

WOLFEBORO PLANNING BOARD

May 3, 2011

MINUTES

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

Members Absent: Dave DeVries, Member, Fae Moore, Dave Alessandroni, Steve Buck, 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.

Consideration of Minutes

April 5, 2011

Corrections: Page 2, Lash Lot Merger; include address
Page 3, Coviello, 1st paragraph; add "As an open space subdivision the lots still conform."
Page 5, Natural Resource Chapter, 2nd paragraph; strike "and adoption"

It was moved by Chuck Storm and seconded by Chris Franson to approve the April 5, 2011 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Chris Franson, Jennifer Haskell voted in favor. Richard O'Donnell abstained. The motion passed.

April 19, 2011

Corrections: Page 1, 3rd paragraph; change "handicap" to "handicapped"

It was moved by Chuck Storm and seconded by Chris Franson to approve the April 19, 2011 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Chris Franson, Jennifer Haskell voted in favor. Richard O'Donnell abstained. The motion passed.

Informational Items

Rob Houseman reviewed such.

Public Comment

None.

Subcommittee Reports

- **TRC**
No report.
- **CIP**
No report.
- **Master Plan Implementation**
No report.

Scheduled Appointments

Lawrence & Bernice England

Subdivision

Agent: Alan Fall, LLS

Tax Map #8-1

Case #201108

Rob Houseman reviewed the Planner Review for May 3, 2011; stating the applicant proposes a five lot subdivision in which Lot 1 would consist of 9.187 acres with 401.08' of frontage on Pork Hill Road, Lot 2 would consist of 20.100 acres with 400.80' of frontage on Pork Hill Road, Lot 3 would consist of 9.187 acres with 406.52' of frontage on Pork Hill Road, Lot 4 would consist of 9.187 acres with 426.82' of frontage on Pork Hill Road and Lot 5 (developed with a single family dwelling, 2 barns and a drive access over lot 2) would consist of 58.506 acres with 501.31' of frontage on Pork Hill Road. He stated that although the lots demonstrate compliance with the wetlands buffer zone, the plan needs to be updated to reflect the newly adopted no-touch buffer zone.

Richard O'Donnell stated he does not support the configuration of the subdivision in order to comply with regulations. He questioned whether the stone walls would be maintained except for driveway installation.

Alan Fall replied yes.

Richard O'Donnell questioned a specific delineation on the plan (next to Deed Restriction #6).

Alan Fall stated the delineation represents the limits of the North Wolfeboro Historic District.

Kathy Barnard questioned why the applicant did not consider an Open Space Conservation Subdivision.

Alan Fall stated the lots are in excess of 5 acres and the applicant began this process prior to the Board enacting the Open Space Conservation Subdivision Ordinance and was previously committed to the proposed lot configuration. He stated he expressed concern regarding the lot configuration at the TRC meeting however, the Committee had no issues.

Chris Franson stated the conservation subdivision would prevent the proposed lot configuration; noting such was the intent of the Board when developing such.

Rob Houseman stated the property consists of 106 acres with zoning of a 5 acre minimum; noting the potential for 25 lots. He stated the applicant is proposing a 5 lot subdivision with a self imposed restriction that the lots cannot be further subdivided; noting the proposed subdivision would protect more open space with the unconventional layout.

Stacie Jo Pope questioned whether the lots could be merged in the future.

Rob Houseman replied yes.

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.

Referencing the wetland delineation monumentation, Alan Fall requested the placement of such only between areas 2-46 and 2-41, as noted on the plan, because the remaining wetlands fall along an unbuildable area.

Chris Franson questioned why the area is unbuildable.

Alan Fall replied due to deed restrictions.

Following discussion, it was Board consensus not to grant relief to the applicant regarding the placement of wetland monumentation.

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

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;
Plan 1: Subdivision Plan, Sheet 1 of 2, Tax Map 8, Lot 1, Lawrence and Bernice England, Carroll County Registry of Deeds Volume 1030, Page 357, 231 Pork Hill Road, Wolfeboro, NH, 03894, Dated March 3, 2011, Revised April 20, 2011, Prepared by Alan G. Fall, LLS, 414 Old Portland Road, Freedom, NH 03836.
Plan 2: Subdivision Plan, Sheet 2 of 2, Tax Map 8, Lot 1, Lawrence and Bernice England, Carroll County Registry of Deeds Volume 1030, Page 357, 231 Pork Hill Road, Wolfeboro, NH, 03894, Dated March 3, 2011, Revised April 20, 2011, Prepared by Alan G. Fall, LLS, 414 Old Portland Road, Freedom, NH 03836.
Plan 3: Subdivision Plan, Topographic Plan, Tax Map 8, Lot 1, Lawrence and Bernice England, Carroll County Registry of Deeds Volume 1030, Page 357, 231 Pork Hill Road, Wolfeboro, NH, 03894, Dated March 3, 2011, Revised April 20, 2011, Prepared by Alan G. Fall, LLS, 414 Old Portland Road, Freedom, NH 03836.
Plan 4: Subdivision Plan, Topographic Plan, Tax Map 8, Lot 1, Lawrence and Bernice England, Carroll County Registry of Deeds Volume 1030, Page 357, 231 Pork Hill Road, Wolfeboro, NH, 03894, Dated March 3, 2011, Revised April 20, 2011, Prepared by Alan G. Fall, LLS, 414 Old Portland Road, Freedom, NH 03836.
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 update the plan to reflect a note that no future subdivision shall be permissible.
6. The applicant shall be required to monument the edge of wetlands in compliance with 175-9.1 *Wetlands Boundary Monumentation*. This includes:
 - i. Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour.
 - ii. Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
 - iii. The cost shall be borne by the applicant / developer or their successors in interest.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to approve the Lawrence & Bernice England Subdivision application, TM #8-1, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

WORK SESSION

- **Natural Resource Chapter**

Public presentation of such scheduled for 5/17/11, 7 PM at the Wolfeboro Public Library.

- **Center Street / Route 28 Mixed Use Business District**

Chris Franson stated she would like to clarify a statement that was taken out of context; noting the Planning Board is not considering waterslides along the Route 28 corridor. She stated she was having a conversation regarding what would be appropriate development of the area and a person mentioned a waterslide.

Kathy Barnard stated the Board has received input from citizens.

Rob Houseman questioned whether the timing of the zoning proposal is appropriate given that the Lake Wentworth and Crescent Lake Watershed Management study is underway. He questioned the risk of harm associated with waiting for the completion of the study. He stated any proposed draft zoning change would be provided to the consultant of the watershed management study for review and input. He stated that economic development is not the driving force however, incremental changes have occurred and the Board is interested in addressing the architectural style and uses of the corridor. He stated the zoning change is an opportunity to protect the rail corridor (ie: setback). He reviewed the current permitted uses in the districts.

Following discussion the Board requested Staff to provide the following in addition to talking points for the Board and agreed to move forward to develop a working document to present to the consultant;

- Current zoning district boundaries
- Map or some variation thereof (aerial photograph composite)
- List of properties that received Variances
- Vision of corridor
- Elements to discuss

Roger Murray stated the goal in the Master Plan is protection of water quality; noting the Board should look at what is necessary to comply with the Master Plan. He stated that most of the uses that exist are what the properties are zoned for and the ZBA can impose restrictions through a Special Exception and Variance. He stated it needs to be looked at and studied carefully and the Board needs more confidence in the ZBA and if the Planning Board is that concerned then maybe the Board should speak to the ZBA. He stated the Board needs to determine what the area is suitable for.

Jennifer Haskell asked Mr. Murray what the watershed management plan would include that would remarkably change the Planning Board's view of the corridor.

Roger Murray stated the proposed ordinance will make most existing uses nonconforming.

Chris Franson clarified the Board has not proposed the ordinance.

Roger Murray stated the study will tell you better what is out there (natural resources) and what constraints to put there.

Jennifer Haskell stated to halt discussion does not provide opportunity for public input regarding the vision for the corridor.

Roger Murray stated the Board has waited five years already; noting there is no existing development pressure to pursue a zoning change now.

Jennifer Haskell stated she doesn't understand why there is so much vehemence from Mr. Murray and his constituents.

Roger Murray requested the Board follow the recommendations of the study and expressed concern for uses such as restaurants and issues regarding lot coverage, impervious surface and setbacks.

Chris Franson stated the Board is concerned for those issues as well however, is also interested in ideas that people envision for the corridor.

Jennifer Haskell stated the Board has a general feeling of the area and its needs. She stated the Board intends to discuss architectural guidelines and changes in conjunction with input from the Lake Wentworth Foundation and residents.

Sheldon Jones questioned the Board's process; whether the Board would put forth an interim zoning change prior to the completion of the watershed management plan and if so, he is opposed to such.

Member of the public clarified the intent of the Board and stated he doesn't see a conflict rather, an interest to work together.

Richard Masse stated he is concerned for scenarios like waterparks that create a sense of urgency.

Chris Franson stated such was taken out of context.

Richard Masse stated there is no reason why the Board should feel compelled to act regarding unbearable scenarios. He stated it has been several years since there has been any serious large development and there is no need to think that it will change. He stated good zoning is not based solely on good intentions but rather, good information however, we don't have the information yet. He stated the study would let us know what sub-watersheds will contribute the most phosphorous to the lake and whether streams contribute problems. He stated the timeframe for the completion of the study is December 2013 and includes data collection within 9 months. He stated it is not unreasonable to ask to use the best available information in consideration of the proposal.

Jack O'Connell stated they are not at odds with the Board for long term goals and would participate in future meetings.

- **Municipal Asset Management Plan**

Rob Houseman reviewed his memo, dated 4/25/11.

Kathy Barnard stated the BOS made no decision on how they will proceed; noting the BOS discussed forming a committee to work on the Asset Management Plan. She stated Stacie Jo Pope developed a survey for Department Heads. She questioned whether the Board would like to move forward with the survey or wait and meet with the BOS to develop an overall plan. She referenced a memo prepared for the BOS regarding the Board moving forward on the development of the Asset Inventory and Management Plan.

Stacie Jo Pope stated the survey is a baseline for the subcommittee and feels the CIP and Planning Board should be part of the BOS subcommittee.

Chris Franson recommended the Board proceed with the survey.

Chuck Storm stated he would present the information to the BOS.

The Board agreed to forward the information to the BOS and engage in discussion of such.

- **Shorefront Residential Ordinance**

Rob Houseman proposed two options to consider if the Comprehensive Shoreland Protection Act is either substantially weakened or eliminated by the NH Legislator; incorporation of the pre-2009 Zoning Ordinance standards or incorporation of the current CSPA standards into a proposed ordinance.

Following discussion, it was Board consensus to incorporate the current CSPA standards into an ordinance; noting said ordinance would be enforced by the Town.

It was moved by Chris Franson and seconded by Jennifer Haskell to adjourn the May 3, 2011 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:14 PM.

Respectfully Submitted,
Lee Ann Keathley
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