

WOLFEBORO PLANNING BOARD
December 7, 2010
MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Dave DeVries, Jennifer Haskell, Members, Fae Moore, Steve Buck, Alternates.

Members Absent: Richard O'Donnell, Member, Dave Alessandroni, Alternate.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:00 PM.

Chairman Barnard appointed Steve Buck, Alternate, to sit in for Richard O'Donnell, Member.

Consideration of Minutes
November 2, 2010

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the November 2, 2010 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, Chris Franson, Dave DeVries, Jennifer Haskell voted in favor. Chuck Storm abstained. The motion passed.

November 16, 2010

Corrections:

Page 1,3rd paragraph; change "descenting" to "dissenting"

It was moved by Stacie Jo Pope and seconded by Dave DeVries to approve the November 16, 2010 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

Informational Items

Rob Houseman reviewed such; noting the Town prevailed in the Glazier lawsuit. He stated a 30 day appeal period exists and is unaware of the intent of the applicant.

Public Comment

None.

Subcommittee Reports

- **TRC**
11/3/10; 2 nonbinding reviews for a new proposed cell tower on Center St. & discussion with a property owner of 231 Pork Hill Road.
12/1/10; Special Use Permit approved for addition on Littlest Mud Island & a nonbinding review of Stonelodge Condominium Association.
- **Master Plan Implementation Committee**
No report.
- **CIPC**
No report.

Action Items

**Waumbeck Realty Trust
Extension of Approval
TM #159-21, 173-9
Case #200454**

Rob Houseman stated the applicant has requested an extension of the 2004 approval for an open space subdivision that consists of 40 condominium units in the form of 20 duplex buildings. He stated there is one pending zoning change that could affect the approval (Wetlands Conservation Overlay District). He stated the Planning Board has the right to grant an extension until 2016. He stated the applicant has been diligent regarding being in constant communication with the office and questioning zoning changes that could affect the approval.

Chris Franson questioned whether the conservation subdivision would be impacted.

Rob Houseman stated the Board could extend the approval for one year; noting he would review the question raised by Ms. Franson. He reviewed the following conditions of approval as noted in the 2004 approval & Notice of Decision:

1. The following plans, as amended to the date of approval, are hereby incorporated into this approval;
Plan 1: Plan of Boundary Line Adjustment and Subdivision involving lands of Sadie F. Thayer Revocable Trust of 1998 for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 11, 2004.
Plan 2: NH DES Subdivision Plan for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864.
Plan 3: High Intensity Soils Map for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated October 25, 2004.
Plan 4: Pre-Development Drainage Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.
Plan 5: Post-Development Drainage prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.
Plan 6: Construction Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.
Plan 7: Construction Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 8: Kona Drive Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 9: Kona Drive Profile prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 10: Utility Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 11: Utility and Sitework Details prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 12: Stormwater Pollution Prevention Plan prepared for Wolfeboro Estates Condominiums, a Development by Waumbeck Realty Trust, Waumbeck Road and North Main Street, Wolfeboro, prepared by James Rines, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 3, 2004.

Plan 13: Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 14: Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 15: Sheet 1 of 5: Structural Plans, Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 16: Sheet 2 of 5: Structural Plans, Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 17: Sheet 3 of 5: Exterior Plans, Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 18: Sheet 4 of 5: Mechanical Details, Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

Plan 19: Sheet 5 of 5: Standard Details, Wolfeboro Estates Condominiums Water Booster Station, Wolfeboro, NH, July 2004, Prepared by Bruce Lewis, PE, Lewis Engineering, PLLC, 44 Stark Lane, Litchfield, NH.

2. Submittal of a check for recording fees.
3. Submittal of a Mylar plan for recording at the Carroll County Registry of Deeds.
4. Verification or placement of all boundary markers or the payment of a financial security of \$300.00 until such time that the necessary monumentation are set and the plan is updated.
5. Condition precedent subject to the resolution of issues raised by Robert Mann, PE, NH DES.
6. Condition precedent subject to the resolution of the issue of ownership of the water system.
7. The applicant shall enter a Construction Observation Agreement with the Town's consulting engineer. The estimated cost, to be prepared by HE Bergeron Engineering, shall be borne by the applicant.

8. The applicant shall be responsible for the payment of a financial security as specified in item #12 of the Planner Review, total being \$712,059.00.
9. The Public Works Department shall approve the final design of the water system and the applicant shall be responsible for all costs for construction including Town engineering review by Wright-Pierce Engineers.
10. Review and approval of the condominium documentation by the Town Attorney.
11. Submittal of an executed set of condominium documents for recording at the Carroll County Registry of Deeds.
12. Subject to all NH DES permits and any conditions attached thereto.
13. No units shall be conveyed or building permits issued until such time that the NH Attorney General's approval has been issued.

It was moved by David DeVries and seconded by Chris Franson to grant an extension of the 2004 approval for Waumbeck Realty Trust (Wolfeboro Estates Condominiums), Tax Map #159-21, 173-9, for a period of one year, subject to the original conditions of approval noted in the 2004 Notice of Decision. All members voted in favor. The motion passed.

Wolfeboro Oil, Inc.
Release of Financial Security
TM #161-14-1

It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the Wolfeboro Business Park Release of Financial Security in the amount of \$15,100.00, amount to be retained being \$119,701.00, Tax Map #161-14-1. All members voted in favor. The motion passed.

Discussion Item

➤ **Lot Frontage Definition**

Kathy Barnard recommended clarification of the definition of lot frontage; noting whether the definition pertained to road frontage or shore frontage.

Following discussion, the Board agreed to clarify the definition of Lot Frontage by inserting "lot" between "Acreage and" & "frontage" (Section 175-55 C.(2)) and striking the current definition of "Frontage".

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Lot Frontage Definition to public hearing to include the changes noted above. All members voted in favor. The motion passed.

PUBLIC HEARING

➤ **Multifamily Dwellings**

Chairman Barnard opened the public hearing.

Rob Houseman stated there is a statutory definition that defines affordable multifamily housing with a minimum of 5 units. He stated that currently the Town's definition defines multifamily as no more than 4 units and in order to be compliant with State law, the Board has allowed a maximum of 5 units. He stated Town Counsel opined that the Town does not have to allow 5 units in all multifamily

developments, rather that the Town must provide “reasonable and realistic opportunities for the development of workforce housing”.

Jennifer Haskell stated she is comfortable with the proposal given Town Counsel’s guidance.

There being no further questions or comments, Chairman Barnard closed the public hearing.

It was moved by Stacie Jo Pope and seconded by Chris Franson to move Multifamily Dwellings to Town Warrant. All members voted in favor. The motion passed.

Scheduled Appointments

David & Karen Peterson
Pre-application discussion ~ The Lake Motel
Agent: Randy Walker
Tax Map #231-82

Randy Walker stated the property is located at 280 South Main Street in the Village Residential District. He reviewed the existing conditions and stated the applicant proposes to tear down the existing structures and rebuild with one building (2-story); noting the building is 50 years old. He stated the existing footprint of the structures is 16,768 SF and 16,691 SF is proposed. He stated the lot consists of 7 acres and is fully surveyed. He stated there is no proposed change of use and proposes the same number of rooms (36) and parking spaces. He read RSA 674:19 and 175-43; noting the Zoning Ordinance does not apply to the existing building or proposed renovation that is “substantially different”. He reviewed court cases; noting there is no court case that addresses what the applicant is proposing. He stated the Board has the discretion to interpret the ordinance; noting the applicant is not trying to change the use or substantially expand.

Chris Franson questioned where the proposed structure would be located in proportion to the shoreline.

Randy Walker stated the structure would be moved 5’ closer toward the shorefront from its existing location; noting the structure is 500’ from the shorefront.

David DeVries questioned the proposed timeline for construction.

David Peterson replied October 2011; noting it would be modular construction.

Steve Buck questioned whether parking would be located on the lake side of the building.

David Peterson replied no.

Randy Walker stated there would be 44 parking spaces.

Chris Franson questioned whether the proposal would trigger landscaping and buffering.

Rob Houseman replied yes.

Kathy Barnard stated there is an issue with the ordinance because the nonconforming use section of the ordinance doesn't speak to relocation.

Jennifer Haskell verified the proposal includes the consolidation and rebuild of the existing structure. David DeVries stated the proposal is an improvement to the lot.

Steve Buck questioned what is needed if the ordinance is followed.

Kathy Barnard replied a Variance because it is a nonconforming use.

Jennifer Haskell stated however, the use is not an expansion and interprets the ordinance as the applicant only needing Site Plan Review.

Board consensus: applicant to submit a Site Plan Review application to the Planning Board.

Joseph & Joan O'Brien / Stonelodge Condominium Association

Boundary Line Adjustment

Agent: Randy Walker

Tax Map: 241-4 & 5

Case #201036

Rob Houseman reviewed the Planner Review for December 7, 2010 and stated the applicant proposes a boundary line adjustment to eliminate an encroachment created by a garage roof; noting the proposal is for an equal exchange of land (69 SF) to create a setback around the garage of at least 1.9'. He stated the applicant has requested the following waivers; Section 174-7.D.(4), (5) and (6).

Randy Walker stated that following the purchase of the lot, the applicant discovered an encroachment of the roof overhang. He stated the parties agreed to move the property line.

It was moved by David DeVries and seconded by Jennifer Haskell to grant the following waivers; Section 174-7.D.(4), (5) and (6). All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Chris Franson to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard closed the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval;
Plan 1: Boundary Line Adjustment Survey prepared for Joseph E. & Joan K. O'Brien, Tax Map 241, Lot 4 & 5, 368 & 362 Sewall Road, Town of Wolfeboro, Carroll County, NH, plan prepared by Daniel A. Ellis, LLS, Ames Associates, 164 NH Route 25, Meredith, NH 03253, Dated September 7, 2010.
2. Submittal of a Mylar plan for recording at the Carroll County Registry of Deeds.
3. Payment of all recording fees.
4. The applicant shall provide a monument certification once the boundaries are properly set.

It was moved by Chris Franson and seconded by Jennifer Haskell to approve the Joseph & Joan O'Brien / Stonelodge Condominium Association Boundary Line Adjustment application, TM #241-4 & 5. All members voted in favor. The motion passed.

**Peter & Alison Palmer
Special Use Permit
Tax Map # 215-5, 6, 11 & 12
Case #201035**

Rob Houseman reviewed the Planner Review for December 7, 2010 stating the applicant is requesting a Special Use Permit for the construction and relocation of Whitegate Road and the Palmer driveway. He stated the road construction or side slope grading creates all the permanent wetlands and wetlands buffer impacts of 1,035' and an undetermined amount of permanent wetlands buffer impact for the road relocation; noting he has requested the calculations for the latter). He stated the Health Officer, Code Enforcement Officer and Conservation Commission have no objections to the proposal.

Scott Lawler stated the applicant proposes the relocation of Whitegate Road to provide for better sight distance and safety for the driveway and roadway and better erosion and sediment control. He noted a setback encroachment is located on the north side of Whitegate Road. He stated there are no vernal pools noted in the area however, an intermittent stream crosses Whitegate Road. He stated the existing culvert will be upgraded from 18" to 36" to create better flow of the wetland therefore reducing the current erosion occurring on the downhill side of the culvert. He stated public safety will be increased by providing for a better horizontal and vertical alignment, provide for better site distance and safety and provide better driveway access to the Palmer residence by reducing the slope of the driveway. He stated that by providing Best Management Practices, there is no impact to the wetlands and wildlife habitat. He stated there is no alternative location as the wetland buffer is parallel to the proposed alignment; noting that by realigning the roadway it provides better use of the Palmer property and smoother driveway access to the property. He stated a full set of construction drawings were provided that depict erosion and sediment control measures during construction. In regard to economic advantage, he stated such is not the case because the proposal provides better access to the properties and replaces an undersized culvert.

Jennifer Haskell questioned whether more impervious surface would be in the wetland area due to the extension of the driveway.

Scott Lawler replied very little.

Chris Franson requested the applicant address "no alternative location".

Scott Lawler stated the applicant has acknowledged the intent is to move the road to provide safe access therefore, the vertical and horizontal curves need to be flattened out for the realignment of the driveway.

Chris Franson questioned the total SF impact.

Scott Lawler replied 1,035 SF; noting NH DES granted a wetlands permit.

Chris Franson questioned the buffer impact.

Scott Lawler stated such has not been calculated.

It was moved by David DeVries and seconded by Stacie Jo Pope to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Kathy Barnard stated she does not believe the applicant meets the criteria; noting an alternative location exists outside of the wetlands buffer. She stated the current roadway is not located in the buffer however, the proposal relocates the road into the buffer therefore, the issue is not addressed adequately. She stated the land is productively being used as a result of a previously approved boundary line adjustment.

Stacie Jo Pope stated the driveway appears straight as it currently exists.

Scott Lawler stated the proposal would reduce the slope 10%.

Stacie Jo Pope questioned the previous location of the driveway; noting the previous house was removed.

Scott Lawler stated the driveway is in the same location however, the grading around the house changed.

Peter Palmer stated the previous house was a 3-season house and not used during the winter months. He stated the driveway is very steep and hard to get in and out of during the winter therefore, he wishes to regrade the area. He stated the driveway also comes out at a very sharp angle to the road and is very dangerous and is a safety issue.

Stacie Jo Pope questioned the number of houses on the road.

Peter Palmer replied 5.

Chris Franson questioned why the issue was not addressed during the boundary line adjustment application.

Peter Palmer stated he didn't understand the problem because the property wasn't being used at that time.

David DeVries questioned whether other alternatives were considered to improve the situation.

Randy Tetreault stated the boundary line adjustment was a lot reconfiguration and didn't change access to the lots therefore, the driveway was not considered at that time. He stated it was first discussed whether the proposal needed a Special Use Permit because it doesn't fit the criteria and noted that if the impact is less than 1,000 SF then the application wouldn't be before the Board. He stated the Conservation Commission performed a site visit and has no objection to the proposal because there will be less runoff into the wetland area.

Stacie Jo Pope questioned why the driveway couldn't be pushed further beyond the buffer.

Randy Tetreault clarified the ordinance speaks to a setback and not a buffer; additionally noting that such generally speaks to a setback from a structure. He stated that given the impact is 1,035 SF it triggers a Special Use Permit. He stated the site can be graded to the edge of wetlands; noting the Conservation

Commission wanted to ensure a vegetative strip between the roadway and the edge of the wetland area. He stated the applicant has received both Shoreland and Wetlands permits.

Steve Buck asked whether the septic system has been constructed.

Randy Tetreault replied yes; noting it is in the only location possible due to grading issues.

Peter Palmer stated half the driveway is the existing driveway; noting to construct a new driveway would require the removal of additional trees. He stated no trees have to be removed as part of the proposal.

Referencing the statement "less detrimental impact on the wetlands is feasible," Rob Houseman noted a ditch line on the shorefront side however, no ditch line or treatment is proposed for the wetland side. He questioned whether it has been designed to maximize protection of the wetlands so that there is no detrimental impact to the wetlands.

Scott Lawler stated the 20-25' of vegetative buffer acts as a treatment to the buffer itself.

Randy Tetreault stated there is no need for a ditch line or level spreader therefore, there are no issues with storm water into the wetlands.

Kathy Barnard recommended a site visit by the Board.

Rob Houseman questioned the schedule for construction.

Peter Palmer stated the State requires construction not be done during flood conditions (spring); noting he would prefer to do the work in December and if not, then fall 2011.

Member of the public stated during the winter months ATV's and snowmobiles use the road; noting a safety issue with such.

There being no further questions or comments, Chairman Barnard closed the public hearing.

It was moved by Stacie Jo Pope and seconded by Chris Franson to continue the Peter & Alison Palmer Special Use Permit application to December 14, 2010 to allow for a site visit by the Planning Board. All members voted in favor. The motion passed.

P&D Zimmerman Family Limited Partnership
Special Use Permit
Agent: Scott Lees, WMSC
Tax Map #218-99
Case #2010

P&D Zimmerman Family Limited Partnership
Site Plan Review
Agent: Scott Lees, WMSC
Tax Map #218-99
Case #201033

Chairman Barnard appointed Fae Moore, Alternate, to sit in for Richard O'Donnell, Member.

Kathy Barnard stated the applications had been continued from 11/2/10 to allow for the applicant to address HE Bergeron's comments. She questioned whether the restoration plan has been granted.

Rob Houseman stated NH DES granted the restoration plan (noting the site has been restored in accordance with the restoration plan) conditional upon Planning Board approval for Site Plan Review for a restaurant in order to retain the fill of the parking area. He stated if the Town does not grant approval then Mr. Zimmerman has to amend the restoration plan and remove the fill and restore vegetation.

Chris Franson verified the deadline being December 2010 for the State approval.

Scott Lees reviewed the historic photographs of the site; noting debris, old vehicles, logs and junk were located on site and the wetland had not been protected by the previous owner.

David DeVries questioned whether the previous owners were prohibited from storing the materials at the location.

Scott Lees stated he is unaware. He stated the site is sloped and the proposal redirects runoff to protect the wetland.

Chris Franson requested the applicant address control of sediment and pollution.

Scott Lees stated Josh McAllister, HE Bergeron has no issues with the drainage analysis; noting there is not an increase in the rate of runoff from the site therefore downstream flooding is controlled. He stated the proposal includes redirecting sheet runoff so there is no runoff into the wetland.

Chris Franson questioned where the sediment and sand will go.

Scott Lees stated such was an original concern of NH DES however, during the State's review of the project Jim Rines, White Mountain Survey Co., was requested to go on site following a heavy rainstorm; noting the photographs from such depicted clear runoff with no particulate present.

Chairman Bamard opened the public hearing.

Gary Brockney expressed concern for the project and how it has taken place. He noted the following issues; traffic impact, employee parking, lighting, noise, snow removal and runoff. He stated Dave Ford also noted concern for runoff. He stated runoff onto his property has not been addressed rather, the proposal has been about the impact to the Zimmerman property. He stated the property has been dug up twice without proper permits and stated his concerns should be addressed.

Scott Lees stated when he speaks to drainage, he speaks to proposed improvements. He stated South Main Street and Crescent Lake Avenue drains into one culvert on Pine Street. He stated the entire drainage area was evaluated and it was determined that the culvert is under sized; noting such is not Mr. Zimmerman's responsibility.

David DeVries questioned whether the proposed use could worsen the current situation.

Scott Lees stated that with the proposed improvements the rate at which the runoff leaves the site is the same; noting such was determined by the drainage analysis. He stated the applicant is not saying there wasn't an impact to the abutting property rather, that based on the drainage analysis the flow is not being increased and the plantings improve drainage.

Stacie Jo Pope questioned whether there is an alternative location for parking considering that zoning doesn't require parking.

Scott Lees stated the property is not viable as a commercial property without the parking; noting there is no parking available on Pine Street and without the retention of fill for the parking area only 4 spaces would be available on the site. He stated the proposal includes 11 parking spaces.

David DeVries questioned the use of the parking area at Clark Plaza.

Scott Lees stated the parking is used for those businesses in the plaza.

Stacie Jo Pope noted that several of the businesses are closed during the evening hours.

Steve Buck stated Clark Plaza is not considered public parking.

Chris Franson questioned whether the parking area is proposed to be gravel or asphalt.

Scott Lees stated HE Bergeron did not like the CN value used for the gravel parking area; noting the CN value used is based on the industry standard software. He stated HE Bergeron recommended 98 which is the same as pavement therefore, the parking area could be either gravel or paved.

Randy Tetreault stated that in regard to shared parking, the lots are 2 completely separate lots and the Board cannot force parking from one property to another even though the owner is the same in this instance.

Steve Buck stated he has issues with the gravel drive, slope and erosion.

Scott Lees questioned whether Mr. Buck would have an issue if the parking lot was paved.

Steve Buck replied no.

Gary Brockney stated gravel has previously washed out from the site and the Town has had to remove such.

Jennifer Haskell stated she has an issue with approving a parking lot without the approval of a restaurant; noting there could potentially be a parking lot without a restaurant.

Kathy Barnard questioned NH DES requirement.

Scott Lees stated that if the Board denies the application the owner has to remove 1,251 SF of fill and restore the area to its previous condition.

Rob Houseman stated a restaurant can go in today with the issuance of a building permit only; noting the applicant can seek approval of an associated use (noting such is the Site Plan Review application submitted by the applicant).

There being no further questions or comments, Chairman Barnard closed the public hearing.

Jennifer Haskell questioned how to protect the Planning Board and stated there is no way to know if the applicant puts in a restaurant on the site. She stated in terms of procedure and precedent, there is no

requirement for the applicant to prove a restaurant is going in; noting there is no formal commitment from the applicant. She stated in terms of analysis, the criteria must be met.

Stacie Jo Pope stated she believes the proposed construction is not essential to the productive use of the land.

It was moved by Chris Franson and seconded by Stacie Jo Pope to deny the P&D Zimmerman Family Limited Partnership Special Use Permit application for parking for a proposed restaurant, Case #201032, on the grounds the application does not meet the following criteria; 175-8 A.(1). (a), (b) & (d) and 175-9 B.(1)(b), (c), (d) & (h) and 175-9 B.(2). All members voted in favor. The motion passed.

Rob Houseman stated the Site Plan Review application was contingent upon the approval of the Special Use Permit application and advised the Board to either reject the Site Plan Review application or request the applicant to withdraw the application.

It was moved by Chuck Storm and seconded by David DeVries to reject the P&D Zimmerman Family Limited Partnership Site Plan Review application, Case #201033, because the application was contingent upon the approval of the Special Use Permit application, Case #201032. All members voted in favor. The motion passed.

It was moved by Chris Franson and seconded by Stacie Jo Pope to adjourn the December 7, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:57 PM.

Respectfully Submitted,
Lee Ann Heathley
Lee Ann Keathley