 2010
From: Erin Reardon, P.E.
To: David Ford, P.E., Director of Public Works
Cc: Edie DesMarais, Eastern Lakes Region Housing Coalition
Justin Dextradeur, Hartland Group

SUBJECT: Sewer and Water Connection Fees
Harriman Hill Workforce Housing, Wolfeboro, New Hampshire

The following is a summary of our phone conversation on April 22, 2010 regarding water and sewer connection fees for the Harriman Hill workforce housing development. The development consists of 68 units to be constructed in three phases. Phases I and II each include 24 units of rental housing in 6 buildings and Phase III consists of 20 for-sale homes.

As we discussed the water and sewer connection fees will be based on a flow rate calculation. Per the ordinance, each new water and sewer service for a commercial building is assessed a \$6,000 connection fee. This fee is based on a 4 bedroom unit and a NHDES estimated flow rate of 450 gallons per day (gpd). Therefore, the unit rate is $\$6,000 \div 450 \text{ gpd} = \$13.33/\text{gpd}$.

A portion of the hook-up fee is to reimburse the Town of Wolfeboro for constructing a service from the municipal main to the property line. You have stated that half of the connection fee, \$3,000, is attributed to the construction of the service. Eastern Lakes Region Housing Coalition (ELRHC) will be extending both the sewer and water mains throughout the project and will construct the services to each building. It is our understanding that the connection fees will be reduced by half because the Town will not be responsible for constructing the services. Therefore, the unit rate is $\$3,000 \div 450 \text{ gpd} = \$6.67/\text{gpd}$.

The table below summarizes the permitted flow rate calculation. The estimated breakdown of the rental units is eighteen (18) 1-bedroom, twenty-four (24) 2-bedroom and six (6) 3-bedroom units. The Phase III for-sale homes are assumed to have 3 bedrooms. These are also the permitted flow rates for the NHDES sewer connection permit.

| # of Units | Flow per Unit (GPD) | | Total Flow (GPD) |
|------------|---------------------|--|------------------|
| 18 | 225 | Total Permitted Flow for 1 Bedroom Units | 4,050 |
| 24 | 300 | Total Permitted Flow for 2 Bedroom Units | 7,200 |
| 26 | 450 | Total Permitted Flow for 3 Bedroom Units | 11,700 |
| 68 | | Total Permitted Flow | 22,950 |

5.19.10
200 Attachment #2

Based on the total permitted flow rate and the adjusted unit rate, the estimated connection fees for the rental buildings are as follows:

| | |
|--|----------------------|
| Sewer fee assessed at \$6.67/gpd of total permitted flow | \$ 153,076.50 |
| <u>Water fee assessed at \$6.67/gpd of total permitted flow</u> | <u>\$ 153,076.50</u> |
| Total W&S fees (after credit for infrastructure installed by owner) | \$ 306,153.00 |

Finally, we discussed where the process goes from here. I understand that you'll share this memo regarding our discussion with the Town Manager. If acceptable to the Town Manager, you will bring the memorandum and the recommended process for assessing the connection fees as a flow rate based calculation to the Select Board for their approval. We ask that you keep ELRHC and Nobis Engineering apprised of the meeting where the topic is brought to the Select Board so that we may be present at the meeting to answer any questions or concerns.

Town of Wolfeboro
Town Hall Advisory Committee
Report to the Board of Selectmen
May 19, 2010

The Town Hall Advisory Committee was created on April 21, 2010 by the Selectmen with the following motion:

Member Chuck Storm moved the Wolfeboro Board of Selectmen to appoint an advisory committee to reconfirm the space needs of Town Hall with members appointed by the Chairman to work with the Friends of Town Hall. Member Sarah Silk seconded. Being none opposed, the motion passed.

The Committee is made up of Selectmen Dave Senecal and Chuck Storm, Friends of Town Hall representatives Joyce Davis, (chair), Richard O'Donnell and Gary Baker. David Owen and Rob Houseman provide staff support.

The Committee has held three meetings. We have discussed the space needs assessments that have been previously prepared. We have reviewed aspects of the McGinley Kalsow plan. We have analyzed the reduced scope plan prepared for the Friends by architect John Grosvenor. We have examined details of that plan floor by floor, department by department. We have met with all department heads working in Brewster Memorial Hall as well as some of their staff to show them the current conceptual plans and invite their comments.

It is the consensus of the Town Hall Advisory Committee that with renovation, Brewster Memorial Hall offers ample space to meet the needs of Town Offices now and into the future. The Committee endorses the concept of a public-private partnership for the building's renovation. In particular, restoration of auditorium space would be the target of a private effort led by the Friends of Town Hall.

The Town Hall Advisory Committee makes the following requests:

- Board of Selectmen approval for the Committee to continue to work on refining the plan to bring it to the level of detail needed to develop a professional cost estimate.
- Approval to meet with the Town's Energy Committee to discuss strategies for maximizing energy efficiency in the building.

Report submitted by:
Joyce Davis
Chair, Town Hall Advisory Committee

5.19.10

1000 Silk document #4