

**WOLFEBORO PLANNING BOARD**

**December 17, 2013**

**MINUTES**

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

**Members Absent:**

**Staff Present:** Rob Houseman, Director of Planning & Development, and Barry Muccio, Director of the Municipal Electric Department.

*Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library meeting room.*

**i. Scheduled Appointment**

**Trites Real Estate, LLC**

**635 Center Street, TM #132-11, Case #201311**

**2-lot Subdivision**

**Public Hearing continues from 12/13/13**

Kathy Barnard stated that this hearing was continued from 12/13/13 pending more information needed and such has been provided.

Mr. Houseman reviewed the proposed subdivision and referred to such on the tax map showing the proposed subdivision. He stated the issue from the last meeting was the lot coverage and as explained in his Planner Review dated December 3<sup>rd</sup>, 2013 that there is documentation provided from James Rines, White Mountain Survey and Bryan Berlin, Land Technical Services Corp., addressing the existing and proposed conditions regarding the lot coverage. He noted the existing condition 52.3% impervious, excluding eligible easement travel ways. Proposed conditions, lot 1; 42% impervious (Trites Auto) excluding eligible easement travel ways. Lot 2 40% impervious, after site plan approval proposed by Bartlett Tree.

Kathy Barnard questioned if anyone had any questions or comments.

Vaughn Dugan questioned why they are not addressing the pervious areas.

James Rines replied that the lot's use is not changing, other than the political boundary line and such would come up if the lot ever changes use.

Mr. Houseman clarified that it becomes more conforming and referred to his memo on how it becomes more conforming and that it is a strip of pavement near the road that would be removed.

Vaughn Dugan questioned if removing the strip would make the area more green and more in line with New England.

Kathy Barnard questioned if removing the pavement would create a more pervious area, not improving the landscape.

Mr. Houseman replied that they will be receiving a landscape plan of the lot.

John Thurston questioned what 2% of the lot is.

James Rines replied its 3,600 square feet of pavement.

Vaughn Dugan stated if the pavement was removed it would provide an area for future landscaping.

Stacie Jo Pope stated she is fine with the plan as recommended as the site plan review would address any future change of use.

Mr. Houseman reviewed the following conditions of approval:

The following plans, as amended by the Planning Board approval, are incorporated into this approval:

1. Plan 1: Plan of Subdivision Plan Prepared for Trites Real Estate, LLC, 635 Center Street-NH Routes 28 & 109, Wolfeboro, New Hampshire, Prepared by Wilson W. Stewart, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 13, 2013.  
Plan 2: Plan of Subdivision with Topography and High Intensity Soils Mapping Prepared for Trites Real Estate, LLC, 635 Center Street-NH Routes 28 & 109, Wolfeboro, New Hampshire, Prepared by Wilson W. Stewart, LLS, White Mountain Survey Co., Inc., PO Box 440 Ossipee, New Hampshire 03864, Dated November 13, 2013, Wetland Delineated by Gregory Howard, CWS, CSS, and Dated November 8, 2013.  
Plan 3: NHDES Plan of Subdivision Plan Prepared for Trites Real Estate, LLC, 635 Center Street-NH Routes 28 & 109, Wolfeboro, New Hampshire, Prepared by Wilson W. Stewart, LLS, White Mountain Survey Co., Inc., PO Box 440 Ossipee, New Hampshire 03865, Date November 13, 2013.
2. The subdivision plan in conditioned precedent to the pending Bartlett Tree application and its removal of impervious cover in order to bring lot 2 into compliance with the 40% lot coverage requirement.
3. The applicant shall submit the mylar plan for recording at the Carroll County Registry of Deeds.
4. The applicant shall be responsible for the payment of all recording fees.
5. The applicant shall be responsible for monumentation and the submittal of the monumental certification and updated plans.

**It was moved by John Thurston and seconded by Stacie Jo Pope to approve the 2-lot subdivision of Trites Real Estate, LLC 635 Center Street, TM #132-11, Case #201311 as submitted. All in favor. The motion passed.**

#### **PUBLIC HEARINGS**

➤ **Center Street/ Route 28 Mixed Use Business District Zoning Changes (continued public hearing from 11/19/13)**

Kathy Barnard stated this is a continued Public Hearing from 11/19/13 and is the 13<sup>th</sup> draft of ordinance.

Mr. Houseman reviewed the ordinance and noted three changes were made from the last review.

Kathy Barnard opened the hearing to comments.

Roger Murray member of the Lake Wentworth Association and Lake Wentworth Foundation addressed the Board and thank them for the revised changes and stated they support the proposed changes as well support the arboricultural definition and not allowing inns in this area.

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

*Vaughn Dugan questioned if the easement is included in draft 13.*

*Mr. Houseman replied it is preexisting and not applicable to this zoning change, but he could have it reviewed by the Town Attorney but may need to be discussed at the next meeting on January 4<sup>th</sup> or and additional meeting that is separate posted meeting.*

**It was moved by Chris Franson and seconded by Stacie Jo Pope to move the 13<sup>th</sup> draft of the Center Street/Route 28 Mixed Business District Zoning Changes to the Warrant. Members voted and all in favor, the motion passed.**

➤ **Shorefront Residential District**

*Kathy Barnard stated the ordinance has been forwarded to the Planning Board by the Shoreland Protection Ordinance Committee that was established by the Planning Board in May of 2012 due to concerns raised by citizens regarding the*

previous regulations. The Planning Board agreed to appoint a Committee to review the ordinance as well as review what the State requirements are. She noted the members consisted of John Thurston, Vaughn Dugan, Dan Coons, Art Slocum, Paul Montron and Roger Murray. The Committee has reviewed the ordinance in its entirety, met with the State NH Shoreland Advisory Committee and Town staff on enforcement, and has provided proposed changes.

Mr. Houseman reviewed the proposed ordinance showing the proposed changes (see attached ordinance dated 11/19/13). He summarized that the Town adopted the ordinance that mirrored state law in 1932 due to inconsistent enforcement. In 2009 the Town rescinded the ordinance due to the 2008 Comprehensive Shoreland Protection Act (CSPA). In 2012 the Town adopted an ordinance that retained key components of the CSPA.

Chairman Barnard opened the public hearing.

John Rourke stated he is representing waterfront property owners in Wolfeboro and questioned some of the requirements in the ordinance such as, the height restriction, the point system for the trees, the removal of trees, and the issue of the removal of leaves and the term "duff".

Paul Montrone stated it was an honor to serve on this Committee and noted he also sat on the State Committee, he pointed out a few areas are different from what the State proposes and feels this is an excellent step forward for the Town.

Roger Murray stated these proposed changes were subject to great discussion and stated the real threat is the storm water runoff, but determined that doing something is better than doing nothing. He stated with regards to the raking leaves issue and that they agreed the leaves can be raked and maintained, but the duff layer is what is important to the run off. They also have a lot of discussion on the footpath, and agreed it can be interpreted beyond access to the shore. He stated overall the Committee felt they have proposed a good product.

John Rourke questioned handicap access to docks.

Mr. Houseman replied that the State statutes provide language specific to disability access and noted this will depend of the size of the lot.

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

Vaughn Dugan noted it is common to provide definitions in such document.

Kathy Barnard stated with regards to the suggestions to page 4, the Natural Woodlands buffer, should they have one or two options.

Stacie Jo Pope replied she prefers having the options.

Vaughn Dugan noted that having just the one makes it more prohibitive, it would be more beneficial to have both especially those with larger lots.

Kathy Barnard questioned page 5 suggestions to elaborate on the 1-3" and 3-6" sizes for diameters.

Mr. Houseman replied he would review such with Town Council if it is substantive change.

Kathy Barnard questioned page 7 with regards to the rocks and noted that such was discussed extensively and the purpose of such was proposed to keep from disturbing the shoreland.

Stacie Jo Pope stated the discussion was that rocks can be bigger than anticipated when they are embedded in the ground and the thought is to leave them from disturbing the shoreland.

Mr. Houseman agreed the discussion was surface rocks vs. the rocks that are embedded in the ground and not wanting to disturb the root systems, etc.

Kathy Barnard stated with regards to the footpath issue that was also discussed at length.

Vaughn Dugan replied the point was to not create erosion and run off.

Roger Murray explained that he understood it could be more than one footpath to a shoreline structure.

The Board agreed to remove “a” from before footpath and to add “to provide access” in the same sentence.

Mr. Houseman stated he would review the proposed changes with Town Council.

**It was moved by Stacie Jo Pope and seconded by Vaughn Dugan to continue this to a second public hearing at the first meeting in January in order to get clarity on the proposed changes. Members voted, all in favor, the motion passed.**

➤ **Scenic Road; Utility Line Extension (Cowper Road ) for Tara & Corey Eastman**

Mr. Houseman explained that Cowper Road is considered a scenic road and the proposed line extension for the Eastman property pursuant to RSA 321:157, any repair, maintenance, reconstruction, or paving work done with respect to that roadway or any action taken any utility to install or maintain poles, conduits, cables, wires, or pipes shall not involve or include the cutting damage or removal of any tree which has a circumference of 15 inches or more at point four feet above the ground, the tearing down or deconstruction of any stone wall or portions of any stone walls, except with the prior written consent of the Planning Board. Permission may be granted by the Planning Board after a duly advertised public hearing.

Barry Muccio, Director of the Municipal Electric Department, addressed the Planning Board to explain that he was solicited by the Eastman’s to install a 1,700 foot line extension for a building permit that has been issued. He stated he proposed the layout of the poles in order to provide the least impact to the area and save some of the largest trees. He noted most of the trimming will be aerial in nature and they do have the easements needed to install the extension from both abutting properties.

Kathy Barnard questioned if the removal of trees will be under the direction of the Electric Department.

Mr. Muccio replied yes.

John Thurston questioned the cost of the installation for the town.

Mr. Muccio replied the cost of the extension is paid for by the property owner with a line extension agreement.

Paul O’Brien questioned the location of the transformer and if it could be buried.

Mr. Muccio replied it would be close to the home and the cost of burying a transformer is very expensive for the homeowner.

Chris Franson expressed her concern that this is one of the last areas there are no utility poles and this will change the neighborhood.

Mr. Muccio replied it will, but they were unable to get an easement to come in the other direction where the line is already established.

Kathy Barnard stated they received notice from the Conservation Commission who has reviewed the proposal and has no objections as well as a review by the Tree Warden who also has no objections to the proposal. She opened the public hearing.

Ken Perry, President of the North Wolfeboro Association, addressed the Board with regards to the layout and recommends a shorter route through Mr. Foley’s property for the line extension in order to provide less of an impact on the roadway.

Mr. Muccio replied that the Electric Department will no longer build a line through a property or woods as it becomes difficult to maintain and access as well as he has some concerns about wetlands in that proposed area.

Mr. Perry provided a copy of the tax map showing the wetland area and feels it can be avoided.

Stacie Jo Pope stated she appreciates Mr. Perry's concerns and what he is trying to achieve, but as they learned during the ice storm it is easier to maintain and get to the power lines when they are not out in the woods.

Chris Franson noted it is one thing to grant an easement along the road way, but not sure Mr. Foley would want to grant an easement across his entire property.

Mr. Muccio noted it would require a 30 foot swath to put this across his property and again stated they no longer do that.

Chuck Storm noted that Lang Pond road has utility lines and the trees have grown it and once that happens it does not impact the area as much one would think and feels this proposal it the least impacted layout.

Mr. Perry provided an e-mail from the Doherty's to be included in the record. (See attached e-mail).

Being not others to speak, Chairman Barnard closed the public hearing.

Mr. Muccio stated he proposed the line extension with the least impact to the area to provide power for the property owner and the areas with the most trouble in storms are the lines that are not along the roadways, which is why he would not propose a line through the woods or someone's property.

Stacie Jo Pope noted just because it is a scenic road doesn't mean the property owner could cut down all the trees. She noted the Electric Department needs to seek permission as they are not the owners.

Paul O'Brien questioned why he didn't propose it through Cowper Road where it is already a line.

Mr. Muccio replied he was unable to obtain an easement from a property owner as that would have been the ideal way to do the extension.

***It was moved by John Thurston and seconded by Stacie Jo Pope to approve the Utility Line Extension on Cowper Road for Cory & Tara Eastman as proposed by the Wolfeboro Municipal Electric Department. Members voted and being none opposed, the motion passed.***

*There being no further business, the meeting adjourned at 9:28 PM.*

Respectfully Submitted,  
Amelia Capone-Muccio