

**TOWN OF WOLFEBORO
PLANNING BOARD
May 24, 2016
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.

Member Absent: Dave Alessandrone, Alternate.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Administrative Secretary.

Chairman Barnard opened the meeting at 7:05 PM at the Town of Wolfeboro Great Hall.

I. Scheduled Appointments

**Town of Wolfeboro Municipal Electric Department
Scenic Road Tree Trimming
Sewall Road**

Kathy Barnard stated such was continued from April 19, 2016 to ensure compliance with the statute relative to public notice.

Barry Muccio stated the Municipal Electric Department is in the process of converting the electrical distribution system voltage on Sewall Road from 4kV to 12kV. He stated the project consists of the replacement of all utility poles, transformers and the installation of new three-phase cable; noting the upgrade in voltage requires taller poles and wider clearance from the utility lines. He reviewed the proposed tree take down locations on Sewall Road. He noted that 75% of the trees have tree damage or rot. He stated Kirk Titus, Tree Warden, has reviewed the trees identified and supports the removal of the trees. He stated the tree removal will improve growth of existing vegetation and removal would occur after Labor Day.

Kathy Barnard confirmed that some of the trees are located on private property.

Barry Muccio stated all land owners will be approached prior to the removal of the trees. He noted that the trees on Sewall Road have not been trimmed since tenure.

Vaune Dugan asked if it would be possible to keep the branches under the wires.

Barry Muccio stated that most are located above the power line; noting there is not a lot of low underbrush along the roadside.

John Thurston questioned when the next trimming would occur.

Barry Muccio replied ten years.

Kathy Barnard stated Dan Coons, Conservation Commission Chairman, reviewed the proposal and has no objections to such.

Chairman Barnard opened the public hearing.

Kathy Barnard noted the proposal is for the benefit of the public and public safety.

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

It was moved by Stacie Jo Pope and seconded by Mike Hodder to approve the Town of Wolfeboro Municipal Electric Department's Scenic Road Tree Trimming Project on Sewall Road. All members voted in favor. The motion passed.

II. Public Comment

None.

III. Action Items

Michael A. Simmons

Building Permit on a Class VI Road

Stoneham Road

Tax Map #104-11

Rob Houseman reviewed the location of the lot via aerial photographs. He stated the BOS has received an application for a building permit on a Class VI section of Stoneham Road; noting the parcel does not have frontage on Stoddard Road. He noted that pursuant to RSA 674:41 the Planning Board is required to review and provide comments or recommendations to the BOS for when they consider the application. He stated that Dave Ford, Department of Public Works, and Tom Zotti, Fire Department, have reviewed the proposal. He reviewed his memo, dated May 20, 2016.

Kathy Barnard asked if the property owner is responsible for any upgrades to the road.

Rob Houseman stated the owner is responsible for plowing and grading of the road beyond what the area the Town maintains and would maintain the visual characteristics of the Class VI road and proposed drainage improvements. He stated the owner is required to file a Class VI Road Agreement; noting such is recorded at the Carroll County Registry of Deeds.

Mike Hodder asked if the BOS would hold a public hearing on the matter.

Rob Houseman replied yes, including notice to abutters.

Mike Hodder questioned the likelihood of the road being petitioned to become a Town road.

Rob Houseman stated the proposed upgrade does not constitute an upgrade to a Class V standard.

Kathy Barnard stated the Fire Department has required the owner to sprinkle the house and questioned whether such should be included as a condition of the Board's recommendations.

Rob Houseman replied no. He stated such would be incorporated as a condition of the building permit. He stated the owner has agreed to the condition.

Kathy Barnard questioned the acreage of the parcel.

Rob Houseman replied 28 acres.

Vaune Dugan questioned the minimum zoning requirements.

Rob Houseman replied 5-acre zoning.

Kathy Barnard recommended a condition that the parcel not be subdivided.

Rob Houseman recommended against such because parcels on Class VI roads cannot be subdivided.

Kathy Barnard stated the Master Plan speaks to this issue in the land use section and reviewed such. She recommended against issuing building permits on Class VI roads however, the Board has permitted such. She recommended a condition be included relative to the protection of land and water resources. She asked if a single family dwelling is proposed for the parcel.

Rob Houseman replied yes and noted the Town has been working with the land owner for two years regarding the development of the lot.

Mike Hodder asked if the Conservation Commission has reviewed the proposal.

Rob Houseman replied no, noting the BOS have a policy that does not include review by the Conservation Commission.

Kathy Barnard stated the Board could recommend to the BOS that the Conservation Commission review the proposal.

Stacie Jo Pope expressed concern for future subdivision of the parcel due to its close proximity to a Class V road. She asked if the owner owns the abutting property.

Rob Houseman stated the owner owns Lots 9 and 10.

Mike Hodder stated he would prefer not to see development on a Class VI road however, noted that an owner cannot be stopped with regard to developing their property. He recommended the Board request the BOS to incorporate input from the Conservation Commission for potential environmental impact.

The Board agreed to request the following to be considered by the BOS for future applications to develop on a Class VI Road;

- Review and comment by the Conservation Commission
- Review potential impact to convert the status of a Class VI Road to a Class V Road following requests for development on a Class VI Road.

It was moved by Mike Hodder and seconded by Vaune Dugan to recommend to the BOS the Planning Board has no objection to the issuance of a building permit on a Class VI Road for Michael A. Simmons. The Planning Board recommends the BOS consider review and comment from the Conservation Commission on said requests and consider the status and potential conversion of a Class VI Road to a Class V Road in the future as a result of the requests for the issuance of a building permit on a Class VI Road. All members voted in favor. The motion passed.

**Hingham Realty Trust
§ 175-55.1. Lots With No Frontage
Gould Road
Tax Map #266-1**

Rob Houseman stated the applicant is seeking to construct a new home on a vacant parcel; noting the parcel is accessed via Gould Road, a private easement access way. He stated the lot previously had a cottage on the parcel however, the owner razed the cottage more than one year ago and have lost their vesting of right and has triggered the application of the requirements provided in 175-55.1. Lots With No Frontage. He stated the applicant has made application to the ZBA for a Special Exception and as such, is required to submit the proposal to the Planning Board for review and comment.

Paul O'Brien questioned the location of the house.

Rick Sager replied Wolfeboro.

Vaune Dugan questioned the existing conditions and proposed conditions.

Rob Houseman reviewed the September 2008 Boundary Line Adjustment plan. He noted that all access to the property is via Gould Road which is located in Alton and improvements have been made to the road for safety access. He stated the statute provides this mechanism for development of the property.

Mike Hodder asked if the Town would require a waiver of liability.

Rob Houseman replied yes.

Mike Hodder expressed concern regarding legal issues for the Town because the property is accessed through another town. He asked if the road is built to Alton or Wolfeboro's road standards.

Rob Houseman stated the road is not being built to either of the Town's standards rather; it is only being improved for safety access. He stated access is an easement access over the land of others that services other lots as well. He noted the applicant would sign the Town's Release of Liability; noting such is recorded at the Carroll County Registry of Deeds and runs with the land. He stated the applicant is required to file a building permit in each town.

Mike Hodder requested that a Release of Liability from both Wolfeboro and Alton be submitted for the ZBA hearing.

Rob Houseman recommended endorsement of the project given the following;

1. The property previously contained a dwelling unit and its replacement will not create a new or increased impact to the Town.
2. The applicant shall be improving the access over Gould Road for safety vehicle access.
3. The applicant has demonstrated compliance with all other provisions of § 175-55.1. Lots With No Frontage.

It was moved by Vaune Dugan and seconded by Paul O'Brien to endorse the Hingham Realty Trust proposal, Tax Map 266-1, based on the above noted conditions and provided the applicant satisfies the Special Exception criteria. All members voted in favor. The motion passed.

IV. Work Session

Accessory Dwelling

Rob Houseman stated Town Counsel has reviewed the draft ordinance and finds it in compliance with statute. He noted the ordinance, as currently drafted, is set up to permit accessory dwellings by Special Exception. He noted that currently accessory dwellings are allowed in all districts except the Shorefront Residential District and noted the draft ordinance addresses a Town-wide amendment. He stated the draft ordinance, as it is configured would address the legislative requirements. He stated the Board could require that one of the units be owner occupied.

Paul O'Brien asked if the Notice of Restriction is required by Statute or by the Town.

Rob Houseman replied by the Town and noted such would be recorded at the Carroll County Registry of Deeds.

Mike Hodder asked that if the Board agrees to permit such by Special Exception that the Board review each of the Special Exception criteria as part of its deliberations.

The Board expressed concern for overdevelopment of the lot and stormwater issues and agreed to/requested the following;

- Consider Conditional Use Permit vs. Special Exception
- Review owner occupancy requirement
- Provide final version of legislation
- Provide examples

V. Informational Items

Rob Houseman reviewed the following informational items; email from Dave Owen, dated 5/13/16, regarding the Heritage Commission's organizational meeting, HE Bergeron Field Report for Wolfeboro Camp School and Notices of Decision. He noted the Heritage Commission would like to assist with the Master Plan update and the historic resources of the Town.

The Board requested a copy of the historic inventory.

VI. Planning Board Subcommittee Reports

None.

VII. Approval of Minutes

April 19, 2016

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the April 19, 2016 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

May 3, 2016

It was moved by Paul O'Brien and seconded by Mike Hodder to approve the May 3, 2016 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

May 10, 2016

It was moved by John Thurston and seconded by Mike Hodder to approve the May 10, 2016 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, Vaune Dugan, John Thurston, Paul O'Brien, Mike Hodder voted in favor. Brad Harriman abstained. The motion passed.

VIII. New/Other Business

- Summer intern will be preparing a draft outline and update to the Economic Development Chapter of the Master Plan in addition to assisting with the public opinion survey draft.

It was moved by Mike Hodder and seconded by Paul O'Brien to adjourn the May 24, 2016 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

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

