

**WOLFEBORO PLANNING BOARD**

**October 1, 2013**

**MINUTES**

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

**Members Absent:** Paul O'Brien, Member, Dave Alessandroni, Alternate.

**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 Chuck Storm, Alternate, to sit in for Paul O'Brien, Member.

**Consideration of Minutes**

**September 3, 2013**

**Corrections:**

Page 1, Public Comment, 2<sup>nd</sup> line; insert "the drive-thru" following "that" & "or heard by abutters" following "road"  
Page 5, 6<sup>th</sup> paragraph; strike "site" & replace with "sight"

**It was moved by Chuck Storm and seconded by Chris Franson to approve the September 3, 2013 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Stacie Jo Pope, Vaune Dugan, Chris Franson, Chuck Storm, Brad Harriman voted in favor. John Thurston abstained. The motion passed.**

**September 17, 2013**

**Corrections:**

Page 2, 5<sup>th</sup> paragraph; insert "from the list from the previous forum" following "want"

**It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the September 17, 2013 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Vaune Dugan, Stacie Jo Pope, Chris Franson, Chuck Storm, voted in favor. John Thurston, Brad Harriman abstained. The motion passed.**

**Information Items**

Rob Houseman reviewed such; SB2 public hearing schedule, Shoreland Protection Ordinance Committee minutes, UNH workshop and an HE Bergeron Field Report regarding Antonucci.

**Subcommittee Reports**

**TRC (Technical Review Committee):** 9/11/13 reviewed a boundary line adjustment on Brown's Ridge Road and Springfield Point and 3-lot subdivision on Center Street

**MPIC (Master Plan Implementation Committee):** No report

**CIPC (Capital Improvements Program Committee):** Committee finished their meetings and presentation scheduled for 10/15/13

**Shoreland Protection Ordinance Committee:** next meeting scheduled for 10/9/13

## Scheduled Appointment

### **David & Amanda Overall and Town of Wolfeboro Conservation Commission**

#### **Boundary Line Adjustment**

**Agent: Randy Tetreault, Norway Plains Associates**

**Tax Map #37-4, 36-1**

**Case #201307**

Rob Houseman reviewed the Planner Review for October 1, 2013 and stated the applicant proposes a boundary line adjustment in order for the Conservation Commission to acquire acreage. He stated Tax Map 37-4 would decrease in acreage from 65.6 acres to 9.63 acres and Tax Map 36-1 would increase in area from 64 acres to 101 acres. He noted the latter parcel would acquire 264.75' of road frontage (parcel is currently landlocked). He stated Tax Map 36-1 is considered a nonconforming lot of record since it lacks the required road frontage and the proposal decreases the nonconformity and becomes compliant. The applicant has requested the following waivers; Section 174-7 B, 4(h), D (4), (4) and (g) and 174-9. He stated the proposal protects steep slopes and feels the waiver requests are reasonable.

Randy Tetreault stated the land was originally surveyed and subdivided in 1987; noting the parcel owned by David and Amanda Overall was part of that subdivision. He noted the applicants also own two additional parcels that are not part of this application and acquired by Quitclaim Deed. He stated the intent of proposal is to annex all but 9.63 acres and combine the land with a parcel owned by the Town of Wolfeboro Conservation Commission (formerly known as the Morse parcel). He stated the configuration of the Overall property was configured by the owners and allows for the Morse/Town of Wolfeboro parcel to acquire frontage on Browns Ridge Road with access to Whiteface Mountain.

Vaune Dugan asked if the Town is being gifted the property.

Randy Tetreault replied no, the Land Bank and other entities are contributing to the purchase of the property for conservation purposes.

Chris Franson questioned the potential of a parking area and whether there would be wetlands impact related to such.

Randy Tetreault stated there are no wetlands at the access point from Browns Ridge Road. He stated a NHDOT permit may be necessary to construct a small parking area. He stated there is an existing skidder road that runs along the property line.

Chris Franson recommended the parties consider signage due to ATV and snowmobile usage so there are no issues with the property owner.

Randy Tetreault stated there is no proposed vehicular access to the property. He stated the intent is to place a conservation easement on the property; noting the Conservation Commission would monitor such. He stated the TRC requested a note be added to the plan that would state the purpose of the subdivision. He read the proposed note and requested Board input regarding such; *"The land is being conveyed to and including the "Morse" parcel is designated for conservation and forest recreational use and is not to be developed."* With regard to the waiver requests, he stated there is a recorded survey, dated 1987, that he tied into which depicts topographic lines and doesn't feel the retracted area requires a survey. With regard to site features, he stated since no development is being proposed a waiver has been requested.

Vaune Dugan questioned the elevation at the top of the mountain.

Randy Tetreault replied approximately 1400.

John Thurston asked if members of the Conservation Commission were present when the pins were located so that they could reference the boundary markers in the future.

Randy Tetreault stated the Commission members have walked the property and have observed some of the markers. He oriented the Board and the public to the other two parcels owned by the applicant; noting the parcels were previously contiguous.

John Thurston requested the applicant to ensure the parking area for access to the property does not impact any wetlands.

Vaune Dugan stated the proposal is the best possible use for the land.

**It was moved by Vaune Dugan and seconded by Chris Franson to grant the following waivers and noted that the testimony provided justifies the granting of the waivers; Section 174-7 B,4(h), D(4), (4) and (g) and 174-9. 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.

Bill Kaiser, TM #27-1, stated he is an abutter to the property. He stated he had a survey done (which references deeds) and noted discrepancies between the Town's tax maps and the survey. He expressed concern for not having the parcel completely surveyed.

Randy Tetreault stated Mr. Kaiser's concerns address the parcels that are not involved with the application. He stated the Kaiser property does not abut the Morse/Town of Wolfeboro parcel rather, the Kaiser property abuts the former Sprague parcel (now owned by Overall).

Rob Houseman stated the tax maps were redone in 1993/1994 by East Coast Mapping and noted data from surveyed parcels were input first. He stated they then reviewed deeds and when deed restrictions were found those boundaries were input. He stated the parcels without metes and bounds descriptions were scaled in to fill the void. He stated the Board has a survey of the Overall property and the current house lot; noting both meets current survey standards. He stated the information provided by Mr. Kaiser will be forwarded to the Town's mapping company and noted that the Conservation Commission could use the Kaiser plan to assist with validating the Morse property lines.

Randy Tetreault stated he notified the abutters to all three properties owned by the applicant and noted Mr. Kaiser's concerns are immaterial to the application since they have to do with one of the parcels not included in this application.

Bill Kaiser asked if the Morse parcel has been surveyed.

Randy Tetreault replied no.

Bill Kaiser asked if his property abuts the Morse property.

Randy Tetreault stated according to the tax maps, yes however, according to the survey, no.

Don McBride, President of the Wolfeboro-Tuftonboro Land Bank, stated there are four organizations interested in the purchase of the property. He stated members of each organization hiked to the top of Whiteface Mountain and located some of the boundary markers.

Kathy Barnard stated Dan Coons, Conservation Commission Chairman, has confirmed the subdivision being done will add to existing conservation land holdings.

Ed Roundy stated the Land Bank and Conservation Commission has previously accessed the parcel from Cowper Road, an informally maintained trail. He stated the markings from that access point have been recently restored. He stated the proposal is an important opportunity for Wolfeboro; noting that Whiteface Mountain will now be preserved forever.

Chris Franson noted the importance of view shed protection and hopes the Commission maintains the view shed and visual resources.

Ed Roundy stated it is the intent to improve the view shed at the top of the mountain if the property is owned by the Town.

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

*FINDING OF FACT: The Planning Board finds the proposal to be an improvement relative to the frontage requirements and because there will be no further development of the parcel.*

Rob Houseman reviewed the following conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;  
**Plan 1. Overall Plan View**, Boundary Line Adjustment Plan, Tax Map 37-4 and 36-1, 425 Browns Ridge Road, Wolfeboro, NH, for David K. and Amanda K. Overall and the Town of Wolfeboro (Conservation Commission), Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Associates, Inc. PO Box 249, Rochester, NH 03867.  
**Plan 2. Total Project Sketch**, Boundary Line Adjustment Plan, Tax Map 37-4 and 36-1, 425 Browns Ridge Road, Wolfeboro, NH, for David K. and Amanda K. Overall and the Town of Wolfeboro (Conservation Commission), Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Associates, Inc. PO Box 249, Rochester, NH 03867, Dated September 9, 2013.  
**Plan 3. Boundary Line Adjustment Plan**, Tax Map 37-4 and 36-1, 425 Browns Ridge Road, Wolfeboro, NH, for David K. and Amanda K. Overall and the Town of Wolfeboro (Conservation Commission), Plan prepared by Randolph R. Tetreault, LLS, Norway Plains Associates, Inc. PO Box 249, Rochester, NH 03867, Dated September 9, 2013.
2. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and update plans.
4. The applicant shall include the following note on the plan; *“The land is being conveyed to and including the “Morse” parcel is designated for conservation and forest recreational use and is not to be developed.”*
5. The applicant shall be responsible for the payment of all recording fees.

Kathy Barnard questioned whether Mr. Kaiser’s issue should be included as a condition of approval.

Rob Houseman replied no. He stated the information provided by Mr. Kaiser would be forwarded to the mapping company so the tax maps are updated.

**It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the David and Amanda Overall and Town of Wolfeboro Conservation Commission Boundary Line Adjustment, Case #201307, subject to the conditions of approval. All members voted in favor. The motion passed.**

#### **Work Session**

- **Stormwater Management Regulations**  
Public Hearing scheduled for 10/15/13.

The Board requested the following revision;

- Page 4, Section III. 3.; insert “for” following “potential”

Rob Houseman stated the inspection checklist came from Maine and revised. He stated through researching other towns that none of the towns are able to deal with everything in the regulations. He stated he has been unable to find a town that has an inspection process for nutrient load reduction.

Vaune Dugan asked if the document would be provided to the applicant.

Rob Houseman stated the checklist would be submitted to the Town and placed in the Planning Board file.

Brad Harriman asked if there would be a chart to reference the numbers on the inspection information.

Rob Houseman replied yes and stated he would ensure that such is attached.

John Thurston asked who has the expertise to reflect on the information submitted.

Rob Houseman stated he and Audrey Cline are the recipients of the data and would inspect the site if there is a problem. He stated the applicant's engineer would be conducting inspections.

Brad Harriman asked if there is a provision that would trigger NHDES, if necessary.

Rob Houseman replied no. He stated the regulations speak to stormwater and not spills and NHDES would not be involved unless an Alteration of Terrain permit is issued.

➤ **Center Street Rezoning**

Public Hearing scheduled for 11/19/13.

The Board requested the following revision;

- Page 3, Buffer Requirement, 2<sup>nd</sup> line; add an "s" to "stream"

➤ **Center Street Overlay District**

Kathy Barnard stated the draft Center Street Overlay District would address the residential parcels on the Route 28 corridor.

Vaune Dugan verified that all uses in the district are uses permitted by Special Exception.

Rob Houseman stated the current zoning applies (underlying zoning regulations) to the properties zoned residential. He stated two properties have been granted a Variance and expressed concern for reuse of the former Bittersweet property. He recommended review and revision of the Special Exception Uses and noted Brad Harriman recommended such be placed on the 2015 Town Warrant.

Chris Franson stated she would prefer to place the Center Street Overlay District on the 2014 Town Warrant. She stated she feels it is important to preserve the corridor and have guidelines in place with the Center Street rezoning.

Kathy Barnard stated the Board changed the setback from the rail trail to 75' in the Center Street zoning changes and recommended consistency by having the same in the overlay district.

Rob Houseman recommended maintaining the front setback and change the "build to" and rail trail setbacks.

Vaune Dugan recommended taking the language and including it in the Special Exception criteria.

The Board reviewed Special Exception uses and their definitions.

Rob Houseman stated the side and rear setback in the Rural Residential District is 25' and the percent lot coverage is 20%. He recommended not deviating from the Rural Residential criteria except for lot frontage and the rail trail setback. He stated if the Board wishes to redefine personal services, he would limit such to the overlay district.

Kathy Barnard reviewed the permitted uses in the Rural Residential District.

Referencing page 4, Development Standards, F., Vaune Dugan recommended a 10, 11 or 12 pitch for a residential feel.

Rob Houseman stated the Rural Residential District includes an incentive for 12 or greater. He stated a 10 pitch would be appropriate.

The Board reviewed definition of in home daycare; noting the definition is not limited to children rather, it includes elderly and disabled. The Board agreed to discuss conversion of Bed & Breakfast at a future work session.

Following review and discussion of the draft Center Street Overlay District, the Board recommended the following;

- Page 1, Purpose and Intent, 3<sup>rd</sup> line; insert “by” prior to “commercially” and change “vehicle” to “vehicular”
- Page 2, Special Exception Uses; strike banks, inns, museum, library, daycare, any number of people, elderly housing, recreational use, horticultural establishments movie theatres and restaurants, carryout
- Page 2, Special Exception Uses;
- Page 3, Design Standards; strike heading
- Page 3, Buffer Requirements; add an “s” to “stream”
- Page 4, Development Standards, F.; change “12” to “10”
- Include rail trail and lot frontage setback in Special Exception criteria
- New definition for personal service excluding Laundromat and dry cleaning facilities

*The Board tabled discussion of Sign Illumination, Drive-thru Establishments and Population Chapter to the 10/15/13 meeting.*

**It was moved by Chris Franson and seconded by Brad Harriman to adjourn the October 1, 2013 Wolfeboro Planning Board meeting. All members voted in favor.**

*There being no further business, the meeting adjourned at 9:26 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

Lee Ann Keathley