

**WOLFEBORO PLANNING BOARD**  
**November 1, 2011**  
**MINUTES**

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Richard O'Donnell, Jennifer Haskell, Chris Franson, Members Steve Buck, Alternate.

**Members Absent:** Dave DeVries, Member, Fae Moore, Dave Alessandroni, Alternates.

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

*Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library.  
Chairman Barnard appointed Steve Buck, Alternate, to sit in for Dave DeVries, Member.*

**Consideration of Minutes**  
**October 4, 2011**

***It was moved by Chuck Storm and seconded by Chris Franson to approve the October 4, 2011 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.***

**September 20, 2011**

***It was moved by Chuck Storm and seconded by Richard O'Donnell to approve the September 20, 2011 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.***

**Informational Items**

Rob Houseman reviewed such.

**Public Comment**

None.

**Subcommittee Reports**

- **TRC**  
10/12/11; Special Use Permit approval for the construction of a single family dwelling within the wetlands buffer located at 39 Winterhaven Road.

**Action Item**

**Treena Marie Vleck Crochet**  
**20 & 22 Whitten Neck Road**  
**Lot Merger**  
**Tax Map #191-1, 177-25**

Rob Houseman stated each lot contains a single family dwelling however, the owner has filed a raze permit to demolish the dwelling on TM #191-1. He stated the results of the merger will be the creation of a single 0.87

acre parcel with 210' of frontage on Whitten Neck Road and contain a single family dwelling. He recommended the merger not be recorded until the single family dwelling on Tax Map 191-1 has been razed.

**It was moved by Chuck Storm and seconded by Richard O'Donnell to approve the Treena Marie Vleck Crochet Lot Merger with a condition the merger not be recorded until the single family dwelling on Tax Map 191-1 is razed. All members voted in favor. The motion passed.**

### **Scheduled Appointment**

**Margaret C. Horn 1992 Trust**

**Boundary Line Adjustment**

**Agent: Jim Rines, White Mountain Survey Co., Inc.**

**Tax Map #237-4 & 5**

**Case #201116**

Rob Houseman reviewed the Planner Review for November 1, 2011, and stated the applicant is seeking a boundary line adjustment; noting Lot 237-4 shall decrease in area from 31.05 acres to 12.01 acres and Lot 237-5 shall increase in area from 16 acres to 35 acres. He stated the lots are considered nonconforming lots of record since they lack the required road frontage; noting the proposal does not increase the nonconformity. He stated the applicant has requested waivers for topography, soil type and boundaries and wetland delineation.

Jim Rines stated both parcels are nonconforming because neither lot has qualifying road frontage nor the proposal is to reconfigure the boundary lines so that the Trust can sell the existing farmhouse and a sufficient amount of land to retain the current use status to one of the heirs. He stated the proposal is an improvement because the reconfiguration will provide Tax Map 237-5 with direct access to Warren Sands Road should there ever be a need to develop any portion of that lot. He requested the waivers since the lots both vastly exceed the land area requirements.

Kathy Barnard questioned why the buildable areas are not depicted on the plan.

Jim Rines stated such is not necessary because the proposal is taking an existing lot of record and increasing its size.

Richard O'Donnell questioned the soils classification.

Jim Rines stated such are moderately well drained with a hard pan layer.

Stacie Jo Pope stated she wants to ensure the Board is not creating a lot without a building envelope.

Jim Rines stated the Board is not approving the lot as a buildable lot.

**It was moved by Richard O'Donnell and seconded by Stacie Jo Pope to grant the following waivers: topography, wetland delineation and high intensity soil mapping. All members voted in favor. The motion passed.**

**It was moved by Chuck Storm 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.

Chris Franson verified the setbacks would remain the same if the Board approved the application.

Kathy Barnard verified that prior to the vacant lot being developed, the applicant must show compliance with 674:41.

Rob Houseman stated the lot is currently not subdividable.

Richard O'Donnell questioned whether Warren Sands Road is a private road.

Rob Houseman replied yes.

Jim Rines submitted a Mylar plan and the Certificate of Monumentation.

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

Rob Houseman reviewed the following conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval:  
Plan of Boundary Line Adjustment, Involving Lands of Frederick C. Holmes, Trustee of the Margaret C. Horn 1992 Trust, Pleasant Valley Road, Wolfeboro, NH, Ronald Remick, Jr., LLS, White Mountain Survey Co., PO Box 440, Ossipee, New Hampshire, 03864, Dated October 12, 2011.
2. Payment of all recording fees.

**It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the Margaret C. Horn 1992 Trust Boundary Line Adjustment, Case #201116, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

### **Work Session**

- **Flood Plain Ordinance**

Rob Houseman stated the Office of Energy and Planning has conducted a compliance review of the Town's Flood Plain Ordinance, Chapter 65 and submitted amendments to the ordinance for 2012 Town Meeting. He stated the audit is in conjunction with updates to the Flood Plain maps. He stated the Subdivision and Site Plan Review Regulations would also need to be updated.

Chris Franson questioned whether the new maps are GIS based and more accurate.

Rob Houseman replied yes.

**It was moved by Chris Franson and seconded by Jennifer Haskell to amend Chapter 65, Flood Plain Ordinance, per the revisions submitted by the Office of Energy and Planning and move such to public hearing. All members voted in favor. The motion passed.**

- **Wetlands Conservation Overlay District**

Following discussion and review of such, the Board agreed to the following;

- Page 3, strike "Table of" (Minimum Wetland Buffers)
- Page 3, Table of Minimum Wetland Buffers; change "A. & B." to "1. & 2."
- Page 3, Table of Minimum Wetland Buffers; strike the period before 100'
- Page 4; unbold Section D heading
- Page 4, Uses & Activities table; change "0" to "N/A"
- Page 5, Section E.; move to permitted uses
- Page 5, Section E., last sentence; strike "Board or the Conservation Commission" & replace with "Department."
- Page 6, Section VII, A.; insert "new" prior to "Structures"
- Page 6, Section VIII, A., 1.; strike "and replacement dwelling"
- Page 8, Subparagraphs F., G.; correct formatting & unitalicize "H."
- Page 8, Section X; correct margin of heading
- Page 10, Section XI; delete second period

**It was moved by Chris Franson and seconded by Chuck Storm to move Wetlands Conservation Overlay District to public hearing with the above noted revisions. All members voted in favor. The motion passed.**

- **Group Homes**

Kathy Barnard stated the purpose in developing the ordinance is to notice people in the neighborhood and provide a public hearing process. She expressed concern regarding the language in the criteria because it seems to address a specific person.

Rob Houseman stated Town Counsel feels the proposed definitions need to be more precise and refer directly to the controlling state or federal definitions. He stated the emails from counsel demonstrate that there is no clear guidance and understanding of the issue. He reviewed the existing statute and criteria requirements of a Variance; noting the Variance process puts the Town at a greater risk. He questioned whether a mechanism could be created without singling out a protected class.

Kathy Barnard stated the definition is consistent with the State.

Jennifer Haskell stated the use permitting statute is provided by the State however, excludes the hardship criteria.

Chris Franson questioned the Board's role to define handicap people.

Steve Buck questioned whether the State's policy addresses criminal behavior.

Rob Houseman replied yes.

Rob Houseman stated that by using the current definition, the Board is exempting all sizes of group homes.

The Board is not agreeable to such.

Following discussion and review of such, the Board agreed to the following;

- Page 1, 2<sup>nd</sup> paragraph; strike “if it meets the following criteria
- Page 1, 1<sup>st</sup> sentence; strike “resident”
- Page 1, Section A. & 1.; delete sections
- Outline criteria/administrative rules that apply
- Ask Attorney Rhatigan if it was his intent to exempt a broad category

**It was moved by Chris Franson and seconded by Richard O’Donnell to adjourn the November 1, 2011 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:20 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

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