

WOLFEBORO PLANNING BOARD
May 1, 2012
MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, John Thurston, Vaune Dugan, Members.

Members Absent: Dave DeVries, Member, Fae Moore, Dave Alessandrone, 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 3, 2012

Corrections:

Page 2, Improvements to Depot Square & Railroad Avenue, 7th paragraph, 1st sentence; strike "they", replace with "that"

Page 3, Natural Resource Chapter Recommendations, 6th bullet; strike "or", replace with "to"

It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the April 3, 2012 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Chris Franson, Stacie Jo Pope, John Thurston, Chuck Storm voted in favor. Vaune Dugan abstained. The motion passed.

Informational Items

Rob Houseman reviewed such.

Referencing the letter of support for the Clock Tower restoration grant, Kathy Barnard stated the letter of support has been submitted. She informed the Board that Steve Buck wrote a letter stating he would not seek reappointment to the Planning Board and requested the Board send Mr. Buck a letter of appreciation for his service on the Board.

Public Comment

None.

Subcommittee Reports

TRC

4/4/12; nonbinding review of a boundary line adjustment on Brackett Road.

Public Hearings

Site Plan Review and Subdivision Regulations ~ National Flood Insurance Program

Rob Houseman reviewed changes to the Site Plan Review and Subdivision Regulations relative to the National Flood Insurance Program (FEMA maps); noting the changes maintains the Town's eligibility for flood insurance. He stated the Town's Zoning Ordinance was revised in March 2012.

Vaune Dugan questioned how the changes affect the Planning Board's request to applicants to reflect flood zones on plans.

Rob Houseman stated the provisional maps are being updated; however, noted issues in regard to Zone A need to be resolved. He stated the maps will be placed on the GIS.

Chairman Barnard opened the public hearing.

Linda Murray, Brackett Road, stated Zone A is on part of her property however, she lives on a sand mound with no water. She stated the map is not accurate.

Rob Houseman stated the maps provided are provisional map. He stated he would highlight the deficiencies and forward to the Office of Energy and Planning.

Kathy Barnard stated the maps have not yet been adopted.

Vaune Dugan questioned how to remedy the incorrect information.

Rob Houseman stated an applicant could file an amendment to the flood zone; noting such is a relief mechanism.

The Board discussed additional errors in the mapping.

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

It was moved by Chris Franson and seconded by Stacie Jo Pope to adopt the Town of Wolfeboro Site Plan Review and Subdivision Regulations reflecting changes to the National Flood Insurance Program and to submit in writing to the Office of Energy and Planning concerns relative to the inaccuracy of the maps. All members voted in favor. The motion passed.

Scheduled Appointments

Christopher & Nancy Runnals

2 Lot Subdivision

Agent: Frank Yerkes, Yerkes Surveying Consultants

Tax Map #143-12

Case #201205

Rob Houseman reviewed the Planner Review for May 1, 2012, stating the applicant seeks approval of a two-lot subdivision in which Lot 1 shall consist of 2.01 acres with 219.29' of frontage on Waumbeck Road and Lot 2 shall consist of 52.57 acres with 300.01' of frontage on Waumbeck Road. He stated the size of the original parcel is 54.58 acres and triggers review for compliance with the Conservation Subdivision regulations; noting he issued a determination of exemption from such and no objections or appeals of that decision were filed within the 30 day appeals window. He stated the applicant received a variance to eliminate the need to tie into Town water and in exchange for the variance the applicant proposed to comply with the larger lot size requirements of the GR District. He stated the applicant has requested the following waivers; Section 174-7.B.(4)(g), (h), 174-9.B. He stated the plan should be updated to reflect a note disclosing that the 2.1 acre lot is the only parcel surveyed.

Frank Yerkes stated he has requested a waiver to survey the entire lot; noting a survey of such has been done previously. He stated he is doubtful of any further development on the larger lot. He stated a current boundary survey of the property and soil survey has been done. He stated due to the size of the remaining land, a survey of the entire parcel is warranted.

Vaune Dugan noted the larger parcel has an existing house, septic and well and feels a full perimeter survey would be an added expense.

It was moved by Stacie Jo Pope and seconded by Vaune Dugan to grant the following waivers; Sections 174-7.B.(4)(a), (h), 174-9.B. All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Chris Franson to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Member of the Public, 2 Autumn Lane, questioned the impact of the proposal to her property.

Rob Houseman stated 300' of wetlands run across the frontage therefore, no development can occur.

Jen French, 250 Waumbeck Road, questioned when the general survey of the large parcel was done.

Frank Yerkes stated White Mountain Survey conducted a full boundary survey of the parcel in 1982.

Jen French questioned whether the applicant will come before the Board every seven years for another subdivision.

Rob Houseman reviewed the plans and noted the driveway cannot serve more than 3 houses, as previously approved. He stated there is no additional usable frontage to support an additional subdivision.

Kathy Barnard verified the lot is not eligible for a Special Use Permit in the future.

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 plan, as amended to the date of approval, is hereby incorporated into this approval;
Plan 1: Sheet Subdivision, Survey Plan of Land for Chris and Nancy Runnals, Waumbeck Road, Wolfeboro (Carroll Co.), NH, August 22, 2011, Prepared by Frank P. Yerkes, LLS, Yerkes Surveying Consultants, PO Box 38, Laconia, NH 03247-0038, the plans being dated August 22, 2011 and revised to April 9, 2012, Wetlands Delineation by Peter Schauer, Certified Wetlands Scientist.
2. The applicant shall be responsible for monumentation and the submittal of the monumentation certification and updated plans.
3. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
4. Note #5 on the Subdivision plan states the following, "Proposed Lot 12.4 was the only parcel surveyed by this office. The remaining land was platted from referenced plans."
5. This approval is based on the variance received to eliminate the requirement that Town water shall be extended to the property.
6. The applicant shall be responsible for all recording fees.

It was moved by Chuck Storm and seconded by Stacie Jo Pope to approve the Christopher and Nancy Runnals Subdivision application, Case #201205, subject the recommended conditions of approval. All members voted in favor. The motion passed.

Roger F. Murray III 2004 Trust
Boundary Line Adjustment
Agent: Randy Tetreault, Norway Plains Associates
Tax Map #256-1
Case #201206

Stacie Jo Pope noted she is an abutter to the applicant.

Rob Houseman reviewed the Planner Review for May 1, 2012, stating the applicant seeks approval of a boundary line adjustment in which Tax Map 256-1 will decrease in acreage from 13.60 acres to 12.315 acres in Wolfeboro with a 23 addition of acreage in New Durham and Tax Map 256-2 will increase in area from 6.01 acres to 7.3 acres with a 0.02 addition of acreage of this parcel in New Durham. He noted Tax Map 256-1 is considered a nonconforming lot of record since it lacks the required road frontage; noting the proposal does not increase the nonconformity and is in compliance with the Zoning Ordinance. He stated the applicant has requested the following waivers; Section 174-7.B,4 (h), 174-7.D(4) and 174-9.B.

Randy Tetreault stated the original survey of the remaining land was done in 1982 by White Mountain Survey and noted the applicant owns the abutting properties in both Wolfeboro and New Durham. In regard to topo, wetlands and soils, he stated the tax map and lot numbers will remain the same and a letter was submitted to the Code Enforcement Officer stating no wetlands exist on the property. He reviewed Zones A & AE; noting the properties are not located in a flood zone as scaled from the map.

Kathy Barnard stated the wetland is in the area of a driveway for future development and questioned whether the wetland would be impacted in the future if the driveway were constructed.

Randy Tetreault replied no. He stated the applicant is not proposing such at this time.

It was moved by Chuck Storm and seconded by Vaune Dugan to grant the following waivers; Sections 174-7.B.(4)(h), 174-7.D(4) and 174-9.B. All members voted in favor. The motion passed.

It was moved by Vaune Dugan and seconded by Chris Franson 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: Lot Line Adjustment Plan, Tax Map 256, Lots 1 and 2, 111 Brackett Road, Wolfeboro, NH, for Roger F. Murray III and Linda T. Murray, Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03867, Dated April 11, 2012.

Plan 2: Lot Line Adjustment Plan, Tax Map 256, Lots 1 and 2, 111 Brackett Road, Wolfeboro, NH, for Roger F. Murray III and Linda T. Murray, Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Associates, Inc., PO Box 249, Rochester, NH 03867, Dated April 11, 2012.

2. The applicant shall be responsible for monumentation and the submittal of the monumentation certification and updated plans.
3. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
4. The applicant shall be responsible for all recording fees.

It was moved by Chuck Storm and seconded by Chris Franson to approve the Roger F. Murray III 2004 Trust Boundary Line Adjustment application, Case #201206, subject the recommended conditions of approval. All members voted in favor. The motion passed.

Work Session

- **Subcommittee Appointments**

Technical Review Committee; Kathy Barnard

Master Plan Implementation; Stacie Jo Pope

Capital Improvements Program; Stacie Jo Pope

Shoreland Protection Ordinance; Vaune Dugan, John Thurston, Kathy Barnard

- **RSA 674:41 Erection of Buildings on Streets; Appeals (potential legislative change)**

Rob Houseman noted a potential legislative change of RSA 674:41 relative to the issuance of building permits and the standards associated with such on Class VI roads, see attached. He stated there are approximately 200 vacant lots with frontage on a Class V or better highway that meet the threshold. He stated the proposed change is not well written and does not provide good guidance to the ZBA.

Kathy Barnard verified the statute clarifies the role of the ZBA.

Vaune Dugan verified the change would exempt all lots on private ways and if not, the property owner could request a tax abatement.

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

Rob Houseman reviewed the existing district boundaries and proposed boundaries; noting the proposed changes address the character of the gateway, land uses and environment. He recommended the Board schedule another public hearing.

Vaune Dugan questioned the tributaries to the area.

Rob Houseman replied Hersey, Fernald, Harvey and Tyler.

Referencing the role of the consultants of the Lake Wentworth Crescent Lake Watershed Management Plan, Richard Masse, 74 Moose Point Road, requested the Board hold off until the consultants submit a formal review of the Town's ordinance. He stated the consultants have submitted a draft review of the ordinance. He stated the consultants requested feedback from the steering committee four weeks ago and the consultants are hesitant to submit a final proposal prior to receiving all the feedback. He stated the consultants were asked to calculate the impact for zoning of commercial development however, such is not included in the scope of the project and additional funding would be necessary for such. He stated if the

Board felt that modeling based on land use would be useful input for consideration down the road then the Planning Board should state that.

Chris Franson requested Mr. Masse express to the consultants to expedite their review and recommendations.

Richard Maase stated Kathy Barnard and Rob Houseman are members of the steering committee and recommended they request such from the consultants.

Kathy Barnard stated she will recuse herself from commenting on the issue since she is on the steering committee.

Vaune Dugan expressed concern for the presumption of residential zoning to commercial zoning; noting the current loose control of commercial development.

Roger Murray encouraged members who have not walked the rail trail to do so; noting such is an amenity that needs to be protected. He stated impact on property owners should be considered.

Vaune Dugan stated she is unsure what the Board is prescribing / what is the vision of development. She recommended identifying types of development and requested examples of what is wanted and test whether those examples would work on the remaining undeveloped lots.

It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the May 1, 2012 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:25 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

674:41 Erection of Buildings on Streets; Appeals. -

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no new principal structure shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a new principal structure unless the street giving access to the lot upon which such building is proposed to be placed.

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time, or

(b) Corresponds in its location and lines with:

- (1) A street shown on the official map; or
- (2) A street on a subdivision plat approved by the planning board; or
- (3) A street on a street plat made by and adopted by the planning board; or
- (4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

(c) Is a class VI highway or private road, provided that:

- (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and
- (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

(d) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if such approval was required and if one or more buildings have been erected on other lots on the same street.

1.a. Building permits may be issued for the renovation/expansion of structures and or the construction of accessory structures on lots which do not comply with the provisions of paragraph I and which are developed with a principal structure.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local

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~~(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and~~

~~(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and~~

~~(3) Prior to the issuance of a building permit, the applicant must produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or~~

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legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals shall seek the input of the building inspector and fire department, and may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map, and if erection of the building or issuance of the permit will not cause undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph I-a and II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

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