

**TOWN OF WOLFEBORO
PLANNING BOARD
March 19, 2024
DRAFT 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, Peter Goodwin, Steve Webster, Members; Julie Jacobs, Jane Nielsen, Alternates.

Members Absent: Doug Breskin, Vice-Chair; Vaune Dugan, Member.

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

Kathy Barnard appointed Julie Jacobs to sit for Vaune Dugan and Jane Nielsen to sit for Doug Breskin upon her arrival.

Kathy Barnard read a statement from John Thurston to the Board and the Town of Wolfeboro regarding his position on the Planning Board and a current personal matter. Steve Webster has been appointed as a Planning Board Member as John's replacement.

III. Public Hearings:

Lifetime Green Homes, LLC – Special Use Permit

Kathy Barnard stated the applicant is not present and has requested a continuation until the Board's May meeting. She suggested the Board proceed by denying the application without prejudice.

Julie Jacobs questioned the process of the application being denied without prejudice.

Kathy Barnard stated the applicant would be able to start the application anew.

Roger Murray questioned the amount and detail of information the Board was provided with the application.

Tavis Austin stated the information that was provided pertained solely to the application.

It was moved by Kathy Barnard to deny the Lifetime Green Homes, LLC - Special Use Permit application without prejudice. Julie Jacobs seconded the motion. All members voted in favor. The motion passed (7-0-0).

John Sandeen, resident, questioned the Special Use Permit for the Lifetime Green Homes application with regard to the application process.

Tavis Austin stated the application has evolved since the initial conceptual design review.

Kathy Barnard questioned the total number within the proposed building being 6 units.

John Sandeen questioned the number of units, asking if the building would be a duplex. He expressed interest in members of the Town staff who have communicated with Mr. Brem.

Tavis Austin stated he has been in correspondence with the applicant since his first appearance before the Planning Board, noting information regarding the new plan was submitted.

IV. Discussion items:

Conceptual Review – 4 Center Street – Site Plan

Travis Cummings, Refuge BBQ, reviewed conceptual design for the location of the restaurant's meat smoker trailer, noting the 10' perimeter guidelines.

Julie Jacobs questioned the proposed location, noting sight lines for traffic. She also questioned the size of the smoker.

Kathy Barnard asked if the smoker has a smoke stack.

Travis Cummings replied yes.

Peter Goodwin questioned whether the proposed location would decrease current parking.

Travis Cummings stated a decrease of 2 spots is expected.

Tavis Austin stated the Board needs to determine whether this issue requires full site plan review.

Julie Jacobs questioned the proposed location being permanent.

Travis Cummings replied the trailer would not be moved.

Kathy Barnard suggested the use of a screening material to make the smoker less noticeable.

Travis Cummings stated the material would need to be fire proof due to the National Fire Association requirements.

Kathy Barnard stated this issue needs full site plan review.

Roger Murray stated the current business has no marked parking spots, noting the restaurant is located in the Central Business District and the parking requirements of such. He stated the parking spaces need to be lined.

Travis Cummings stated the parking takes into account the businesses of the building.

Roger Murray questioned the amount of heat and smoke the smoker produces.

Travis Cummings replied not much smoke, offering a video of the smoker functioning.

Kathy Barnard stated a formal application is necessary.

Brad Harriman noted the parking requirements with regard to the apartment located on the second floor of the building.

It was moved by Roger Murray to schedule a site review of Refuge BBQ's proposed meat smoker location. Kathy Barnard seconded the motion. The motion passed (6-1-0).

Road Regulations Discussion

Kathy Barnard introduced Steve Randall, the Town of Wolfeboro's Director of the Department of Public Works and stated Steve welcomes questions and provide input on the current regulations and the amendments to such.

Roger Murray asked Brad Harriman a question regarding gravel size.

Brad Harriman stated the State guidelines should be used with regard to road grade. He referenced the Town's current regulations on page 8 regarding estimated average traffic volume.

Steve Randall stated he agrees with Brad Harriman's statements.

Tavis Austin suggested figures 1, 2 and 3 are removed. He noted his work and research and suggested including a cross section modification.

Peter Goodwin questioned including the dates associated with the DOT standards. He suggested removing the dates and replacing with language such as current standards.

Steve Randall suggested the Town adopt a particular dated version as the standards are constantly being updated.

Brad Harriman stated the current language is itemized with regard to the Town's specifications from the State DOT standards.

Tavis Austin stated the DOT standards are electronic and not available in print.

Roger Murray asked Steve Randall his thoughts on the 60' right of way and 22' of pavement stated in the regulation.

Steve Randall stated he supports both, noting the subgrade is more important with regard to road specifications. He also noted the subgrade is more for road infrastructure for future use.

Tavis Austin stated the section regarding road subgrade could include language for the Planning Board to modify in consultation with the Department of Public Works.

Julie Jacobs questioned light post location within the right of way specifications.

Steve Randall stated light posts are inside to right of way.

Roger Murray questioned the light posts being set 8 feet back.

Steve Randall replied yes.

Peter Goodwin questioned the 8' shoulder with regard to pavement measurements, noting high and low traffic volumes.

Steve Randall stated the 24' road is not applicable for Town roads purposes.

Tavis Austin questioned removing the section as it does not pertain to the Town.

Steve Randall replied yes.

Jane Nielsen asked Steve Randall whether a permit is currently required for a driveway of a new construction.

Steve Randall stated yes.

Tavis Austin stated the subdivision documents submitted to the Town become a control in these instances.

Jane Nielsen expressed concern for stormwater runoff with regard to private and Town maintained roads.

Tavis Austin stated the initial construction of the road on a new project needs to be built up to specification in the case of the private road becoming a Town road in the future.

Roger Murray questioned the proposed maximum grade change.

Steve Randall stated reducing the maximum grade is for drainage and emergency vehicle access.

Roger Murray questioned if alleyways are present in Town.

Steve Randall stated no. He suggested removing alleyway language in section 3.8.

Roger Murray questioned removing traditional neighborhood development language.

Kathy Barnard stated there will be a public hearing regarding such changes.

Short term rental

Audrey Cline, resident, read a statement regarding short term rentals in the Town of Wolfeboro. Please see attached statement.

Roger Murray requested a copy of the document Audrey Cline read from.

Julie Jacobs stated the Board did prepare a definition which appeared on the ballot.

Duplex definition

Tavis Austin stated the Board was provided with a memo regarding the current definition of duplex dwelling. He requested the Board define similar proportion with regard to a duplex.

Julie Jacobs expressed concern regarding proportions of first floor units versus second floor units.

Roger Murray stated the definition of similar from the dictionary, noting same shape, angles or proportions not necessarily same size.

Tavis Austin stated the origin of this discussion comes from construction of a one family home, noting the International Residential Code. He stated that similar proportion should pertain to the habitable space and not accessory structures. He requests the Board define similar proportion or change language to one family, two family dwelling.

Kathy Barnard provided the Board with several surrounding towns definitions of duplex as a consideration for how to proceed.

Roger Murray stated the International Residential Code does not apply to zoning ordinances, noting that the zoning requires building code compliance. He stated his belief is duplex dwellings needs to remain separate from ADUs.

Tavis Austin stated the question.

Roger Murray stated the current requirements being challenged in a court of law would lose.

Steve Webster shared an example of similar proportions using a mathematical formula.

Julie Jacobs questioned the proportion differential between first floor and second floor.

Tavis Austin asked the Board how much of a difference can the two plus floors be from each other to be considered proportional.

Steve Webster stated mathematically proportional.

Peter Goodwin stated the regulation may include a fault regarding similar shape versus similar size meaning square footage. He suggested using a percentage in the duplex regulation.

Tavis Austin stated significant differences exists between ADU and duplex regulations.

The Board discussed the meaning of similar proportions.

Peter Goodwin stated the regulation include language of habitable space.

Tavis Austin questioned the Board on what the Town is gaining by including similar proportion in the duplex regulation.

Peter Goodwin requested a suggestion from Tavis Austin as to what should be included.

Tavis Austin stated his belief is a duplex is a 2-family home that includes independent living space for each.

Julie Jacobs stated the word 'duplex' may need to be removed as it seems outdated.

Tavis Austin stated duplex simply means two units, noting in Wolfeboro, the definition for duplex includes other stipulations.

Peter Goodwin questioned the difference between duplex dwelling and an ADU.

Tavis Austin stated an ADU is part of an owner-occupied structure, noting also that a duplex is not required to be owner occupied.

Suzanne Ryan, resident, stated there is no issue with the current regulation. She also read the definition of similar proportion from the dictionary. She suggested the Board table the discussion. She suggested the Board table the discussion.

Audrey Cline, resident, stated she agreed with Ms. Ryan, also stated that redefining is not worth the Board's effort.

Peter Goodwin stated his belief is to use the historical definition of duplex, noting the word proportion causes a problem.

Julie Jacobs suggested changing the terminology used from duplex to one family, two family, multifamily.

Tavis Austin stated the question was raised by the Code Officer regarding similar proportion.

Kathy Barnard asked the Board if they would like further information.

Accessory structure: "1/2 bath ground floor"

Kathy Barnard stated this topic was brought forth during a past application, noting two issues as follows: the Town does not have a definition of ½ bath and the location of such being on the ground floor of a building.

Roger Murray stated he believes the current language should be kept.

Kathy Barnard asked the Board how they would like to proceed with this agenda item.

Julie Jacobs stated to keep on the agenda for contractor clarification.

It was moved by Kathy Barnard to no longer consider the ground floor ½ bath an issue. Roger Murray seconded the motion. The motion passed (6-1-0).

V. Public Comment

John Sandeen, resident, questioned which Town employees are working with Mr. Brem on the Lifetime Green Homes, LLC application.

Tavis Austin stated there is currently not an application noting himself and the building inspector have communicated with Mr. Brem.

John Sandeen questioned Mr. Brem discussing duplex as an option.

Tavis Austin stated yes, noting Mr. Brem has a denial due to similar proportions.

VI. Approval of Minutes:

It was moved by Peter Goodwin to approve the March 5, 2024 minutes as submitted. Kathy Barnard seconded the motion. All members voted in favor. The motion passed (7-0-0).

It was moved by Roger Murray and seconded by Kathy Barnard to adjourn the meeting.

The meeting was adjourned at 8:11PM.

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