

WOLFEBORO PLANNING BOARD

June 15, 2010

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Richard O'Donnell, Jennifer Haskell, Members, Fae Moore, Alternate.

Members Absent: Dave DeVries, Member, Steve Buck, Dave Alessandroni, Alternates.

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

Chairman Barnard opened the meeting at 7:00 PM.

Consideration of Minutes

May 4, 2010

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the May 4, 2010 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

May 18, 2010

Corrections:

Page 2, 11th paragraph, 4th line; strike "outlet", insert "the" between "with" & "northern"

Page 2, 11th paragraph, 8th line; strike "generate", replace with "collecting"

Page 4, insert new 2nd paragraph to read as follows; "The Chairman volunteered to write a letter to Ken Perry, President, North Wolfeboro Area Association relative to the Board's discussion regarding the Historic District."

It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the May 18, 2010 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

June 1, 2010

It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the June 1, 2010 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

Informational Items

Rob Houseman reviewed such.

Kathy Barnard stated she sent a letter to Ken Perry, President, North Wolfeboro Area Association relative to the Board's discussion regarding the Historic District (per the Board's May 18, 2010 minutes).

Public Comment

None.

Subcommittee Reports

- **TRC**
5/12/10; nonbinding discussion for 2-lot subdivision on Brackett Road.
6/9/10; Special Use Permit approved for the construction of a single family dwelling located at 152 Governor Wentworth Highway and nonbinding discussions for a boundary line adjustment located on Keewaydin Road and Site Plan Review for conversion of a residence to a medical office located at 245 South Main Street.
- **Master Plan Implementation Committee**
Stacie Jo Pope stated a memo was sent to all Department Heads requesting review and submittal of CIP items; noting the submittal deadline is 6/4/10. She stated the Committee would begin meeting following the submittal deadline.
- **CIPC**
Stacie Jo Pope stated Jennifer Haskell would not be serving on the Committee.
- **Wetlands Ordinance**
First meeting scheduled for 6/23/10.
- **Parking Committee**
First meeting scheduled for 6/21/10.

Chairman Barnard appointed Fae Moore, Alternate, to sit in for David DeVries, Member.

Public Hearing; Planning Board Rules of Procedure

Rob Houseman reviewed the Planning Board Rules of Procedure.

Following discussion, the Board requested the following changes be made to such;

- Page 1, Members, 3., 3rd sentence; insert "in" between "participate" & "public"
- Page 1, Meetings, 1., 2nd sentence; place "prior to such meeting" before "excluding"
- Page 2, 4. Alternates; reflect same language as Members, #3
- Page 3, e.; change "boards" to "board's"
- Page 4, l., 4th sentence; place a period after "attendance" & capitalize "n" on "Notice"
- Page 4, 5. Decisions, 3rd sentence; change "in interest" to "of interest"
- Page 5, Joint Meetings, 1.; capitalize the names of the Town Boards noted in said section
- Page 6, 3. b.; change "his" to "her/his"
- Capitalize "board" throughout the document when referring to the Planning Board

Chairman Barnard opened the public hearing.

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

It was moved by Chuck Storm and seconded by Richard O'Donnell to approve the Planning Board Rules of Procedure as amended. All members voted in favor. The motion passed.

Scheduled Appointments

William B. & Robin L. LaCouture
2-Lot Subdivision
Agent: David Dolan, David Dolan Associates
Tax Map #249-11
Case #201017

Stacie Jo Pope recused herself.

Rob Houseman reviewed the Planner Review for June 15, 2010; noting the applicant is seeking a two lot subdivision in which Lot 1 shall consist of 3.06 acres with 274.78' of frontage on Brackett Road and Lot 2 shall consist of 77.7 acres with 358.3' of frontage on Brackett Road. Referencing access, he stated the proposed driveway cut, as shown on the plan, would traverse the wetlands buffer; noting that if the applicant wishes to maintain the proposed driveway location, instead of using the existing driveway to the current dwelling unit, the application would require a Special Use Permit. He stated the applicant has requested the following waivers; Section 174-7 and Section 174-9.

David Dolan stated Peter Cooperdock delineated the wetlands on Lot 1 to include soil and topo as well; noting Lot 1 and a portion of the remaining land demonstrates compliance and satisfies the requirements. He stated the remaining land meets the requirements to support the 50 acres that has been surveyed. He stated there is sufficient frontage between Lot 1 and the property line and the applicant has received State Subdivision approval however, the plan was revised following the approval due to the Town's zoning changes. He stated he spoke to a representative from the State who informed him the application appeared to be in order and expected approval of such. He stated at the time the application was submitted to the Board, he interpreted the ordinance as not needing a Special Use Permit however; he has since spoken to Staff and has been advised by staff that a Special Use Permit would be necessary for the current proposed location of the driveway.

Kathy Barnard questioned whether the newly developed lot could be accessed off the existing driveway.

David Dolan stated he would need to consult with the applicant regarding such and requested a continuance of the application.

Chris Franson questioned whether it would be possible to change the internal boundaries to avoid a driveway cut.

David Dolan replied no, such would become hazardous.

Chris Franson questioned whether Staff feels the perimeter survey is sufficient.

Referencing the plan, Rob Houseman asked Mr. Dolan if the hatched area is a complete survey.

David Dolan replied yes, a compass and tape survey.

Rob Houseman questioned the error of closure on the plan submitted by Mr. Dolan.

David Dolan replied less than one in 15,000.

Rob Houseman stated the survey is sufficient.

It was moved by Chuck Storm and seconded by Chris Franson to grant the following waivers; Section 174-7 and Section 174-9. All members voted in favor. The motion passed.

It was moved by Jennifer Haskell and seconded by Chuck Storm to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Roger Murray III, Brackett Road, requested the Board not take action until the issue of the driveway is resolved; noting the applicant will not be able to satisfy the requirements of the Special Use Permit.

David Dolan requested clarification of different sections of the ordinance; noting that if the application falls under the criteria of a Special Use Permit then he would have to request a continuance to discuss options with his client.

Kathy Barnard reviewed the ordinance.

Jennifer Haskell questioned the Board's authority to say anything other than the fact the applicant needs a Special Use Permit.

Richard O'Donnell questioned whether the owner has considered using the existing driveway.

David Dolan replied yes.

It was moved by Chuck Storm and seconded by Chris Franson to continue the William B. & Robin P. LaCouture Subdivision application and public hearing, Case #201017, to July 6, 2010. All members voted in favor. The motion passed.

Eastern Lakes Region Housing Coalition
Subdivision
Agent: Erin Reardon, Nobis Engineering
Tax Map #176-20-1
Case #201018

Kathy Barnard recused herself.

Rob Houseman reviewed the Planner Review for June 15, 2010; noting the applicant is seeking to create 3 land condominium units in the development in order to facilitate the tax credit financing that it needs to fund the 3 phases of the project; noting the project consists of a 68 unit (20 single family and duplex units and 48 multifamily units in twelve 4 unit buildings) workforce housing project on 35 acres.

Richard Uchida, Esq., Orr & Reno Law Offices, representing Eastern Lakes Region Housing Coalition, stated land units are being created solely as a finance mechanism and funding issue. He stated the purpose of creating land condominiums is so that each lender gets a separate first mortgage.

Referencing the freestanding houses that are purchased, Chuck Storm verified the land is mortgaged.

It was moved by Richard O'Donnell and seconded by Chris Franson to accept the application as complete. Kathy Barnard, Stacie Jo Pope, Jennifer Haskell, Fae Moore, Chris Franson, Richard O'Donnell voted in favor. Chuck Storm abstained. The motion passed.

Vice-Chairman Pope opened the public hearing.

David Doane asked what happens to the buffer zone and the abutters if the land is sold; questioned how the 100' buffer is used.

Rob Houseman noted a 100' perimeter buffer exists and nothing can occur except for passive recreational use in the conservation open space area. He stated there is limited use in other areas as well and noted the Wolfeboro Conservation Commission will hold an easement to ensure the preservation of the area; noting the easement deed is approved by the BOS.

David Doane questioned whether each lot would have a boundary line.

Rob Houseman replied no, the units have common space and limited common space; noting such is similar to Birch Hill Estates.

David Doane stated the postings have not been clear as to what the project is; noting the project has had so many changes and is concerned for future changes. He stated the representatives for Harriman Hill have not been upfront since day 1 and he is distrustful of the whole thing due to the number of changes. He stated he would sit down because the Planning Board doesn't want to listen.

Richard Uchida stated the buffers will continue to be honored; noting there are boundary lines in a sense as there are metes and bounds of the land unit however, such is not demarcated on the land itself.

In response to Mr. Doane's comment that the Planning Board doesn't listen, Richard O'Donnell disagreed and stated that with any project as complicated as this project, there are often times required changes. He noted the most recent change is relative to the financing aspect of the project; noting the Board has to be open to change as it occurs. He stated there is always a public hearing held with each proposed change.

There being no further questions or comments, Vice-Chairman Pope closed the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of approval, is hereby incorporated into this approval;
Plan 1: Harriman Hill Condominium Plan, for Eastern Lakes Region Housing Coalition, Pine Hill Road, Route 109A, Wolfeboro, NH, 03894, Prepared by Randolph R. Tetreault, LLS, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH, 03867, Dated May 10, 2010.
2. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
3. The applicant shall submit a recorded copy of the condominium documents for the Town records.
4. The applicant shall be responsible for all recording fees.

It was moved by Chris Franson and seconded by Fae Moore to approve the Eastern Lakes Region Housing Coalition Subdivision application, Case #201018, subject to the recommended conditions of approval. Kathy Barnard, Stacie Jo Pope, Jennifer Haskell, Fae Moore, Chris Franson, Richard O'Donnell voted in favor. Chuck Storm abstained. The motion passed.

Eastern Lakes Region Housing Coalition
Site Plan Review – Plan Amendment
Agent: Erin Reardon, Nobis Engineering
Tax Map #176-20-1
Case #201019

Kathy Barnard recused herself.

Rob Houseman reviewed the Planner Review for June 15, 2010; noting the applicant proposes to modify the approved plans to reflect the New Hampshire Housing and Finance Authority requirements (funding agency) for separate internal stairs, a change from exterior stairs on either end of the flat style 4-plex rental building, addition of two interior stairs to four of the twelve quad-plex rental buildings (changing the architecture & footprint that impacts the site grading), reconfigure eight remaining quad-plex units in "townhouse" style units and reconfigure site walks and location of handicapped accessible parking spaces to coordinate with the changes. He stated the applicant proposes to eliminate the exterior staircases; noting a change in the architectural design. He stated the applicant has not received the following State permits; NH DES Subdivision approval, NH DES Wetlands Permit and NH DES Sewer Permit.

Chuck Lief, The Hartland Group, stated the evolution of change from garden style flats to townhouses is based on the market analysis; noting the analysis showed that it is more desirable for families to rent a townhouse style rather than the garden style units in relation to noise issues of tenants who live either above or below other tenants. He noted a 30 SF increase in the footprint of the interior space of the townhouse units.

Jonathan Halle, Warrenstreet Architects, stated the changes were driven by the regulatory process; changes made due to the Life Safety Code, Building Code and NEPA.

Richard O'Donnell questioned what is behind the concrete panel through to the interior finish.

Jonathan Halle replied the first 4" of plywood is pressure treated with house rap, spray foam insulation and 5/8' drywall.

Richard O'Donnell questioned the projection of the overhang on the entry and whether there are columns.

Jonathan Halle replied the entire structure bumps out 7' off the building and there are no columns.

It was moved by Chris Franson and seconded by Richard O'Donnell to accept the application as complete. Kathy Barnard, Stacie Jo Pope, Jennifer Haskell, Fae Moore, Chris Franson, Richard O'Donnell voted in favor. Chuck Storm abstained. The motion passed.

Vice-Chairman Pope opened the public hearing.

There being no further questions or comments, Vice-Chairman Pope closed the public hearing.

Rob Houseman questioned whether any of the State permits have been received.

Jonathan Halle replied State Subdivision approval. He stated they do not need approval from the Attorney General's office for a land condominium rather, approval is only needed for Phase III.

Rob Houseman stated a recordable condo plan is needed at the time of Phase III and recommended the applicant return to the Board to review the architectural renderings of the house units for Phase III; noting such will require Attorney General approval.

Rob Houseman reviewed the following recommended conditions of approval:

1. The previous approval issued December 11, 2009, including all plans and all conditions attached thereto except where superseded by this approval, shall be binding on this approval and incorporated by reference into this approval.
2. The following plans, as amended to the date of approval, are hereby incorporated into this approval:
 - Plan 1: C1. Overview Site Plan**, Town of Wolfeboro, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, NH, Plan prepared by Erin Reardon, Nobis Engineering, Inc., 18 Chennell Drive, Concord, NH 03301, Dated September 2009.
 - Plan 2: C2. Site Layout Plan**, Town of Wolfeboro, Special Use Permit, Eastern Lakes Region Housing Coalition, Pine Hill Road (NH Route 109A), Wolfeboro, NH, Plan prepared by Erin Reardon, Nobis Engineering, Inc., 18 Chennell Drive, Concord, NH 03301, Revised May 10, 2010.
 - Plan 3: C3. Grading and Drainage Plan**, Town of Wolfeboro, Special Use Permit, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, NH, Plan prepared by Erin Reardon, Nobis Engineering, Inc., 18 Chennell Drive, Concord, NH 03301, Revised May 10, 2010.
 - Plan 4: C5. Proposed Easement Plan**, Town of Wolfeboro, Special Use Permit, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, NH, Plan prepared by Erin Reardon, Nobis Engineering, Inc., 18 Chennell Drive, Concord, NH 03301, Revised May 10, 2010.
 - Plan 5: A1-1. Building Type 1, First Floor Plan**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.
 - Plan 6: A1-2. Building Type 1, Second Floor Plan**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.
 - Plan 7: A1-3. Building Type 2, First Floor Plan**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.
 - Plan 8: A1-4. Building Type 2, Second Floor Plan**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.
 - Plan 9: A3-1. Building Type One Elevations**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.
 - Plan 10: A3-2. Building Type Two Elevations**, Eastern Lakes Region Housing Coalition, Harriman Hill, Pine Hill Road (NH Route 109A), Wolfeboro, New Hampshire, Plan Prepared by Jonathan Halle, AIA, Warrenstreet Architects, 27 Warren Street, Concord, NH 03301, Dated May 14, 2010.

3. The applicant shall have the flexibility in the ratio of townhome rental buildings vs. flat-style rental buildings, provided however the proposal does not increase the total bedroom count and the applicant submits revised site plans, reflecting the change, for administrative approval by the Director of Planning and Development.
4. The applicant shall enter into 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.
5. The applicant shall be responsible for the payment of a financial security as specified in item #12 of the Planner Review dated December 11, 2009.
6. No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NHDES EPA Permit and the financial guaranty is in place with the Town.
7. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
8. All site improvements must be completed prior to the issuance of a Certificate of Occupancy. In circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a Certificate of Occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning & Public Works Departments, when a financial guaranty and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the Certificate of Occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a Certificate of Occupancy.
9. As-Built Site Plans of the sewer, water and roads must be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
10. This application is subject to the following State permits and all conditions attached thereto;
 - NH DES Subdivision approval
 - NH DES Site Specific Permit
 - NH DES Sewer Discharge Permit
 - NH DOT Driveway Permit
 - NEPA Phase II Storm Water Permit
 - NH DES Wetlands Permit
11. The applicant shall be responsible for all recording fees.

It was moved by Fae Moore and seconded by Chris Franson to approve the Eastern Lakes Region Housing Coalition Site Plan Review – Plan Amendment application, Case #201019, subject to the recommended conditions of approval. Kathy Barnard, Stacie Jo Pope, Jennifer Haskell, Fae Moore, Chris Franson, Richard O'Donnell voted in favor. Chuck Storm abstained. The motion passed.

Other Business

➤ **GreatWaters Bank**

Rob Houseman stated that in an effort to move forward with the reclamation plan, he communicated with Jim Bean that it is fifteen days prior to the deadline and there has been no activity to date on the site. He stated Mr. Bean responded that he has met with two contractors and expects to be under

contract by the end of the week and expects the work to be completed. Mr. Houseman stated it is his intent to place an ad in the newspaper prior to deadline to ensure the work is done. He further stated he received a call from John Pernokas, Board of Directors, GreatWaters Bank, stating the property may have an interested buyer and questioned whether the Planning Board would relent on the restoration of the site.

Kathy Barnard stated the Site Plan Review approval of the site has been revoked.

Richard O'Donnell stated the applicant needs to perform by June 30, 2010.

Jennifer Haskell questioned whether the owners have a signed Purchase & Sales Agreement.

Rob Houseman replied no.

Jennifer Haskell expressed concern for the request with no signed agreement and recommended the Board move forward with the amended restoration plan.

The Board agreed with Ms. Haskell.

It was moved by Chris Franson and seconded by Fae Moore to adjourn the June 15, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 8:51 PM.

Respectfully Submitted,

Lee Ann Keathley
Lee Ann Keathley