

# WOLFEBORO PLANNING BOARD

August 3, 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 Alessandrone, 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

**July 6, 2010**

#### **Corrections:**

Page 2, Subcommittee Reports; Master Plan Implementation Committee report should be noted as the CIP report. Page 8, motion for Hawkins application; Richard O'Donnell abstained.

**It was moved by Chuck Storm and seconded by Chris Franson to approve the July 6, 2010 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.**

**July 20, 2010**

**It was moved by Stacie Jo Pope and seconded by Chuck Storm to approve the July 20, 2010 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.**

### Informational Items

Rob Houseman reviewed such.

Kathy Barnard requested Staff to speak to an article in the newspaper regarding a BOS discussion relative to enforcement of the sign ordinance.

Rob Houseman stated enforcement is conducted by the Code Enforcement Officer as established in the Zoning Ordinance and by statute. He explained the process of enforcement and stated a position for a Zoning Enforcement Officer exists however, that position is not currently filled therefore, the Code Enforcement Officer is serving as both the building codes inspector and the zoning enforcement officer. He stated it is the process to first educate business owners and work through the process with them however, enforcement action sometimes occurs.

Chuck Storm stated he feels the enforcement is uneven and selective enforcement is occurring to one person who is incurring a fine of over \$4,000 which results in half their profit this time of year (Downtown Market Grille).

Rob Houseman stated if anyone has an issue of enforcement it would be helpful for that person to come to the office and review the file and case history to understand the issue in total. He stated it is inappropriate to suggest

the owner of the Downtown Market Grille has been subjected to a fine of \$4,000.00 because no fine is imposed by the Town. He stated only a judge has the ability to impose such; noting the fine is \$275.00 per day per occurrence. He stated the issue relative to the Downtown Market Grille has been resolved; noting the owner has come into compliance therefore, the Town will cease enforcement action.

Kathy Barnard stated there is going to be a follow up article in the newspaper relative to the sign issue.

Speaking to a property between Meredith Village Savings Bank and the Wolfeboro Inn Chuck Storm stated the property poses a fire safety hazard with the grass being overgrown and questioned enforcement action of such.

Rob Houseman stated the property is owned by a corporation (Western Monetary Reserve) and noted the Town does not have a property maintenance code. He stated he would request the Fire Department, Health Officer and Code Enforcement Officer review the property and determine whether it meets the threshold of a hazard by statute.

### **Public Comment**

None.

### **Subcommittee Reports**

- **TRC**  
7/7/10; Special Use Permit approved for construction of a single family dwelling within the wetland buffer zone on Burroughs Lane and a nonbinding meeting with the Jehovah Witness  
7/14/10; Special Use Permit for construction of a garage within the wetland buffer zone and a nonbinding meeting for a boundary line adjustment on Middleton Road.
- **Master Plan Implementation Committee**  
No action.
- **CIPC**  
The Committee has received and heard submittals from each department and the Committee will now begin to prioritize the projects.
- **Wetlands Ordinance**  
Committee continues to meet.
- **Parking Committee**  
Committee continues to meet.

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

### **Action Items**

**Wolfeboro Business Park / Wolfeboro Oil Bulk Storage Facility  
Release of Financial Security  
TM #116-14-1-1  
Case #200910**

**It was moved by Chris Franson and seconded by Jennifer Haskell to grant the partial release of financial security in the amount of \$23,900.00, amount to be retained being \$134,801.00, for Wolfeboro Business Park, LLC, Case #200910. All members voted in favor. The motion passed.**

**Huggins Hospital  
Release of Financial Security  
TM #231-90, 218-56, 61, 62, 66, 67, 68, 69  
Case #200735**

Rob Houseman stated HE Bergeron recommends a reduction in the financial security from \$1,870,263.00 to \$621,630.00; noting such is a substantial reduction. He stated some Board members are concerned the amount is too large; noting the applicant's engineer has offered a 50% reduction that would retain \$935,132.00.

Kathy Barnard expressed concern for the amount of disruption at the site and would rather release 50% of the financial security.

Richard O'Donnell agreed with Ms. Barnard

**It was moved by Chuck Storm and seconded by Richard O'Donnell to grant the partial release of financial security in the amount of \$935,132.00, amount to be retained being \$935,132.00, for Huggins Hospital, Case #200735. All members voted in favor. The motion passed.**

**Kristi & Chris Ginter  
Release of Notice of Deficiency  
TM #105-3**

Rob Houseman stated a Letter of Deficiency was filed against Kristi & Chris Ginter and recorded at the Carroll County Registry of Deeds; noting the deficiency has been eliminated however, the entity that filed the Letter of Deficiency no longer exists (Historic District Commission). Therefore, the BOS and Planning Board is being advised to file a document to release the Letter of Deficiency and requested the Board authorize the Chairman to sign the release.

Chris Franson questioned what would happen if the HDC is reinstated.

Rob Houseman stated the deficiency has been addressed as part of a settlement agreement therefore, nothing would change if the HDC were reinstated.

Jennifer Haskell questioned whether the settlement should be referenced in the release.

Chris Franson recommended the deficiencies be specified in the release.

Rob Houseman stated he would review with Town Counsel.

**It was moved by Stacie Jo Pope and seconded by Chuck Storm to authorize the Chairman of the Planning Board to sign the Release of Notice of Deficiency subject to clarification relative to specification of the deficiencies being noted in the Release of Notice of Deficiency. Chuck Storm, Richard O'Donnell, Fae Moore, Chris Franson, Stacie Jo Pope, Kathy Barnard voted in favor. Jennifer Haskell abstained. The motion passed.**

**Wolfeboro Clocktower, LLC / GreatWaters Bank  
TM #218-17-2**

Rob Houseman stated the applicant has removed the chain link fence, filled the foundation and stockpiled the material to complete the grading. He stated the steel remains on the site; noting the steel has been sold and will be removed by this weekend. He stated Jim Bean has contacted the contractor and expects the contractor to be back on the site next week to finish the grading and complete the job. He stated the reclamation is in progress and questioned how the Board wishes Staff to proceed.

Kathy Barnard questioned how long it would take for the Town to complete the job if the bond money is used.

Rob Houseman stated it would depend upon how the bond money is held and the availability of a contractor.

Chuck Storm stated the fill is supposed to be sand however, the fill looks like rocks. He stated he would like to see it go back to the original site plan and put into place what was originally approved.

Chris Franson expressed concern for timing; noting the condition of the site remains the same as in June.

Richard O'Donnell stated he has received 3 complaints regarding the condition of the site.

**It was moved by Chris Franson and seconded by Chuck Storm to authorize Rob Houseman to call the bond and hire a contractor to complete the reclamation of the site for Wolfeboro Clocktower, LLC / GreatWaters Bank, TM #218-17-2, if the steel is not removed by Monday, August 9, 2010 and if final grading does not begin by Wednesday, August 11, 2010 at close of business day. Chuck Storm, Richard O'Donnell, Fae Moore, Chris Franson, Stacie Jo Pope, Kathy Barnard voted in favor. Jennifer Haskell abstained. The motion passed.**

**PUBLIC HEARING – SCHOOL IMPACT FEE**

Rob Houseman reviewed the School Impact Fee powerpoint presentation, see attached.

*Chairman Barnard opened the public hearing.*

Jake Dube, builder, stated the School Impact Fee is not fair and questioned why it is not a set rate; noting it would discourage people from building houses and would affect Wolfeboro's economy. He questioned how it is fair for a waterfront home and nonwaterfront home to pay the same fee for a different size house. He stated the fee should be based on the septic system approval.

Kathy Barnard stated there is a waiver provision in the ordinance for elderly (55+).

Rob Houseman stated the Basis of Assessment is a detailed document that incorporates several options for consideration; noting the Board opted for a fixed base based on the type of unit (Table 9; a unit type calculation). He stated there is no State definition for bedroom however, a house could have rooms labeled as something other (library, office, den, etc.) that could function as a bedroom.

Chris Franson stated the Board considered whether additions should be included.

Jake Dube stated he doesn't agree with the choice of the Board. He stated the septic system limits the number of bedrooms by law and feels it is inappropriate to have one standard rate.

Randy Tetreault, 86 Clark Road, questioned the timing of the fee; noting the Town of New Durham has implemented an impact fee based on square footage.

Rob Houseman stated such is addressed by statute; noting the fee is assessed at the time of subdivision approval and runs in perpetuity.

Kathy Barnard verified fees for existing lots would be assessed at the issuance of the building permit and collected at the issuance of a Certificate of Occupancy. She verified Table 9 does not include a fee for additions / renovations or tear down and rebuild. She verified it would include conversion from seasonal to year round.

Jake Dube questioned the process to remove the ordinance once it is in place.

Rob Houseman replied the submission of a Petition Warrant Article and reviewed the process for such.

Jake Dube requested the Board to dispute that the impact is the same for a 2 bedroom house versus a 10 bedroom house.

Stacie Jo Pope stated the Board discussed a fee based on square footage versus bedroom and struggled with the impact of such. She questioned whether Mr. Dube would be in favor of a fee based on square footage or is against an impact fee in total.

Jake Dube stated the proposed fee is not fair and proportionate to an individual.

Chris Franson stated the impact on the school system is typically the 3 bedroom house versus a 10 bedroom summer home. She requested Mr. Dube review the Basis of Assessment and provide recommendations to the Board. She stated the Board tried to balance out all the factors and look at it as a whole with impact to schools and roads.

Richard O'Donnell stated the voters (73%) voted to approve the implementation of an Impact Fee; noting said vote is a clear indication that the voters and taxpayers want to share the burden of the taxes.

Fae Moore stated an impact fee may make the difference as to whether a person can actually afford to buy a house and recommended the Board review the Basis of Assessment again; questioning the square footage calculation / assessment versus the number of bedrooms.

Jennifer Haskell agreed and stated the Board should review the fee structure.

Following further discussion, the Board agreed to continue deliberation of such to its 8/17 work session.

## Scheduled Appointments

**Marcelle A. Therrien Revocable Trust & Janine Allfrey**

**Boundary Line Adjustment**

**Agent: David Mott, Mott Survey Co., LLC**

**Tax Map #261-2 & 4**

**Case #201025**

Rob Houseman reviewed the Planner Review for August 3, 2010; noting the applicant proposes a boundary line adjustment to make the lots conforming in area in which TM #261-4 would decrease in area from 5.120 acres to 1 acre with no change to road frontage and TM #261-2 would increase in area from 0.259 acres to 4.378 acres. He stated the latter property currently contains an existing garage and the boundary line adjustment would add another accessory structure and increase the nonconformity. He stated the lots are considered lawfully existing nonconforming lots of record due to road frontage and lot size. He recommended the Board resolve the issue of the increase in nonconformity; the addition of an accessory structure to a lot without a principal use, a single family dwelling. He stated the applicant, at the TRC meeting, proposed to remove/relocate the garage at the front of the property. He stated the applicant has requested 1 waiver; Section 174-9.G(1).

David Mott stated the applicant intends to cap the existing driveway and noted a NH DOT permit has been issued for the new location of the driveway. He stated test pits were dug on both lots and a wetlands inspection was performed; noting there are no wetlands on the property. In regard to the waiver requests, he stated the request is to waive the storm water drainage requirement due to the minor nature of the driveway construction; noting the proposal includes the termination of the existing driveway on Lot 261-4 at the rear of the existing barn and construction of the driveway on Lot 261-2 to tie into the existing driveway to the rear of Lot 261-4.

Jennifer Haskell questioned the Board's authority to grant a boundary line adjustment and leave an accessory structure on the lot without a primary structure.

Rob Houseman stated the Board does not have the authority to increase the nonconformity; noting the boundary line adjustment increases the accessory structures on the lot without a primary use. He stated the applicant agreed to remove one of the accessory structures at the TRC meeting.

David Mott stated the applicant would either remove or raze the second accessory structure.

Kathy Barnard questioned whether the applicant is in the process of seeking State Subdivision approval.

David Mott replied no, he was awaiting Planning Board approval prior to the submittal of the State Subdivision application.

Richard O'Donnell questioned whether the property owner has the right to use the gravel drive.

David Mott replied yes.

**It was moved by Richard O'Donnell and seconded by Stacie Jo Pope to grant a waiver for Section 174-9.G(1). All members voted in favor. The motion passed.**

**It was moved by Stacie Jo Pope and Jennifer Haskell 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 plans, as amended to the date of approval, are hereby incorporated into this approval;  
**Plan 1: S-1 Sheet 1:** Lot Line Adjustment Plan, Tax Map 261, Lot 4 and Tax Map 261, Lot 2, Middleton Road, Wolfeboro, Carroll County, NH for Marcelle A. Therrien Revocable Trust, Marcelle A. Therrien Trustee and Janine Allfrey, Plan prepared by David Mott, LLS, Mott Survey Company, LLC, PO Box 800, Milton, NH, 03851, Dated June 16, 2010.  
**Plan 1: T-1 Sheet 2:** Topographic Plan, Tax Map 261, Lot 4 and Tax Map 261, Lot 2, Middleton Road, Wolfeboro, Carroll County, NH for Marcelle A. Therrien Revocable Trust, Marcelle A. Therrien Trustee and Janine Allfrey, Plan prepared by David Mott, LLS, Mott Survey Company, LLC, PO Box 800, Milton, NH, 03851, Dated June 16, 2010.
2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall provide a monument certification once the boundaries are properly set.
4. The applicant shall be responsible for the payment of all recording fees.
5. The applicant shall be responsible for removing one of the accessory structures on TM #261-2 prior to the recording of the plan.
6. The following permits and/or approvals, and any conditions attached thereto, are adopted by reference to this approval;
  - a. NH Subdivision approval

**It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to approve the Marcelle A. Therrien Revocable Trust & Janine Allfrey Boundary Line Adjustment application, Case #201025. All members voted in favor. The motion passed.**

**Mary C. Marden 2002 Trust  
Boundary Line Adjustment  
Agent: Randy Tetreault, Norway Plains Survey Associates, Inc.  
Tax Map #178-2 & 3  
Case #201027**

Rob Houseman reviewed the Planner Review for August 3, 2010; noting the applicant proposes a boundary line adjustment with the intent to make both lots equal in area and shore frontage in which Lot 1 would decrease in area from 0.3373 acres to .027 acres with shore frontage decreasing from 104' to 72.5' and Lot 2 would increase in area from 0.2142 acres with shore frontage increasing from 41' to 72.5'. He stated the applicant has requested 3 waivers; Section 174-7.D.(4), (5), (6). He stated he received an opinion from Town Counsel regarding the nonconforming provision of the ordinance; noting he originally reviewed the application under the premise of 175-55.C.2 and felt such covered the change in the shore frontage. He stated he sought Town Counsel opinion following an expressed concern by the chairman and Town Counsel opined that the ordinance speaks to lot frontage which is frontage on a street and not as shore frontage. He stated it is Town Counsel's opinion the applicant needs a variance to reduce the shore frontage on Lot 178-2 to make it more nonconforming.

Randy Tetreault stated the Board may have to continue the application based on Town Counsel's opinion; noting he received a differing legal opinion from the applicant's counsel. He stated Town Counsel interpreted frontage as road frontage however, in this particular situation it is not standard road frontage rather, it is a private road with a right-of-way to access the lots. He stated it is his opinion that since the Board is allowed to adjust the acreage

then the lake frontage is part of the acreage. He requested the Board provide guidance regarding the configuration and whether ZBA approval is necessary. In regard to the waiver requests, he stated the properties are serviced by existing seasonal Town water and private septic systems, size and shape unknown.

**It was moved by Richard O'Donnell and seconded by Chris Franson to grant a waiver for Section 174-7.D.(4), (5), (6). All members voted in favor. The motion passed.**

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

Chairman Barnard opened the public hearing.

Jennifer Haskell noted concern for Town Counsel's opinion; questioning the Board's authority and what is precedent (noting Town Counsel's statement "the Town has consistently over the years allowed the Planning Board to reduce shore frontage.").

Rob Houseman recalls one case the Board affected shore frontage on one lot that was not conforming; noting such was a flipping of shore frontage of two lots (Montrone property).

Chris Franson recommended the Board follow Town Counsel opinion.

Jennifer Haskell agreed.

Rob Houseman recommended allowing the applicant's counsel's opinion to be shared with Town Counsel for further review and seek a continuance subject to comment by Town counsel and if counsel's opinion is unchanged then Town Counsel would provide guidance that a Variance would be required.

Jennifer Haskell asked Staff to raise the issue of not increasing the nonconformity with Town Counsel.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to continue the Mary C. Marden 2002 Trust Boundary Line Adjustment application and public hearing, Case #201027, to September 7, 2010 subject to review and comment of the applicant's counsel's opinion by Town Counsel. All members voted in favor. The motion passed.**

Michael O'Connell  
Site Plan Review for Medical Office  
Agent: Randy Tetreault, Norway Plains Survey Associates, Inc.  
Tax Map #231-56  
Case #201028

Rob Houseman reviewed the Planner Review for August 3, 2010; noting the applicant proposes to convert an existing 2 family dwelling into a 2,527 SF two-story medical office with ten parking spaces added to the rear of the lot. He stated the applicant proposes to upgrade the existing driveway; noting a NH DOT driveway permit is required. In regard to storm drainage; he stated the applicant and Dave Ford, Public Works Director, have been working together to address the storm water disposal issue. He stated it is the recommendation of Mr. Ford that the applicant tie into the Town's storm water system and contribute an exaction, equal to the cost of the onsite detention, to the upgrade of the Town system; noting the estimated exaction is \$25,353.00. He stated the applicant is agreeable to such. In regard to lighting, he recommended the Board address hours of illumination.



Kathy Barnard stated she sat on the ZBA application and asked the Mr. Tetreault whether the applicant has an issue with her sitting on the application as a Planning Board member.

Randy Tetreault replied no. He reviewed the history of the property, ZBA application and approval and discussions with Mr. Maguire, abutter; noting the applicant and Mr. Maguire are in agreement with issues of landscaping, hours of operation and lighting.

Chris Franson questioned whether the fence intrudes onto the abutter's property.

Randy Tetreault stated the existing fence encroached onto the abutter's property and boundary however, the proposed fence has been reviewed and accepted by Mr. Maguire.

Michael O'Connell stated the notes on the plan have all been agreed upon by Mr. Maguire.

**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.*

Kathy Barnard read Steve Maguire's letter into the record, see attached.

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

Chris Franson questioned hours of illumination.

The Board agreed to impose a condition that the lighting for the parking lot shall be placed on a timer and shut off no later than 7 PM.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended to the date of approval, are hereby incorporated into this approval;  
**Plan 1: Title Sheet, Site Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.  
**Plan 2: S-1, Existing Features Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.  
**Plan 3: C-2, Site Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.  
**Plan 4: C-2, Grading & Erosion Control Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.  
**Plan 5: C-3 Details**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.  
**Plan 6: C-4 Details**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.

**Plan 7: L-1 Landscape Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.

**Plan 8: L2 Photometric Lighting Plan**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.

**Plan 9: SK-1 Elevations**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.

**Plan 10: SK-2 Elevations**, 245 South Main Street – Route 28, Wolfeboro, NH, for Michael J. O'Connell, MD, April 2010, Wolfeboro, Carroll Co. NH, Plan prepared by Richard R. Lundborn, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Dated July 8, 2010.

2. The applicant shall be required to enter into a Construction Observation Agreement with the Town's consulting engineer, HE Bergeron, for site work.
3. The applicant shall be responsible for the cost of the Construction Observation Agreement.
4. The applicant shall post a financial security, as outlined in Item 12 of the Planner Review, dated August 3, 2010, for the purpose of securing the required onsite improvements.
5. The applicant's engineer shall submit a letter certifying compliance with the American's With Disabilities Act.
6. The applicant shall pay an exaction fee of \$25,353.00 to the Town of Wolfeboro instead of installing an onsite storm water detention system. Said fund shall be used by the Town to upgrade the closed storm drain system along South Main Street.
7. The lighting for the parking lot shall be placed on a timer and shut off no later than 7 PM.
8. The applicant shall pay all recording fees prior to the recording of the Notice of Decision.
9. The following permits and/or approvals, and any conditions attached thereto, are adopted by reference to this approval;
  - b. NH DOT Driveway Permit
  - c. ZBA Variance approval, Case #04-V-10, dated June 7, 2010

**It was moved by Chuck Storm and seconded by Fae Moore to approve the Michael O'Connell Site Plan Review application, Case #201028, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**


**It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the August 3, 2010 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:41 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

Lee Ann Keathley



## IMPACT FEE SCHEDULE

PUBLIC HEARING

## WHY USE IMPACT FEES?

- Growth in service demand
- Deferred capital investments
- High reliance on property tax
- With impact fees:
  - New source of revenue created
  - Revenues accrue at rate of development
  - Invest in quality of capital facilities
  - Shifts burden away from taxation

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## IMPACT FEE PRINCIPLES

- Authorized (1991) by NH RSA 674:21, V
- About 75 ordinances now in NH
- Assessed to new development
- Funds capital facilities only
- Proportionate to demand
- Recoupment allowed
- Not for "upgrades"
- Time limit on usage
- Ordinance required to enable

3

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## IMPACT FEE ORDINANCE

- > Timing of Assessment and Collection
  - Assess at plat, site plan approval by Planning Board
  - If no Planning Board action, at building permit
  - Collection at Certificate of Occupancy, or mutually agreeable schedule

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### IMPACT FEE ORDINANCE

Adopted in March 2007 by vote at Town Meeting

- > 1,682 in the affirmative
- > 585 in opposition

74% of the votes cast were in favor of the establishment of the Impact Fee Ordinance

### USING IMPACT FEES

- ◆ Apply to eligible projects
  - Capacity-related capital needs
  - Match with other funds
  - Apply to debt service (recoupment)
- ◆ Appropriate funds within 6 years
  - Or refund the fee with interest

School Impact Fee at Anticipated Level of Service - Three Structure Groups  
WOLFBORO SCHOOL IMPACT FEES BY 2009  
\$1000.00

Computed at Anticipated Standard of Service Per Pupil  
School District Grade School to Middle School

Type of Structure:	Elementary School District				Middle School District				Total			Total
	Elementary	Middle	Elementary	Middle	Elementary	Middle	Elementary	Middle	Elementary	Middle	Total	
Single Detached	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412
Attached and 2+ Family	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412
Manufactured Housing	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412	1,184	2,024	3,412

### Land Use Category

- Single Detached \$ 4,184/dwelling unit
- Attached and 2+ Family \$2,024/dwelling unit
- Manufactured Housing \$ 3,412/dwelling unit

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IMPACT FEE SCHEDULE PUBLIC HEARING

?

MUNICIPALITIES IN NH WITH AN  
IMPACT FEE ORDINANCE

Allenstown	Epping	Manchester	Brockline	Hillsborough	Plaistow
Alton	Exeter	Meredith	Candia	Hooksett	Plymouth
Amherst	Farmington	Milford	Canterbury	Hopkinton	Portsmouth
Atkinson	Francestown	Nashua	Claichester	Hudson	Randolph
Barnstead	Fremont	New Ipswich	Concord	Jaffrey	Raymond
Barrington	Gilford	New London	Danville	Kingston	Rindge
Bedford	Goffstown	Newbury	Deerfield	Laconia	Rochester
Belmont	Greenfield	Newfields	Derry	Lebanon	Rollinsford
Bethlehem	Hampton	Newmarket	Dorchester	Lincoln	Salern
Bow	Hampton Falls	Newton	Dover	Litchfield	Sanbornton
Brentwood	Hanover	Northfield	East Kingston	Londonderry	Sandown
Bristol	Herriker	Pembroke	Erfield	Loudon	Springfield
				Windham	Wilton

from the NHREP Municipal Land Use Regulation Database

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11  
SCHOOL IMPACT FEE EXAMPLES

- Dover \$2,944
- Hampton \$3,641
- Exeter \$4,012
- Danville \$4,502
- Sandown \$4,511
- Bedford \$5,684
- Londonderry \$6,134 (3 BR)

Stephen McGuire  
Schoolhouse Trust  
243 South Main Street  
Wolfeboro, NH

Madame Chair,

Family obligations prevent me from attending this evenings meeting. Therefore, I would appreciate it, if this letter was read into the record.

The Applicant, his representatives and I are in agreement on the most pressing concerns we have as abutters to the proposed project. The Applicant has addressed these concerns in the "Conditions of Approval Notes" on the site plan for 245 South Main Street, April 2010 with the latest revision date of July 8, 2010.

Notes 2 through 9 addresses these concerns as well as Plans SK1 and SK2.

These notes and submitted plans outline the minimum requirements and specifications between the Applicant and Schoolhouse Trust.

If the Planning board in their deliberations decide a more stringent or "exceeding" specification is warranted, we would not object. However, we would object to any lessening of the agreement between the parties.

I thank you for your time and consideration on the matter.

#### Copy of Notes from plan:

##### CONDITIONS OF APPROVAL NOTES:

1. FOR MORE INFORMATION ABOUT THIS SITE PLAN CONTACT THE TOWN OF WOLFEBORO PLANNING DEPARTMENT, PO BOX 629, 9 UNION STREET, WOLFEBORO, NH 03894, PHONE: 603-569-5970.
2. FENCE CONSTRUCTION: THE FENCE SHALL BE 6 X 6 SHADOWBOX (MODEL #73020872, ITEM #88995) AS FOUND AT LOWES.
3. FENCE LOCATION: THE FENCE SHALL BEGIN ON THE COMMON BOUNDARY LINE, AT A LOCATION APPROPRIATE TO PROVIDE SUFFICIENT VEHICULAR SITE DISTANCE, NEAR THE SOUTH MAIN STREET PROPERTY CORNER. THE FENCE SHALL RUN SOUTHWEST ALONG THE SHARED PROPERTY LINE 120-FT TO A POINT AT WHICH IT WOULD JOG SOUTHEAST INTO TAX MAP 231 LOT 56 4-FT AND THEN CONTINUE SOUTHWEST PARALLEL TO THE SHARED PROPERTY LINE WITH TAX MAP 231 LOT 55 TO THE SHARED PROPERTY LINE WITH TAX MAP 231 LOT 53. THE FENCE SHALL THEN TURN AND RUN SOUTHEAST ALONG THE SHARED PROPERTY LINE WITH TAX MAP 231 LOT 53 TO A TERMINUS ON THE SHARED PROPERTY LINE WITH TAX MAP 231 LOT 57 (TOWN OF WOLFEBORO PROPERTY).
4. THE STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED IN A WAY THAT DOES NOT ALLOW ANY INCREASED OR ADDITIONAL RUNOFF TO FLOW ONTO TAX MAP 231 LOT 55. THE PROPOSED, REHABILITATION OF THE DRIVEWAY ON TAX MAP 231 LOT 58 SHALL BE CURBED, DIRECTING ALL RUNOFF FROM IT TO A CATCH BASIN AT THE STREET. THE PROPOSED PARKING AREA ON TAX MAP 231 LOT 56 SHALL SLOPE TO A LOW SPOT AND CATCH BASIN LOCATED TOWARD ITS CENTER THUS NOT ALLOWING STORMWATER TO FLOW ONTO TAX MAP 231 LOT 55 FROM IT.
5. ALL EXTERIOR BUILDING AND SITE LIGHTING SHALL BE LOCATED PER PLAN IN SUCH LOCATIONS DIRECTING LIGHTS AWAY FROM TAX MAP 231 LOT 55. NO LIGHTS SHALL BE DIRECTED TOWARD TAX MAP 231 LOT 55.
6. THERE SHALL BE A SECURITY CAMERA LOCATED ON THE SITE.
7. THE ENTRANCE TO THE OFFICE SHALL BE FULLY ENCLOSED AS DEPICTED ON THE ARCHITECTURAL PLANS AND ELEVATIONS AND AS CALLED OUT ON THIS PLAN.
8. RESIDENTIAL ABUTTERS SHALL BE PROVIDED ON-PREMISE MANAGERIAL CONTACT INFORMATION FOR THE OFFICE.
9. HOURS OF OPERATION:

MONDAY THROUGH FRIDAY:	9:00 A.M. TO 5:00 P.M.
SATURDAY AND SUNDAY:	CLOSED

Yours truly,  
Stephen McGuire