

**TOWN OF WOLFEBORO
PLANNING BOARD
February 13, 2024
APPROVED MINUTES**

I. Call to Order

Chair Kathy Barnard called the meeting to order at 7:00PM.

II. Introduction of Planning Board Members

Members Present: Kathy Barnard, Chair, Brad Harriman, Selectmen's Representative, Roger Murray, Vaune Dugan, Members, Steve Webster, Julie Jacobs, Jane Nielsen, Alternates.

Members Absent: Doug Breskin, Vice-Chair, Peter Goodwin, Member, John Thurston, Member.

Staff Present: Tavis Austin, Director of Planning and Development, Michaela Beckwith, Recording Secretary.

Kathy Barnard appointed Steve Webster, Jane Nielsen and Julie Jacobs, Alternates to sit for Doug Breskin, Vice-Chair, John Thurston and Peter Goodwin, Members.

III. Discussion Items

Voluntary Lot Merger - Austin White/North Wolfeboro

Kathy Barnard stated this item needs to be tabled.

Roger Murray stated the Board is unable to act on this application as the lots are owned by two separate parties.

Kathy Barnard questioned the road being Class VI noting new construction regarding the current regulations.

Tavis Austin stated the property is on a Class V road.

Kathy Barnard stated this item needs to be tabled.

Roger Murray stated the owners need to provide a deed before proceeding.

It was moved by Roger Murray to table the Lot Merger application to a later date. Jane Nielsen seconded the motion. All members voted in favor. The motion passed (7-0-0).

Impact fee – Club Lane property

Tavis Austin stated the applicant is not present. He also stated the impact fee is required in order to receive a Certificate of Occupancy noting the Board is able to make a payment arrangement with the applicant.

Vaune Dugan questioned if the impact fee is the only missing item regarding the property's readiness for a Certificate of Occupancy.

Tavis Austin replied yes.

Tavis Austin provided the Board with impact fee of \$4,184.00 for this specific property.

Kathy Barnard asked the Board how they would like to proceed.

Tavis Austin stated the property owner proposed a payment arrangement.

Vaune Dugan questioned the payment arrangement becoming a lien on the property.

Tavis Austin stated the letter from the property owner does not state if the payment will come from cash bond, letter of credit or performance bond.

Kathy Barnard questioned compliance with current regulations if the payment agreement is authorized.

Steve Webster suggested the owner post a payment bond.

Kathy Barnard asked Tavis Austin to suggest an option of payment bond to the property owner.

Tavis Austin replied yes, stating he will ask the owner to appear at the next meeting.

It was moved by Roger Murray to table the Impact Fee item. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).

19 Pond Haven

Owner reviewed the proposed plan for the addition for his mother-in-law stating the purpose would be to provide care while continuing to allow independent living. He stated he is seeking the Board's opinions and potential problems that could arise prior to beginning permitting and construction costs.

Kathy Barnard questioned the property not having any allotment for development noting a proposed project was a problem in 2018.

Owner replied he is unsure of the property plans, proposals and problems prior to purchasing in 2019.

Kathy Barnard questioned the existing deck location being moved.

Owner replied yes, stating the existing deck would become part of the proposed addition and a new deck would be built on the opposite side of the home.

Kathy Barnard stated that would create more impact on the lot.

Owner noted the existing deck is built on piers and the proposed addition would be built on piers as well.

Kathy Barnard stated the owner would need to begin with State permitting.

Steve Webster questioned the wetland delineation being updated from 2017 map which is attached to the application.

Owner replied yes, stating the map has been updated by the same professional who prepared the 2017 map.

Roger Murray stated the submitted plan shows a date of 1/18/2024.

Vaune Dugan expressed concern of the property setbacks to wetlands. She suggested considering alternative locations for the addition which may cause less impact regarding wetland encroachment.

Owner explained the current layout of property and proposed plan for functionality and aesthetic.

Vaune Dugan suggested renovating the existing garage into an apartment.

Tavis Austin referred to the plan regarding language for wetland and buffer zone/setback. He also stated the Board only has authority in the property buffer.

Steve Webster questioned mitigation of the property wetlands.

Roger Murray questioned if the property is serviced by Town water and sewer. He questioned the size of the proposed addition and if the addition would be occupied year-round.

Owner explained the addition would not contain a kitchen noting the intent is to provide semi-independent living space.

Roger Murray questioned the insulation underneath with pier construction.

Owner replied yes.

Roger Murray questioned the existing retaining wall.

Owner replied the retaining wall would stay and the addition would be built on top of such.

Roger Murray questioned the contour of property regarding direction of drainage.

Owner stated the property contains no defined direction of drainage noting the summer is dry and the spring thaw creates puddling.

Roger Murray questioned the area of the proposed addition ground covering.

Owner replied wooded area.

Roger Murray questioned the existing garage location.

Owner replied, showing the garage location using the map.

Kathy Barnard stated hard lot to develop regarding wetlands.

Owner stated that's why they have come before the Board before they get any further in the process.

Julie Jacobs questioned the wetland locations.

Vaune Dugan stated everything beyond the retaining wall is wetlands.

Julie Jacobs questioned the current home not being on wetlands due to the fill used for initial construction.

The Board discussed the location of proposed addition and plan with regard to wetlands, upland and buffer.

Roger Murray stated he shares Kathy Barnard's concerns, suggesting use of the two car garage.

Vaune Dugan suggested reviewing the Planning Board's past minutes with regard to the property development.

Owner questioned hypothetical use of upland area creating less of an impact or converting the garage for proposed addition. He also questioned the construction of a new garage.

Tavis Austin stated the map needs to determine setbacks and wetland buffer.

Lakes Region Planning Commission

Tavis Austin reviewed the Commission appointment dates of Roger Murray (2026) and his own (2024.) However, his appointment to the Transportation Advisory Committee has run out as of July 2023. He stated he will draft a memo if the Board endorses such which would then go to the Board of Selectman for approval.

It was moved by Kathy Barnard to appoint and endorse Tavis Austin as the Planning Board's Transportation Advisory Committee representative. Vaune Dugan seconded the motion. All members voted in favor. The motion passed (7-0-0).

Michaela Beckwith, Recording Secretary, recused herself. Lee Ann Hendrickson, Administrative Secretary, will record the minutes for this portion of the meeting.

Kathy Barnard requested an update regarding legal issues.

Tavis Austin stated the Board approved a conditional use permit for an accessory dwelling unit at 16 Libby Street and noted that within thirty days of that decision two appeals were filed. He stated one appeal was filed by Mr. Hart which was made to the Housing Appeals Board and the second appeal was filed by Audrey Cline, representing Roger Kent, who is appealing the Planning Board decision. In preparation of the ZBA meeting on February 5, 2024 and at the request of Kathy Barnard and Doug Breskin, he contacted Planning Board counsel and asked if any member should attend the meeting and what, if anything, should be said. He stated the outcome of such is the letter before the Board that was presented as public comment at the February 5 ZBA meeting. He stated the ZBA continued the hearing until February 22 and noted he does not yet have a date from Planning Board counsel or the Housing Appeals Board as to when the hearing will be held. He stated the hearings are open to the public and noted such is being solely handled by Planning Board counsel.

Kathy Barnard stated the letter that was submitted notes that they do not have jurisdiction to hear the case because it's an innovative land use application.

Julie Jacobs stated the letter is a letter to the ZBA and not the Planning Board. She stated the letter is not telling the Planning Board that they do not have jurisdiction.

Roger Murray asked if the ZBA has a letter from their counsel stating that they have jurisdiction.

Tavis Austin stated he is not aware of such a communication.

Roger Murray confirmed the ZBA proceeded with the hearing.

Tavis Austin stated the first thing the ZBA did was make a motion that they have jurisdiction and opened the public hearing. He stated the ZBA had a copy of Planning Board counsel's letter in addition to a Motion to Dismiss from Mr. Beckwith's attorney.

Roger Murray asked where was the recommendation that someone speak on behalf of the Planning Board or that the letter from counsel was sufficient.

Tavis Austin stated such may be a question for a nonpublic.

Roger Murray confirmed the Planning Board filed an answer with the Housing Appeals Board and requested a copy of such be distributed to the Board. He asked if someone from the Planning Board would be speaking at the hearing.

Kathy Barnard stated she believes Planning Board counsel would make that decision.

Vaune Dugan questioned the current status of the ADU application.

Tavis Austin stated the ADU building permit cannot be issued per Planning Board counsel. He stated a Certificate of Occupancy can be granted however, each Certificate of Occupancy should have a disclaimer "subject to appeal".

Roger Murray asked if Mr. Brown has acted on anything.

Tavis Austin replied no.

Respectfully submitted, *Lee Ann Hendrickson*

Kathy Barnard stated the Board received a memo regarding pending items the Board needs to discuss. She stated the Board will discuss Road Construction at their next meeting and set a date for public hearing. She listed the items for review as following: solar ordinance, noting the energy committee's input was needed; multifamily housing, short term rentals, noting this topic was raised several times and needs further review; water and sewer issue, manufactured housing, noting the ordinance is outdated and requires work; impact fees, noting the consultants from the year prior stated this needs to be reviewed; natural resources chapter of the master plan, noting a consultant requested an update; elimination of the C2 district

Roger Murray questioned the impact fees in relation to the school district.

Vaune Dugan stated there was question with how the fees were being used and demonstrating the use.

Tavis Austin replied the impact fees were being used as part of the school budget and the Town portion of the issue has been resolved.

Vaune Dugan questioned the fee being used to reduce the school portion of the tax rate.

Tavis Austin replied yes.

Kathy Barnard questioned the Natural Resources chapter of the Master Plan being worked on this year or next year.

Tavis Austin stated the map is currently being updated noting the budget has not included the Natural Resources item noting however it could be completed via the Board and Town staff.

Kathy Barnard asked if the elimination of the C2 district could be revisited.

Tavis Austin replied yes, noting the C2 district is functionally gone, containing no properties except being referred to in the ordinance.

Steve Webster questioned the district being on the map.

Tavis Austin replied yes.

Vaune Dugan suggested discussing and reviewing each item with regard to explanations sought from the voters.

Julie Jacobs stated they all of the above items went to hearing and were well received.

Tavis Austin stated the Town Manager will draft a short term rental licensing document.

Brad Harriman stated the items need review. He suggested concentrating on correct language and explanation to the public to create better voting results.

Kathy Barnard stated multifamily housing is a concern.

Vaune Dugan stated manufactured housing needs a definition or elimination.

Kathy Barnard questioned accessory dwelling units and how the Board would like to proceed.

Vaune Dugan stated the all of last year's items be prioritized then discussed in order of such.

Tavis Austin stated there is agenda available in the Board's next meeting on 2/20/2024.

Vaune Dugan requested the Conservation Subdivision discussion be held during the Board's work session.

Roger Murray stated this item will be addressed after Town meeting.

Roger Murray questioned the Life time Green Homes being on the March 19th meeting agenda.

Tavis Austin stated he will follow up with Mr. Brem regarding the March 19th meeting.

IV. Public Comment

Anne Blodget stated the meeting agenda was unspecific. She requested the meeting agenda be more specific in detail for residents both present at meetings and watching from home.

Tavis Austin stated yes, noting he can add information to the agendas moving forward.

Anne Blodget expressed concern on the topic of short-term rentals with regard to creating real estate issues. She requested the Board prioritize this topic this year.

V. Approval of Minutes:

Corrections:

Page 4, Peter Goodwin's statement towards bottom of the page – Add at the end of statement, "However the Board is following the regulations, so it is technically correct.

Page 6 – In the motion made by Doug Breskin, change Special Use Permit to Site Plan Review.

Page 7 – half way down the page, amend statement to read "Roger Murray stated he spoke with Tavis Austin. He stated he believes the intent of the petition to be to create uniformity in the permitted uses and multifamily ordinance in all districts, noting one interpretation could be to no longer allow multifamily dwellings in certain residential districts. He stated depending on the intent, this petition needs to be clarified."

Page 7, last line – change the word petition to zoning.

It was moved by Kathy Barnard to accept the minutes as amended. Jane Nielsen seconded the motion. All members voted in favor. The motion passed (7-0-0).

It was moved by Roger Murray and seconded by Vaune Dugan to adjourn the February 13, 2024 meeting.

The meeting was adjourned at 8:08PM.

Respectfully Submitted,
Michaela M. Beckwith
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*** Please note these minutes are subject to amendments and approval at a later date. ***