

**TOWN OF WOLFEBORO
PLANNING BOARD
December 1, 2015
MINUTES**

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

Members Absent: Dave Alessandroni, Chuck Storm 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.

I. Scheduled Appointments

Timothy J. & Jennifer E. Robson

Boundary Line Adjustment

Agent: Jim Rines, White Mountain Surveying and Engineering, Inc.

TM #164-16, 17 & 18

Case #201525

Rob Houseman reviewed the Planner Review for December 1, 2015 stating the applicant proposes a boundary line adjustment that includes the following; eliminate lot 164-17 by merging portions with lots 164-16 and 164-18 and acquire portion of the parcel shown on Hersey Point and merge with lots 164-16 and 164-18. He stated Lot 164-16 shall increase from 0.39 acres to 0.51 acres and Lot 164-18 shall increase from 0.39 acres to 1.04 acres. He stated the existing lots are considered nonconforming lots of record since they lack the required road frontage and acreage. He stated Lot 164-16 lacks shore frontage and noted the proposal eliminates one nonconforming lot of record and brings Lot 164-18 into compliance in acreage and shore frontage. He stated Lot 164-16 becomes more conforming in acreage and the proposal does not increase the nonconformity. He noted the applicant has requested the following waivers; Sections 174-7. D(4) and 174-9.

Jim Rines stated that in the process of surveying the Robson's three shorefront lots at the end of Hersey Point Road, it was discovered that the end portion of Hersey Point is actually remaining land from Everett Albee's predecessor in title, over which abutting property owners have the right to pass and re-pass and is not an actual "Right-of-Way" for Hersey Point Road. Therefore, he stated none of the lots at the end of the road have actual road frontage as defined in the Zoning Ordinance. He stated both parties wish to reconfigure the nonconforming lots by taking a portion of the Albee land and adding it to the Robson land. He stated the applicant would then modify their property boundaries in such a fashion that they go from three shorefront lots to two shorefront lots. As part of the reconfiguration, he stated the applicant is requesting that their reconfigured southerly shore lot be permitted to retain their grandfathered 20' side yard setback from the westerly boundary line so that the recently constructed barn remains conforming. He stated the request to maintain the setback requires the applicant to demonstrate that said request is in keeping with the neighborhood; noting that such is the case and that all other setbacks would be compliant. He stated the rationale for the waivers is as follows; reducing 3 existing nonconforming lots to two lots (both new lots will be more conforming in lot area, with one lot becoming fully conforming with zoning area) and the remaining land, beneath the Hersey Point Road lies, is becoming slightly more nonconforming. He stated due to the nature of the remaining land, it is impossible to imagine a scenario where it would ever be used for anything more than its current purpose of providing access to other lots.

Vaune Dugan questioned how future owners of Lot #4 would know the setback is different from the other setbacks.

Rob Houseman stated the Notice of Decision would reflect such; noting such is recorded at the Carroll County Registry of Deeds and would be discovered during a title search.

Jim Rines stated the plan is also recorded and a note has been placed on the plan regarding the setback.

Mike Hodder asked if the right of passage is recorded in the deeds.

Jim Rines replied yes.

Mike Hodder questioned the location of the utility easement for Lot 164-16; noting such is not depicted on the plan.

Jim Rines stated such is not noted on the plan however, the easement was granted in May 2014.

It was moved by Mike Hodder and seconded by Vaune Dugan to grant waivers for Sections 174-7 D(4) and 174-9 B. 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.

Kathy Barnard stated the request to maintain the side yard setback appears to keep in harmony with the neighborhood and the reconfiguration of the lots does not increase the nonconformity.

John Thurston requested the location of the septic system.

Jim Rines located such on the plan; noting the septic system was recently installed and a new well was drilled.

Rob Houseman reviewed the following recommended conditions of approval;

The following plan, as amended by the Planning Board approval, is incorporated into the approval:

1. **Plan 1:** Reconfiguration of Existing Nonconforming Lots Through a Boundary Line Adjustment Involving Lands of Timothy J. & Jennifer E. Robson and Everett S. Albee II, Hersey Point, Wolfeboro, New Hampshire, Prepared by Ronald C. Remick Jr. LLS, White Mountain Survey and Engineering Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated November 10, 2015.
2. In accordance with Section 175-55, C(3), the Planning Board approves the request to retain the 20 foot setback for the westerly boundary of Tax Map #164-18. The applicant shall include a note on the plan reflecting the Planning Board approval to retain the setback.
3. The applicant shall submit a 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 Certificate of Monumentation and updated plans.
6. The applicant shall depict the location of the utility easement for Lot 164-16 on the plan.

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

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Timothy J. and Jennifer E. Robson Boundary Line Adjustment application, Tax Map #164-16, 17 & 18, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Katharine Marino & LMS Realty Trust
Subdivision ~ Reassignment of Condominium Space
Agent: Randy Walker, Esq.
TM #217-118-1
Case #201526

Rob Houseman reviewed the Planner Review for November 3, 2015 stating the applicants are seeking to amend the original condominium approval to transfer ownership of 487 SF of Unit 1 to Tax Map 217-118-1; noting such is an after-the-fact approval necessary to clean up the titles for both entities. He stated a new unit is not being created rather, only shared space is being created; noting the action will remove storage and an associated restroom from Unit 1. He stated recognizing that the proposal constitutes a subdivision under the Condominium Statutes (plan amendment), this application is treated as a subdivision.

Randy Walker stated the Board approved 8 units of the Kingswood Town House Condominium development in 1979. He stated in 1986 the developer assigned 487 SF of Unit 1 space to an abutter LMS Realty Trust with the approval of all unit owners; noting the amendment to the Condominium Declaration reflecting such was recorded and no Planning Board approval was requested nor obtained at that time. He stated a 2015 title search revealed the absence of formal Planning Board approval in 1986; noting the application request is for an after-the-fact approval. He stated Unit 1 has 2262 SF rather than 2759 SF as noted in the original approval. He requested the following waiver requests; waive requirements to attend and/or submit documents to the Technical Review Committee for review and approval and waive Sections B.(4), c, e, g through m and Section C. He stated there are no proposed structural changes; noting the space is currently being utilized and the latter sections of the regulations generally pertain to Site Plans and Subdivision of lots of land and not generally pertain to floor plans.

Vaune Dugan asked if the reassignment of space would require a recalculation of common area and fees.

Randy Walker stated such was done in 1986.

It was moved by Mike Hodder and seconded by John Thurston to grant waivers for Sections B.(4), c, e, g through m, Section C. and waive requirements to attend and/or submit documents to the Technical Review Committee for review and approval. All members voted in favor. The motion passed.

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

Chairman Barnard opened the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval:
Plan 1: As-Built Site Floor Plan of Unit #1, Tax Map 217, Lot 118-1, Kingswood Towne House Condominium, 36 Endicott Street, Wolfeboro, Carroll County, New Hampshire, July 25, 2015, Prepared by Loralie Gerard, LLS, Gerard Land Surveying Co. Loralie Gerard, LLS, PO Box 395, Tamworth, NH 03886.
2. The applicant shall submit a mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for the payment of all recording fees.

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

It was moved by Stacie Jo Pope and seconded by Mike Hodder to approve the Katharine Marino and LMS Realty Trust Subdivision application, Tax Map #217-118-1, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Action Items

Susan R. & Peter B. Enyeart

Lot Merger

Tax Map #199-24 & 26

Rob Houseman stated the lot merger will result in the creation of a single 1.7 acre parcel with approximately 115' of frontage on Forest Road Extension; noting the lot merger would eliminate one building lot. He stated the lot is part of the Grand View Commons Open Space Subdivision and noted the Code Enforcement Officer reviewed the application and has no objection to the request.

Vaune Dugan asked if there is a fee or maintenance costs associated with the lots.

Rob Houseman stated only four lots of the subdivision have been conveyed out; noting the balance of the lots are held by a single owner of record and that owner currently maintains the subdivision.

Vaune Dugan asked if the applicant would have one or two shares.

Rob Houseman replied 2 shares.

John Thurston asked if there is a requirement regarding a specific amount of open space to be retained.

Rob Houseman replied at least 50% and noted the lot merger does not alter the open space.

It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Susan R. & Peter B. Enyeart Lot Merger, Tax Map #199-24 & 26. All members voted in favor. The motion passed.

7 Pine Street, LLC (Wolfeboro Car Wash & Executive Detail)

Release of Financial Security

Tax Map #218-99

Rob Houseman stated he has inspected the project and recommends the partial release of financial security in the amount of \$22,343. He noted the landscaping material has not been installed; noting such, in addition to the pavement and top coat, would be completed in the spring.

Vaune Dugan asked if the property is in operation.

Rob Houseman replied yes, the applicant has received a Certificate of Occupancy.

It was moved by Paul O'Brien and seconded by Vaune Dugan to partially release the financial security in the amount of \$22,343 for 7 Pine Street, LLC / Wolfeboro Car Wash and Executive Detail, Tax Map #218-99. All members voted in favor. The motion passed.

P & D Zimmerman Family Limited Partnership

Release of Financial Security

Tax Map #218-17

Rob Houseman stated the applicant has requested a release of the financial security and noted the Town's consulting engineer recommends the partial release of financial security in the amount of \$139,000 (security reduced by 78%).

It was moved by Paul O'Brien and seconded by John Thurston to partially release the financial security in the amount of \$139,000 for P&D Zimmerman Family Limited Partnership, Tax Map #218-17. All members voted in favor. The motion passed.

III. Public Comment

None.

IV. Informational Items

Rob Houseman reviewed the following informational items; Shade Tree Deed and Heritage Commission information.

Staff read the following memo prepared for the Conservation Commission, dated 9/14/15; "I contacted the Society for the Protection of NH Forests. I was informed that during the process of a campaign sponsored by SPNHF to establish forest reservations along State highways, the agency researched and acquired Shade Tree Deeds for several communities. The Shade Tree Deeds should have been forwarded to the Towns following the completion of the campaign however, the SPNHF retained the deeds. SPNHF is now providing the Conservation Commissions the original deeds and paperwork associated with such; noting the deeds represent real estate held by the Town. There is no action required by the Conservation Commission or Town officials regarding the receipt of the deed and I will file the information in the Conservation Commission's office."

Kathy Barnard stated information relative to the establishment of a Heritage Commission was presented to the BOS on 11/119/15; noting the BOS agreed to submit a warrant article on the 2016 ballot for such.

The Board reviewed Town Counsel's email relative to the language for the Heritage Commission Warrant Article and discussed number of members and terms of the members (recommending 7 members and 5 alternates with varied terms of 1, 2 and 3 years). The Board discussed public outreach regarding the warrant article.

Following further review of the proposed warrant article language, the Board recommended the following;

- Strike last sentence
- Include first paragraph of the first column of the Heritage Commission information sheet presented to the BOS
- Add language that a Heritage Commission is advisory
- Include number of members, alternates and length of terms for each
- Include information in the Voter's Guide
- Submit language to Town Counsel for review
- Staff request Town Counsel guidance regarding lobbying of the warrant article by the Board
- Staff request Town Counsel guidance regarding modification of the article at the Deliberative Session; specifically what can/cannot be modified
- Maggie Stier will speak to the Chamber of Commerce, Lions Club, Rotary and Garden Club

V. Planning Board Subcommittee Reports

None.

**VI. Approval of Minutes
November 18, 2015**

It was moved by Paul O'Brien and seconded by Mike Hodder to approve the November 18, 2015 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, John Thurston, Brad Harriman, Paul O'Brien, Mike Hodder voted in favor. Vaune Dugan abstained. The motion passed.

VII. New/Other Business

SB 146

Rob Houseman stated that if SB 146 passes, elements of the bill would require a revision to the Town's Zoning Ordinance; noting accessory dwellings would be permitted in the Shorefront Residential District and zoning acreage would have to be changed in several zoning districts. He stated he attempted to seek information from Plan-link however; there has been no response to his inquiry. He stated he would reach out to Legislative Liaison for NH Affairs, Ben Frost and Cordell Johnson, NH Municipal Association.

It was moved by Mike Hodder and seconded by Stacie Jo Pope to adjourn the December 1, 2015 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 8:46 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

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