

WOLFEBORO PLANNING BOARD

February 15, 2011

MINUTES

Members Present: Kathy Barnard, Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Dave DeVries, Jennifer Haskell, Members, Steve Buck, Alternate.

Members Absent: Stacie Jo Pope, Vice-Chairman, Richard O'Donnell, Members, Fae Moore, Dave Alessandrini, Alternates.

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

December 7, 2010

It was moved by Chuck Storm and seconded by Dave DeVries to approve the December 7, 2010 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

December 14, 2010

It was moved by Chris Franson and seconded by Chuck Storm to approve the December 14, 2010 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Jennifer Haskell, Dave DeVries, Chuck Storm, Chris Franson voted in favor. Steve Buck abstained. The motion passed.

January 4, 2011

Corrections:

Page 1, Petition Warrant Article, 3rd paragraph, 7th line; strike "free" & insert "land"

Page 1, Petition Warrant Article, 4th paragraph, 3rd line; add "Eagle Trace" prior to "neighborhood"

Page 3, 5th paragraph, 10th line; edit "change" to "changed"

Page 9; add "There being no further business before the Board, the meeting adjourned at 10:30 PM."

It was moved by Dave DeVries and seconded by Chris Franson to approve the January 4, 2011 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Jennifer Haskell, Dave DeVries, Chuck Storm, Chris Franson voted in favor. Steve Buck abstained. The motion passed.

January 18, 2011

Corrections:

Page 5, Cathy Sykes application, 2nd line; strike "mornings"

It was moved by Chris Franson and seconded by Steve Buck to approve the January 18, 2011 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Steve Buck, Chris Franson voted in favor. Jennifer Haskell, Dave DeVries, Chuck Storm abstained. The motion passed.

Information Items

Rob Houseman reviewed such.

Public Comment

None.

Action Items

Curtis & Karen Zarse

Lot Merger

TM #130-1-1, 130-1-2, 130-1-3

It was moved by Dave DeVries and seconded by Jennifer Haskell to approve the Curtis & Karen Zarse Lot Merger, Tax Map #130-1-1, 130-1-2 & 130-1-3. All members voted in favor. The motion passed.

Huggins Hospital

Release of Financial Security

Case #200735

Rob Houseman stated HE Bergeron recommends withholding \$7,077 for the spreading of loam from the stock pile, \$1,481 for hydroseed, \$4,048 for ESC maintenance allowance, \$53 for rip rap ditch armor and culvert outfall and \$12,659 totaling \$12,659.

Kathy Barnard stated a lot of the landscaping was put in very late and the amount would not cover landscaping that doesn't survive. She expressed concern for such.

Steve Buck questioned whether a provision in the ordinance provides for such.

Rob Houseman stated the Site Plan Review Regulations requires a 12 month performance however, if the money is not retained such becomes an issue for enforcement.

Kathy Barnard stated people are using the "exit only" as an entrance and questioned whether better signage would be placed following snow melt.

Jim Rines stated he would review such.

It was moved by Jennifer Haskell and seconded by Chuck Storm to approve the Huggins Hospital Release of Financial Security in the amount of \$450,000, amount to be retained being \$45,000, Case #200735. All members voted in favor. The motion passed.

Scheduled Appointments

Arthur Coviello

Pre-application discussion ~Boundary Line Adjustment

Tax Map #21-1-30, 21-1-31

Jim Rines, White Mountain Survey Co., stated Mr. Coviello owns lots 30 & 31 in Grandview Commons; noting the property is located on Johnson Cove Road. He reviewed the present configuration of the lots; noting Lot 30 has 220' of road frontage, 154' of shore frontage and is 1.25 acres and Lot 31 has 211' of road frontage, 153' of water frontage and is 1.51 acres. He stated the owners would like to build a garage with living space on Lot 31 however, zoning doesn't allow such therefore, a boundary line adjustment is proposed so that would the garage is placed closer to Lot 31 where the existing house is placed. He stated in order to do such, Lot 31 would be 1' away from the road right-of-way. He stated Lot 30 would have a rat tail that bumps over 1' to an open section of the lot. He stated the lot configuration is unique and if a house were to be constructed on Lot 31 the living quarters over the garage would be removed.

Steve Buck stated he would not approve the proposal because of the precedent being set; noting 1' boundaries does not meet the spirit and intent of the ordinance.

Jennifer Haskell stated the Board makes their decisions based on actual criteria and if there is no criteria that says the Board is not permitted to grant the proposal then the decision could be appealed. She expressed concern regarding the Board's authority to deny the proposal or offer an alternative.

Chris Franson questioned whether a 1' boundary line is more conforming; noting she does not believe so.

Dave DeVries questioned whether the owner has considered an alternative to the proposed configuration.

Jim Rines reviewed option #2; noting the building envelope for Lot 31 is decreased due to steep slopes and driveway placement. He stated the Town does not have length to width ratios to address Mr. Buck's concerns.

Rob Houseman stated the lots meet frontage and acreage requirements. He questioned why option #2 is less desirable by the owner because a boundary line adjustment can always be undone/changed.

Jim Rines stated the owner and owner's architect devised the original proposal.

Rob Houseman stated option #2 puts to rest the concerns of the Board; noting option #1 opens up two building envelopes.

Rob Houseman recommended Town Counsel review the reconfiguration.

Chuck Storm stated option #1 gives more value to the property owner.

Kathy Barnard stated she concurred with Steve Buck's concerns.

Jim Rines questioned the Board's disposition if the owner were to place a self imposed condition that the lots cannot be sold separately without the removal of the garage and living quarters.

Dave DeVries stated he favors option #2 since there is no intent to sell the properties and recommended review by Town Counsel.

**Dry Hill Trust / Michael R. & Patricia Bowen Revocable Trust
Boundary Line Adjustment
Agent: William Doucet, Doucet Survey, Inc.
Tax Map #217-142 & 143
Case #201101**

Rob Houseman reviewed the Planner Review for February 15, 2011 and stated the applicant proposes to reconfigure the internal boundary line to bring the proposed building design into compliance with the required setbacks in which TM #217-142 will increase in acreage from 32,164 SF to 33,363 SF and TM #217-143 will decrease in acreage from 77,080 SF to 75,881 SF. He stated the applicant has requested the following waivers; Section 6.10 Topography and Section 6.13 Soil Type and Boundaries.

Matt Fagginger-Auer, Doucet Survey, stated the boundary line adjustment meets the spirit and intent of the ordinance; noting the adjustment makes the common lot line more perpendicular to the right-of-way and allows for the building on TM #217-143 to be more conforming to the setbacks. He stated the overhead electric has been changed to underground. In regard to the waivers, he stated no new lots are being created and the proposal is for a minor adjustment to the boundary line.

It was moved by David DeVries and seconded by Jennifer Haskell to grant the following waivers; Section 6.10 Topography and Section 6.13 Soil Type and Boundaries. All members voted in favor. The motion passed.

It was moved by Chris Franson and seconded by 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.

Finding of Fact: The Planning Board believes the overall configuration and decreased frontage is an improvement to the lots and the proposal is consistent with the neighborhood.

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 Plan for Dry Hill Trust, Tax Map 217, Lot 143 and Michael R. Bowen Revocable Trust and Patricia Bowen Revocable Trust, Tax Map 217, Lot 142, Sewall Road, Wolfeboro, New Hampshire, Prepared by William Doucet, Doucet Survey, Inc., 102 Kent Place, Newmarket, NH 03857, Dated October 10, 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 Dry Hill Trust / Michael R. & Patricia Bowen Revocable Trust Boundary Line Adjustment application, Case #201101, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

WORK SESSION

➤ **Paul Kimball letter**

Kathy Barnard stated a letter has been drafted to the neighbors to clarify any misunderstandings by the property owners from the letter previously submitted to the Board by Mr. Kimball regarding zoning changes. She stated the letter states the proposed zoning changes would not affect existing uses and is consistent with the Master Plan. She stated a letter to the editor of the Granite State News would also be submitted. She stated Staff prepared a comparison.

Jennifer Haskell verified the letter addressed the objections to the permitted uses noted in the Kimball letter and recommended the comparison be included with the letter.

➤ **Natural Resource Chapter**

Rob Houseman stated Ms. Rendall requested that she be allowed to complete the project. He stated Staff will proceed with action to retrieve the data and hire another consultant to complete the project since terms of the contract were not complied with; noting Dan Coons, Ilex Wetlands Consultants, submitted a proposal for \$6,900 & \$19,000; noting the price differential is contingent upon whether regeneration of the map data is necessary. He stated there is a significant savings in pursuing the map data.

➤ **Historic District Commission**

Chris Franson stated a committee has been established that will report to the neighbors in the district at the NWAA's annual meeting in August 2011; recommending the Board table discussion of such until after that meeting.

➤ **Master Plan Population Chapter**

Kathy Barnard stated David Booth volunteered to update the data in the Population Chapter following the release of the Census information.

➤ **2011 Work Program**

The Board agreed the following would be placed on the 2011 work program;

- Develop ordinance defining and regulating group homes (4/15/11 agenda; John Rhatigan to attend meeting)
- Update commercial zones ~ Center Street (no Site Plan Review for commercial districts)
- Complete Natural Resources Chapter of the Master Plan
- Update Population Chapter of the Master Plan
- Address/review outdoor retail such as flea markets
- Watershed program
- Ridgetop/ridgeline development
- Wetlands Ordinance ~ address any changes in the State process and identify inconsistencies
- Review length to width ratio
- Nonconforming use

Rob Houseman stated there is pending legislation that may affect the Shorefront Residential District.

Following discussion, the Board tabled the following;

- Creation of a Municipal Facilities Plan (CIP Committee to review)
- Re-establish Historic District Commission

It was moved by Dave DeVries and seconded by Chris Franson to adjourn the February 15, 2011 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 8:48 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley