

WOLFEBORO PLANNING BOARD

June 3, 2014

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, Paul O'Brien, John Thurston, Members, Chuck Storm, Alternate.

Members Absent: Vaune Dugan, 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 Vaune Dugan, Member.

Public Comment

Alvin Forader, Village Corner Road (Collden Farm Subdivision) stated the builder, John Rourke, set the foundation on Lot 16 however, it was later discovered that the foundation was built on the property line. He stated the Planning moved the boundary line in May 2004. He stated the property owners across the street from Lot 17 objected to a driveway placed directly across from their lot and as such, a right-of-way was established on Lot 18 to access Lot 17. He stated he and his wife purchased Lot 19 and later purchased Lot 18 (to deter development); noting the lots were merged in February 2014. He stated Lot 17 has 45' of frontage and Lot 18 has 46' of frontage therefore, he feels a driveway could be placed on Lot 17 rather than using the right-of-way on his lot (noting he will have two driveways on his property). He stated a driveway permit was approved for Lot 17 on 5/31/12. He stated he doesn't feel obligated to spend money on legal fees when a builder and Town employees can't locate a foundation properly on a parcel. He submitted documents he compiled including minutes and tax map and requested the Board review such and help him resolve the matter in an expeditious manner. He asked who would maintain the driveway.

Kathy Barnard verified the easement was recorded.

Referencing a plan dated 6/13/13, Alvin Forader stated the right-of-way is not depicted on the map.

Rob Houseman stated in 2004 John Rourke was hired by Ossipee Sand and Gravel to build a spec house. In doing so, he stated Mr. Rourke used the wrong set of corner pins to locate the placement of the house. He stated the Town issued a Cease & Desist Order however, Mr. Rourke continued to build. He stated a solution was proposed to relocate the property line; noting the abutter located directly across from Lot 17 objected to the placement of a driveway on that lot because of impact from headlights into their house. The abutters also stated that they had purchased their lot knowing there would not be a driveway located directly across from them. He stated Mr. Forader proceeded with the purchase of Lot 18 with full knowledge that if Lot 17 were ever to be built on that it would require access through his lot. He stated he sought legal guidance on the issue.

Brad Harriman asked if Lot 17 has been developed.

Rob Houseman replied no.

Brad Harriman verified Lot 17 has been issued a driveway permit.

Mike Hodder asked what relief the Board could provide.

Rob Houseman replied none without a formal application submittal; noting both owners would need to submit an application.

John Thurston stated the Board should abide by Town Counsel guidance.

Brad Harriman verified Mr. Forader purchased the property after having knowledge of the issued and therefore, the Board has no further responsibility.

Scheduled Appointments

Calvary Wolfeboro

Site Plan Review ~ Church

Case #201408

TM #217-25

Rob Houseman reviewed the Planner Review for June 3, 2014 and stated the applicant proposes to convert the building formerly known as Hampshire Pewter to a place of assembly (church). He stated the applicant is seeking approval for use of a tent for its place of assembly for this summer (2014) to allow the building to be renovated and brought into code compliance. He stated the applicant received a ZBA Variance for the proposed use on 4/7/14. He stated the applicant has not delineated snow storage however, the submitted plan demonstrates adequate area for compliance. In addition, litter storage would be handled the same as household waste, stored inside and transported off site when needed. He recommended the Board clarify light wattage and hours of illumination. He recommended the Board clarify signage in addition to hours of use, amplification and music (with or without amplification) relative to the proposed outdoor use. He stated the applicant has requested the following waivers; Section 173-15.E.(3)a through e and (4)a, b, d, e, j, q, u.

Referencing the waivers, Justin Marbury, President & Pastor, Calvary Wolfeboro, stated there are no proposed changes, including construction, to the site. He stated the congregation is currently meeting at Camp Brookwoods however, it is no longer available as a place of assembly in two weeks. He stated there are structural issues with the existing building and they are currently not able to assemble in the building; noting he hopes the renovations will be completed within 90 days. He stated the congregation needs a temporary place of worship therefore, has requested the use of a tent. He stated there is an alternative location for the tent and oriented the Board to the location of such (on lawn area between the gravel parking area and the Durgin Stables parking lot). Referencing condition #4, he requested the second sentence of such be stricken; noting he would request the tent be left up and the assembly of such not exceed 90 days. He stated disassembling the tent each time would be an undue burden; noting the tent is an industrial tent and would require 24 man hours/week to assemble, see attached documentation. He stated some amplification services is necessary for worship. He stated the services are scheduled for Saturdays at 6PM for 1.5 hours however, if additional services are necessary, an additional service will be scheduled for Sunday at 9AM.

Kathy Barnard verified the renovations include ADA compliance upgrades. She questioned the type of instruments to be used.

Justin Marbury replied guitar and acoustic drums.

Mike Hodder questioned the number of guitars.

Justin Marbury replied one electric and one acoustic.

Mike Hodder asked if there would be brass and the number of amplifiers.

Justin Marbury replied no and there would be one amplifier and one soundboard.

Kathy Barnard asked if the barn would be used for assembly and questioned the use of the kitchen.

Justin Marbury replied no, the barn would be used for storage. He stated the kitchen is a basic kitchen and not a commercial kitchen to produce for sale or mass quantity.

Stacie Jo Pope asked if special events would be held.

Justin Marbury replied none for this summer however, maybe next summer.
John Thurston questioned security regarding the tent.

Justin Marbury stated he hasn't thought of such and questioned the concern for such.

John Thurston expressed concern because the tents are located next to a bar and noted potential destruction of the tent/poles.

Rob Houseman asked if the tent would be securable.

Justin Marbury replied yes and noted the tent has sidewalls and a door.

Stacie Jo Pope questioned signage.

Justin Marbury stated the intent is to use the existing space used for the previous sign and to hang a banner on the tent.

Kathy Barnard stated the banner must comply with the sign ordinance.

Stacie Jo Pope questioned the noise ordinance and how such would impact the proposed use.

Rob Houseman reviewed the noise ordinance and noted bell chimes used for religious purposes are exempt.

Stacie Jo Pope recommended changing the time of the Sunday service from 9AM to 10AM.

Referencing the conditions of approval, Rob Houseman stated #'s 4-6 relate to future outdoor use.

Kathy Barnard questioned the long term outdoor use of the property.

Justin Marbury stated there would be weekly activities before and after the services such as kids playing and picnics. He stated there would be a monthly outdoor event during the warmer months (concert, BBQ, carnival type event) that the community would be invited to attend.

Kathy Barnard asked if all the events would be church related.

Justin Marbury replied yes and noted the property would not be rented for events.

Mike Hodder asked if the use of the outdoors would include weddings and baptisms.

Justin Marbury replied yes, the uses would include weddings, christenings and funerals.

Mike Hodder asked if the congregation holds confirmation ceremonies.

Justin Marbury replied no.

Paul O'Brien asked if the tent is a permanent structure.

Justin Marbury replied no and that the tent would be used for temporary events.

Referencing condition of approval #6, Mike Hodder asked if the time limit is written in stone and if not, recommended the time be changed from 10PM to 9PM.

Rob Houseman stated the time limit is at the discretion of the Board.

John Thurston questioned temporary bathroom facilities.

Justin Marbury replied two ADA portable toilets would be available on site.
Mike Hodder asked if the parking is adequate.

Justin Marbury replied yes, noting there are 43 parking spaces provided. He noted the use is located in a district where parking is exempt.

John Thurston asked if the property has been surveyed.

Justin Marbury stated he is unaware and noted the site plan was provided by Beckwith Builders.

Rob Houseman stated the Town has an easement on the property (location #2 outfall of the Mill Street drainage); noting the Town has a survey of the left boundary line. He stated the condominium property has also been surveyed.

Kathy Barnard verified the applicant has a three year lease of the property.

It was moved by Mike Hodder and seconded by John Thurston to grant the following waivers; § 173-15.E. (3) (a), (b), (c), (d), (e), 173-15 E. (4) (a), (b), (d), (e), (j), (q), (u). All members voted in favor. The motion passed.

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

Chairman Barnard opened the public hearing.

Dor Thomassian stated the use would be a great benefit to the Town.

Mike Hodder questioned limiting the approval to the applicant rather than to the property owner.

Rob Houseman stated if such is the intent of the Board then it should be noted as a condition of approval.

The Board reviewed the alternative location for the tent (alternative location is not depicted on the submitted plan) and agreed to locate the tent on the lawn area between the gravel parking area and the Durgin Stables parking lot.

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: Site Plan, prepared for Calvary Wolfeboro Church, Prepared by Beckwith Builders, 44 Libby Street, Wolfeboro, NH, 03894, Dated May 14, 2014.
Plan 2: Existing Conditions, Grade Level Floor Plan, Prepared by Bergeron Technical Services, PO Box 241, North Conway, NH 03860, Dated March 19, 2014.
Plan 3: Existing Conditions, Second Floor Level Floor Plan, Prepared by Bergeron Technical Services, PO Box 241, North Conway, NH 03860, Dated March 19, 2014.
Plan 4: Proposed Conditions, Grade Level Floor Plan, Prepared by Bergeron Technical Services, PO Box 241, North Conway, NH 03860, Dated March 19, 2014.
2. The applicant shall be responsible for all recording fees.
3. The tent approval, for interim assembly quarters scheduled for Saturday service from 6PM to 8PM and Sunday service from 10aM to 12PM, shall be granted for 90 days.
4. Post 2014 summer use, the Open Air Structure must comply with all applicable codes and receive a permit. The tents shall not remain in place for the duration of the summer. A reasonable set up and take down time is permitted by the Town.
5. Outdoor music is limited to no later than 9PM.
6. This approval is subject to the following approval and any conditions attached thereto:
 - a. Town of Wolfeboro ZBA Variance, Case #07-V-14, dated 4/7/14
7. Any proposed lighting shall comply with the Dark Sky Ordinance.
8. This approval shall lapse if or when Calvary Wolfeboro Church vacates the property or ceases to exist.

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

Referencing condition #8, Brad Harriman asked why a new applicant would have to go through the process if the same use is proposed.

Board consensus to strike condition #8.

It was moved by Chuck Storm and seconded by John Thurston to approve the Calvary Wolfeboro Church Site Plan Review application, Case #201408, subject to the recommended conditions of approval (conditions #'s 1 through 7). All members voted in favor. The motion passed.

Consideration of Minutes

May 20, 2014

It was moved by Mike Hodder and seconded by Chuck Storm to approve the Wolfeboro Planning Board May 20, 2014 minutes as submitted. All members voted in favor. The motion passed.

Information Items

Rob Houseman stated the packet includes two informational items; Notices of Decision and notice change of deadline dates for the ZBA, Planning Board and TRC.

Subcommittee Reports

TRC reviewed a site plan review for Calvary Wolfeboro.

Public Hearing ~ Planning Board Rules of Procedure

Rob Houseman reviewed such.

Chairman Barnard opened the public hearing.

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

The Board scheduled a second public hearing for the Planning Board Rules of Procedure for July 1, 2014.

Work Session

➤ Population Chapter Update

Rob Houseman reviewed his memo, dated 5/30/14; noting the second paragraph of the Population Chapter was deleted and included an additional paragraph.

The Board agreed to the following change;

- Title: correct spelling of "UPDATE"

It was moved by Chuck Storm and seconded by Paul O'Brien to move Master Plan Population Chapter Update to public hearing as amended. Public Hearing scheduled for July 1, 2014. All members voted in favor. The motion passed.

Paul O'Brien stated the BOS reviewed their goals; noting one goal is to develop Wolfeboro as a four-season economy. He requested the EDC be invited to attend the public hearing and would like the Board to be informed as to the plan to create a four-season community. He asked who has the responsibility of following through with that goal.

Brad Harriman replied the Town Manager with the direction and support of the BOS with assistance from the Planning Department and Chamber of Commerce.

The Board agreed to support the BOS goal relative to developing Wolfeboro as a four-season community and offered assistance to the BOS to accomplish such.

➤ **Center Street Overlay District**

Rob Houseman stated the Center Street Overlay District would include six lots; noting those lots include an abandoned use (former Bittersweet Restaurant), church (permitted by Special Exception), vacant lot, one single family dwelling, commercial use (permitted by Variance) and the Kingswood Youth Center.

Mike Hodder questioned the purpose of the district and asked if it would be considered spot zoning.

Rob Houseman stated the original intent of the Center Street rezoning boundaries included from West Lake restaurant to 7-11.

Kathy Barnard stated the consultants of the Lake Wentworth Crescent Lake Watershed Study questioned why the Board was tampering with the residential district.

Rob Houseman stated that although the district is zoned residential in reality, there is very little potential for the properties to be developed as residential. He stated the former Bittersweet property should be reviewed at a minimum to allow for adaptive reuse.

Brad Harriman stated he believes the Board will get a lot of resistance from the Lake Wentworth Association.

The Board agreed with Mr. Harriman's statement.

Kathy Barnard stated Nancy Steer, Historic Preservation Association, has requested to meet with the Board; noting the former Bittersweet property may fit into a historic building category.

Rob Houseman stated the Board's budget includes \$2,000 to assist with the architectural design of the corridor.

➤ **Sign Ordinance**

Rob Houseman distributed a sign inventory spreadsheet and expressed concern regarding the number of signs that are not permitted, including both signs and posts. He stated an enforcement letter was sent to Jerome Holden, JC Signs. He asked the Board if the Sign Ordinance has merit and if so, does the ordinance need clarification (such as number of signs permitted for each business, location of sign within proximity to business). He stated Camden and Booth Bay Harbor, Maine have a system relative to signage.

Mike Hodder stated the signs are meant for pedestrian traffic.

The Board discussed the kiosks located Downtown and listing businesses on such.

Rob Houseman informed the Board the Chamber of Commerce opposes the addition of businesses on the kiosks.

Paul O'Brien asked why the Chamber of Commerce objects to such.

Rob Houseman stated because not every business is a member of the Chamber of Commerce.

Paul O'Brien questioned the amount of funding appropriated to the Chamber of Commerce by the Town and stated a bilateral conversation is necessary with the Chamber of Commerce. He stated the Town provides funding to the Chamber of Commerce to advertise the entire business community.

Rob Houseman stated the Town provides funding for the Chamber of Commerce Calendar of Events and staff members and also provides a discounted rate for rent.

Kathy Barnard stated the Board may have to involve the BOS with regard to signs located on private property.

Brad Harriman stated he would recuse himself from the discussion of the sign ordinance.

The Board discussed the following issues associated with the Sign Ordinance:

- Amend ordinance
- Number of signs per post
- Proximity of signs to business
- Limit # of signs per business
- Dave Ford's email re: business directional signs (to be distributed to Board)
- Map of locations

➤ **Nonconforming Use**

The Board tabled further discussion of Nonconforming Uses until a public forum is scheduled with the EDC and Chamber of Commerce.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to adjourn the June 3, 2014 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

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

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley

*****Please note these minutes are subject to amendments and approval at a later date.*****

Wolfeboro Planning Board Meeting
Calvary Wolfeboro Inc.
Case # 201408
June 3rd, 2014
7:00pm, Wolfeboro Public Library

Addendum to Application

Items for special consideration:

Under "Review for Approval: Recommendations on Conditions of Approval" which is the last page of PLANNER REVIEW FOR June 3, 2014:

number 4 - second sentence: *"the tents shall not remain in place for the duration of the summer."*

-We are asking, because of the nature of our need for this temporary structure (The work being done on our permanent place of worship), that we be given approval to leave the tent up until the work on our sanctuary is completed(not to exceed 90 days). Beyond the current work on our sanctuary, we will be more than happy to put up and take down our tent on an as-needed basis.

-In addition to the proposed location for our tent as shown in Plan 1, there is another option that the planning board should be made aware of. It would place the tent in a more discreet location. See Plan 5 addendum.

Undue burden

Taking down this industrial tent weekly would be a large burden to our all-volunteer staff. The average set up and take-down for 4 people is 3 hours. That's a 24 man-hour weekly burden equivalent to asking a non-profit organization to pay an additional \$360.00 a week, or around \$4000.00 for the duration of our need. For a non-profit of any size that's a significant cost.

number 5 - *"No amplifier shall be used outdoors"*

We need to use some amplification for worship services. With even 100 people, the congregation will sing louder than the worship leaders and their instruments if un-amplified. This would render the leaders unable to lead. The typical length of a set of songs is 30 minutes. Beyond songs, amplification would be minimal and used for a podium microphone in a similar fashion to the one used for planning board meetings so that everyone can hear the speaker.

As further consideration would it be of any benefit to our request we could establish pre-determined days and times when outdoor amplification would be allowed. This could also be established with a limit to the decibel level.

Furthermore, the tent that we have purchased has sidewalls which will greatly decrease the volume and travel of sound from our worship services.