

**TOWN OF WOLFEBORO  
PLANNING BOARD  
May 5, 2015  
MINUTES**

**Members Present:** Kathy Barnard, Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Paul O'Brien, Vaune Dugan, Members, Chuck Storm, Alternate.

**Members Absent:** Stacie Jo Pope, Vice-Chairman, 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.*

**I. Scheduled Appointments**

**Richard O. Hawkins Trust**

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

**Special Use Permit**

**TM #171-36**

**Case #201508**

Rob Houseman reviewed the Planner Review for May 5, 2015 and stated the applicant proposes to raze the existing dwelling and construct a new year round dwelling with an attached garage; noting the existing condition plan shows the following:

	Existing	Proposed
Buildings in wetlands	723	0
Buildings in buffer	942	764
Driveway in buffer	2,369	2,179
Living Space w/in 50'	225	0
Other buildings w/in 50'	106	221
Building area in wetland SB	286	446
Driveway in wetlands SB	580	568
Total Impact	5,231	4,178

Rob Houseman stated the Conservation Commission, Health Inspector and Code Enforcement Officer have reviewed the proposal and have no objections to the proposed application and the following permits will be required if the Planning Board approves this application; NHDES Dredge and Fill permit, NHDES Shoreland Permit, NHDES Septic Permit and Town of Wolfeboro Shoreland Permit.

Jim Rines reviewed his letter, dated April 6, 2015, see attached.

Kathy Barnard asked if the Conservation Commission performed a site visit.

Lee Ann Keathley replied no.

Jim Rines stated

Kathy Barnard asked if the foundation will be removed.

Jim Rines stated the foundation is currently enclosed; noting such could consist of piers. He noted the area of the foundation would become the deck.

Mike Hodder asked the type of mature trees at the site.

Jim Rines replied pine trees.

Kathy Barnard stated hemlock trees are also on the site. She asked if the drainage ditches close to the house would be relocated.

Jim Rines stated no extensive grading is proposed rather, a stone drip edge is proposed around the house and garage.

John Thurston questioned the existing grades around the house.

Jim Rines stated the applicant is not proposing new grading except for the new foundation. He noted Barry Muccio, Municipal Electric Department, has requested an easement for an existing power line on the property. He stated the applicant has worked with the Town for over a year, proposing 4-5 different concepts in an attempt to balance the redevelopment of the property and impact of such.

Kathy Barnard asked if the State permits have been filed.

Jim Rines replied no.

Kathy Barnard questioned the septic system.

Jim Rines stated such is located in the easement area and would be fully compliant.

Kathy Barnard questioned the removal of trees.

Jim Rines stated such is not proposed; noting development is proposed in the existing developed areas.

John Thurston questioned whether the driveway could be a pervious surface.

Jim Rines stated such could be done however; due to the high water table it would not function properly.

Mike Hodder asked if the wetlands are jurisdictional; noting the property is restricted for development.

Jim Rines replied yes, poorly drained soils.

**It was moved by Chuck Storm and seconded by Mike Hodder to accept the application as complete. All members voted in favor. The motion passed.**

*Chairman Barnard opened the public hearing.*

Alexander Milley, abutter, expressed support of the proposal.

Kathy Barnard stated she visited the site and feels the proposal is an improvement and addresses the criteria of the Special Use Permit.

Vaune Dugan stated she feels the proposal is a better solution to what currently exists.

Rob Houseman stated the applicant has the right to building on the existing footprint and is not proposing an expansion of that footprint.

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:** Special Use Permit Application Plan for The Richard O. Hawkins Trust, 142 Keewaydin Road, Wolfeboro, New Hampshire, Tax Map 171, Lot 36, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated April 6, 2015.  
**Plan 2:** Special Use Permit Application Plan Notes and Details for The Richard O. Hawkins Trust, 142 Keewaydin Road, Wolfeboro, New Hampshire, Tax Map 171, Lot 36, Prepared by James Rines, PE, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated April 6, 2015.
2. The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan.
3. An inspection by the Town shall be required of siltation devices prior to construction.
4. This approval is subject to receipt of the following permits and any conditions attached thereto;
  - NHDES Shoreland Permit
  - NHDES Dredge and Fill Permit
  - Town of Wolfeboro Shoreland Permit
5. The applicant shall be responsible for all recording fees.
6. The applicant shall be required to monument the edge of Wetlands in compliance with § 175-9.1 *Wetlands Boundary Monumentation*. This includes:
  - (1) Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at 50' +/- intervals along the total wetland boundary following its general contour.
  - (2) Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.
  - (3) The cost shall be borne by the applicant/developer or their successors in interest.
  - (4) The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.

*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 Richard O. Hawkins Trust Special Use Permit, Case #201508, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

**II. Public Comment**  
None.

**III. Action Item**

**Goodhue & Hawkins Navy Yard Realty Trust  
Modification of Phasing Plan  
TM #241-36 & 50  
Case #200513**

Rob Houseman stated the applicant is requesting a modification to the Goodhue & Hawkins phasing plan; noting the original phasing plan was part of the approval for Case #200513 and the Planning Board granted an extension in 2009. He stated the 2005 site plan approval was based in part on a Variance and Staff has been working with the applicant and their engineer for several years looking at ways to improve site distance and safety on the site. He stated the applicant is developing a revised application to address the issues and therefore, is seeking a two year extension in order to allow the new plans to be finalized and seek all necessary approvals (State and Town).

He stated he has reviewed the request and noted there are no issues that should warrant reconsideration of the approval and recommending granting the request to modify the phasing plan.

Spencer Henriod, Vice-President, stated there was an incident where a forklift ran into the showroom building therefore, in order to improve safety on site, a proposal would include separating operations from customer service. He stated a two year extension is being requested in order to allow for the modification of the phasing plan and to apply for the necessary permits and approvals related to such.

***It was moved by Mike Hodder and seconded by Paul O'Brien to grant the request to modify the phasing schedule of the approval for Goodhue Hawkins Navy Yard Realty Trust, Case #200513, as outlined in the April 16, 2015 letter to the Planning Board from Spencer Henriod with the understanding that all original conditions of the approval remain a condition of approval. All members voted in favor. The motion passed.***

#### **IV. Work Session**

##### **Inns**

Rob Houseman reviewed his memo, dated 4/30/15, stating the Town's Zoning Ordinance defines both Hotel/Motel and Inn however; only inns are permitted either by right or by Special Exception. He stated the purpose of the review of the definitions is to determine if a limit of 50 sleeping rooms should be maintained; noting such stems from the EDC discussion of available bed space and a review of hotel models. He stated the 50 room threshold was based on the Wolfeboro Inns room count; noting the Wolfeboro Inn has 48 beds. He stated inns are permitted in the Bay Street and Wolfeboro Falls Limited Business Districts by Special Exception and the Central Business District as a permitted use. He stated WEDCO may be commissioning a bed space needs study and would know within two weeks if the project moves forward.

Paul O'Brien questioned whether the number of rooms should be left silent.

Vaune Dugan stated architecture is more of an issue then the number of rooms.

Kathy Barnard stated the number of rooms relates to parking.

Referencing the bed space needs study, Paul O'Brien asked if the study would be conducted by a professional service that does such for hotel chains.

Rob Houseman replied yes.

Paul O'Brien asked if the study would be commissioned by the Town or by WEDCO.

Rob Houseman replied WEDCO.

Following further discussion, the Board recommended the following;

- Research other communities
- Merge definitions
- Hold off until decision made regarding the bed space needs study

##### **Accessory Structures**

Rob Houseman stated the Town's Zoning Ordinance does not allow for a garage/storage building/barn to be constructed on a vacant lot without a principal building unless the building is in the Residential/Agricultural District and the building is related to agricultural use. He stated the primary concern is impact to the abutter and the scope and limits of use. He stated he reviewed Gifford, Meredith and Laconia's Zoning Ordinances; noting none permits a garage as a principal use. He stated he placed the request for information on NH PlanLink and have not received any response that supports this concept.

Vaune Dugan stated she feels such is excessive.

Paul O'Brien stated he does not recommend changing the definition.

Following discussion of the issue, the Board agreed not to pursue the matter further.

### **Steep Slope Ordinance**

Rob Houseman stated he sought Town Counsel's guidance, per the request of the Board, with regard to whether the Steep Slope Ordinance is considered an innovative land use control issue (RSA 674:21) and noted Town Counsel's opinion as follows;

- An applicant can seek a variance from any component of the ordinance that is not part of the Conditional Use Permit (CUP) process approved by the Planning Board
- A variance can be sought for disturbance in slope areas of 25% or greater
- A CUP is triggered only when the proposed development impacts areas with a slope of 15% or greater, as shown on the Town's Steep Slopes map, and where the proposed site disturbance is greater than 20,000 square feet
- Any appeal of a CUP decision would proceed directly to Superior Court

Rob Houseman stated the innovative land use statute allows for the segregation of special approvals and does not allow those special approvals to be appealed directly to the ZBA.

Kathy Barnard asked whether the Board wishes to pursue any changes to the ordinance as a result of Town Counsel's opinion.

Vaune Dugan stated she feels the ordinance is extreme; noting 25% slope is not significant if the structure is designed properly. She stated structures can be engineered to fit into slopes.

Paul O'Brien verified that Ms. Dugan feels the ordinance is too restrictive.

Mike Hodder recommended maintaining the ordinance as written; noting only two cases were challenged.

Vaune Dugan asked if the cases that were challenged included waterfront lots.

Rob Houseman replied yes.

Paul O'Brien stated he is in favor of the existing ordinance.

Rob Houseman referenced the steep slopes map.

Mike Hodder asked what the map is based on.

Rob Houseman replied USGS 20' contours.

Vaune Dugan questioned the criteria for a variance.

Mike Hodder replied spirit of the ordinance is observed, values of surrounding property is not diminished, not contrary to public interest, substantial justice is done and enforcement of the ordinance would create an unnecessary hardship. He stated he feels it would be difficult to get a variance.

Kathy Barnard noted the Town's ordinance was prepared from the State's model ordinance.

Following further discussion, the Board requested the following;

- Email Board link to Steep Slopes map
- Onsite survey v. map jurisdiction
- Board review of the Grandview Subdivision (former airport)

**V. Informational Items**

Rob Houseman reviewed the following informational items; NHMA emails regarding condominium conveyance, Technical Review Committee 4/1/15 minutes, Non-Tidal Shoreline Structures Pre-Rulemaking Feedback Request and Notices of Decision.

**VI. Planning Board Subcommittee Reports**

**TRC:**

Reviewed the Kingswood Golf Club Master Plan and Hawkins Special Use Permit on 4/8/15.

**CIP Committee:**

Paul O'Brien volunteered to be the Planning Board Representative on the Committee.

**Wayfinding Signs Committee:**

First meeting scheduled for 5/11/15.

**Heritage Commission:**

Maggie Stier to attend 5/19/15 Planning Board meeting. Mike Hodder noted he attended the OEP Conference on 5/2/15 and was informed that funding is not necessary to establish a Heritage Commission.

**VII. Approval of Minutes**

**April 7, 2015**

***It was moved by Mike Hodder and seconded by Paul O'Brien to approve the April 7, 2015 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.***

**VIII. New/Other Business**

Kathy Barnard stated she attended the OEP Conference and requested the Aging in Place and Legislative Update presented by Ben Frost be distributed to the Board; noting towns are not allowed to prohibit accessory apartments.

***It was moved by Mike Hodder and seconded by John Thurston to adjourn the May 5, 2015 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.***

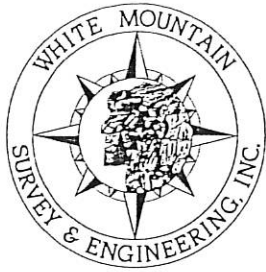
*There being no further business, the meeting adjourned at 8:52 PM.*

Respectfully Submitted,

*Lee Ann Keathley*

Lee Ann Keathley

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



**WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**

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**RECEIVED**

APR 6 2015

April 6, 2015

Robert T. Houseman, Town Planner  
Town of Wolfeboro  
P.O. Box 629  
Wolfeboro, NH 03894-0629

**WOLFEBORO  
PLANNING DEPT.**

Re: Richard O. Hawkins Trust  
Special Use Permit Application  
142 Keewaydin Road  
Tax Map 171 Lot 36

Dear Rob:

Please accept this letter, the accompanying documents and plan as a completed application for a Special Use Permit under Article II of the Wolfeboro Zoning Ordinance, Section 175-10.C, to allow for the redevelopment of a lot that was re-configured and approved by the planning board through a boundary line adjustment application in the summer of 2010.

John and Pamela Hopkins, beneficiaries of the Richard O. Hawkins Trust (Pamela is Richard O. Hawkins' daughter and the Trustee of this Trust) wish to retire to this location and as such, would like to raze the main dwelling on this property and replace it with their retirement home and attached garage that will house their two cars and a small boat. Because there is a second dwelling on the lot that they rent out in the summer to reduce the real estate tax burden, they are attempting to redevelop the property in a manner that is environmentally sensitive, preserves some level of privacy between the two dwellings and meets their needs for a retirement home.

As you are aware, but for the Planning Board's benefit, in arriving at the concept before you we have gone through many redevelopment options. All other options had a greater impacts than the one before you. As you suggested, we even made a pre-application presentation to the Conservation Commission to determine whether they had any concerns with this proposal. Although no formal vote was taken, the consensus of the Conservation Commission was that the proposed redevelopment plan was better for the environment than the current condition.

Presently, the existing property has two dwellings serviced by primitive, pre-1967 septic systems, and an off lot water supply. In addition to the two dwellings, there are four one story sheds, three of which lie in jurisdictional wetlands, and a 1-1/2 story one car garage whose rear corner encroaches in jurisdictional wetlands. The footprint of the existing main dwelling and garage they wish to replace is approximately 2,265 SF (including roof overhangs). The three sheds which lie wholly or partially in jurisdictional wetlands total 806 SF, of which, 723 SF lies





directly in jurisdictional wetlands. The main dwelling currently has 225 SF of living space and 106 SF of other structure forward of the 50 foot shoreline setback.

The proposal is to raze two of the three sheds which lie in jurisdictional wetlands and relocate the third shed to a location outside of jurisdictional wetlands, but within the wetland buffer. The proposed dwelling with attached garage will be approximately 3,262 SF and will have no living space within 50 feet of the shoreline. The Hopkins do plan to preserve a portion of the existing non-conforming setback for an open deck in order to maintain the view they have enjoyed for many decades. This proposal will also incorporate the design and installation of a new sewage disposal system on an abutting lot that was reserved when the 2010 boundary line adjustment was approved, further enhancing the environmental condition of this property once it is re-developed.

When the redevelopment is complete, the resultant reduction in permanent impact to jurisdictional wetlands and the buffer can be summarized as follows, excluding existing structures to remain.

	Existing (SF)	Proposed (SF)
Bldg. Area in Wetland	723	0
Bldg. Area in Buffer	942	764
Driveway in Buffer	2,369	2,179
Living Space w/in 50' of SL	225	0
Other Structure w/in 50' of SL	106	221
Bldg. Area in Wetland Setback	286	446
Driveway Area in Wetland Setback	<u>580</u>	<u>568</u>
Total impacts	5,231	4,178

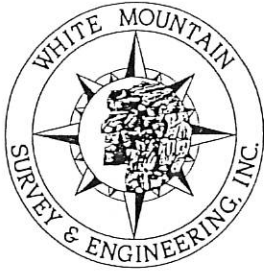
It should be noted that there will be temporary impacts to wetlands buffers and wetlands during construction of approximately 4,227 SF, for removal of sheds, site construction and grading, but those will only be temporary.

Consistent with Article II, Section 175-10.C, we will now demonstrate that the proposed use is in accordance with all of Section 175-10 Subsection B(1), (2) and (3) and findings listed in Section 175-5.

**175-10, B(1) No alternative location outside the wetlands setback or buffer zone or which has less detrimental impact on a wetland is feasible.** (emphasis added)

It is our position that through this redevelopment proposal that we have demonstrated that there is no alternate location that has less detrimental impact to this property. The size of the home





and garage are a result of the needs of the Hopkins when you factor in the loss of the two sheds that will be lost and the need for housing two vehicles as a retirement home. It is not possible to shift the home further to the south, which would increase the setback to the wetlands, without the removal of existing mature trees in the Woodland Buffer which is contrary to the town and state Shoreland Water Quality Protection Act. This action would also remove some of the buffer between the two dwellings which is something the Hopkins wish to avoid. This proposal results in a reduction of 1,053 SF of impact from the wetlands and the buffer or a 20.1% reduction in impacts.

**175-10, B(2) The proposed construction is essential to the productive use of other land which is not within the Wetlands Conservation Overlay District.**

The proposal is essential to the productive use of other land which is not within the Wetlands Conservation Overlay District. This proposal allows the Hopkins the ability to re-develop the property in a manner which minimizes impacts within the Wetlands Conservation Overlay District and Protected Shoreland by making use of existing disturbed areas on the site, preserving other mature trees and vegetation in the Woodland Buffer. It removes structures that exist within jurisdictional wetlands improving the function and conditions of those wetlands.

**175-10, B(3) Design, construction and maintenance methods will be such as to avoid or minimize detrimental impact upon the wetlands.**

Many of these wetlands, especially on the fringes, are wetlands that undoubtedly were impacted and/or filled when this property was originally developed in the 1940's or 1950's. In fact, I feel comfortable in stating that it is likely that only a Certified Wetland Scientist would recognize many of these areas as being jurisdictional wetlands. Through the removal of existing sheds within the wetlands, and the use of best management practices, proper erosion and sediment controls and stormwater mitigation such as stone drip edges and drainage swales, we will minimize any detrimental impacts upon the wetlands.

**175-5, A. Prevent the destruction of or significant changes to those wetland areas, related water bodies and adjoining land which provide flood protection.**

With this proposal, by removing the existing sheds within the wetlands, and the use of best management practices during construction including, proper erosion and sediment controls and stormwater mitigation such as stone drip edges and drainage swales, we will not only prevent the destruction of wetlands, but we will enhance them over the existing situation. Enhancing the condition and function of the wetlands by the removal of the existing sheds will enhance the function of the wetlands, which will in turn enhance flood water retention and water filtration resulting in improved water quality.



**175-5, B. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.**

With this proposal, by removing the existing sheds within the wetlands, and the use of best management practices during construction including, proper erosion and sediment controls and stormwater mitigation such as stone drip edges and drainage swales, we will enhance the function of the wetlands, which will in turn enhance flood water retention and water filtration resulting in improved water quality. Additionally, this proposal does not alter the existing drainage patterns.

**175-5, C. Provide for nutrient attenuation and augmentation of stream flow during dry periods.**

This proposal will have no impact on nutrient attenuation and augmentation of stream flow during wet or dry periods, although it will enhance the function of the wetlands.

**175-5, D. Preserve and protect important wildlife habitat and maintain ecological balance.**

Although there are no wildlife habitats in this area that have been identified as "important", this proposal will enhance the wetlands thereby improving the ecological balance and improving the wildlife habitat for amphibians and small mammals and insects.

**175-5, E. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.**

This proposal will not impact on essential services or utilities.

**175-5, F. Protect the wetlands, watercourses, surface and groundwater supplies and waterbodies of the Town/city from degradation.**

This proposal will protect the wetlands, surface and groundwater supplies by removal of existing structures from wetlands, which will improve surface water filtration and groundwater recharge.

**175-5, G. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.**

As I mentioned above, these wetlands are wetlands, at least on the fringes, that most lay people would not recognize as wetlands. Therefore their aesthetic values are minimal. That being said, by removing structures from the wetlands as part of this re-development process, we will



Robert T. Houseman, Town Planner  
April 6, 2015  
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enhance what aesthetic values exist with these wetlands and therefore the Wetlands Conservation Overlay District in this area.

We attach a copy of the stated plan and approval as part of this application.

### Summary

We have taken great care to minimize the impact to the wetlands and its buffer, especially when compared with the existing conditions. We have employed Best Management Practices including appropriate erosion and sediment control measures and stormwater mitigation actually reducing wetlands impacts and overall impact within the wetlands and buffer as a result of this re-development.

As a result of these efforts, we and the land owners are confident that this submittal meets the requirements outlined above and therefore satisfies the purpose of the Wetlands Conservation Overlay District and the findings contained in Section 175-5, A-G.

Once you have had the opportunity to review this submittal, if you find that you have any questions, please feel free to contact me directly at 539-4118, extension 315. In thanking you for your attention to this matter, I remain

Sincerely,  
White Mountain Survey & Engineering, Inc.

James F. Rines, P.E., L.L.S., C.P.E.S.C.  
President