

**WOLFEBORO PLANNING BOARD
PUBLIC HEARING
REGULAR MEETING
January 20, 2009
MINUTES**

Members Present: Chuck Storm, Chairman, Kathy Barnard, Vice-Chairman, Kristi Ginter, Selectmen's Representative, Fae Moore, Chris Franson, Stacie Jo Pope, Jennifer Haskill, Members, Dave Alessandrone, Alternate.

Member Absent: Steve Buck, Alternate.

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

Chairman Storm opened the meeting at 7 PM.

Consideration of Minutes
November 18, 2008

It was moved by Chris Franson and seconded by Fae Moore to approve the November 18, 2008 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

December 2, 2008

Corrections:

Page 1, Bunkhouses and Guest Cottages, 2nd paragraph, 1st line; change "is" to "was".
Change "Chuck Leaf" to "Chuck Lief" throughout the minutes

It was moved by Kathy Barnard and seconded by Jennifer Haskell to approve the December 2, 2008 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

December 16, 2008

Corrections:

Page 1, Boathouse Ordinance, 6th paragraph; change "ascenting" to "assenting" & "descenting" to "dissenting".

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the December 16, 2008 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

January 6, 2009

It was moved by Kathy Barnard and seconded by Fae Moore to approve the January 6, 2009 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

Public Comment

No public comment.

Subcommittee Reports

- **TRC**
Kathy Barnard reported the following:
1/7/09; Special Use Permit approval at 86 Fernald Crossing Road for a single family dwelling.
1/14/09; Special Use Permit approval at 5 North Hodge Shore Road for a septic system replacement.
- **CIP**
No report.
- **Master Plan Implementation Committee**
No report.
- **Green Subdivision**
No report.

PUBLIC HEARING

➤ **Inclusionary Zoning (2nd Public Hearing)**

Rob Houseman reviewed the following change to the ordinance; *"In order to qualify as affordable housing under this Article, the developer must make a binding commitment that the affordable housing units will remain affordable in perpetuity.for a period of 30 years.*

Chairman Storm opened the public hearing.

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

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to move Inclusionary Zoning, as proposed, to Town Warrant. All members voted in favor. The motion passed.

SCHEDULED APPOINTMENTS

Dennis Topping

Special Use Permit

Agent: Peter Cooperdock, Fernstone Associates

Tax Map #216-13

Case #200901

Rob Houseman reviewed the Planner Review for January 20, 2009. He stated the applicant proposes to construct a 26'X40' two bedroom house and 24'X24' garage within the limits of poorly drained jurisdictional wetlands; proposed house location requires 450 SF of temporary wetland impact for connection to the community septic system. He stated the structure encroaches into the wetlands buffer 45' from the edge of poorly drained soils. He stated the Health Inspector, Code Enforcement Officer and Conservation Commission have no objections to the proposal and noted the Commission requested a condition that no further encroachment into the wetlands buffer be permitted.

Chris Franson verified the Commission's request that no further encroachment occur following the construction of the house and garage.

It was moved by Kathy Barnard and seconded by Jennifer Haskell to accept the application as complete. All members voted in favor. The motion passed.

Chairman Storm opened the public hearing.

Peter Cooperdock stated the applicant originally submitted an application in 2004 however, discovered the placement of the road was constructed in error; there being a greater encroachment. He stated the road has since been realigned. He stated the house is 7' from the edge of wetlands and the garage and deck is 5' from such. He stated current vegetation would be maintained and erosion control measures would be installed.

Kathy Barnard verified the overhangs would meet the 5' setback requirement.

Peter Cooperdock stated there would be temporary impact to install a sewer line at the wetland crossing that connects to a community septic system on the adjacent lot.

Lee Ann Keathley, abutter, questioned whether the house would have a full foundation or be placed on a slab.

Peter Cooperdock stated he is unaware.

Lee Ann Keathley questioned the distance from the sewer manhole to the house.

Peter Cooperdock replied 450 SF (6'X90').

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

Rob Houseman reviewed the following recommended conditions of approval;

- 1) The following plan, as amended to the date of approval, is hereby incorporated into this approval:
Plan 1: Special Use Permit Plan for Dennis Topping, Frank Goodwin Road, Wolfeboro, NH, Map 216, Lot 13, Wolfeboro, NH, Prepared by Peter Cooperdock, Fernstone Associates, Certified Wetlands Scientist, Certified Soil Scientist, PO Box 97, Tamworth, NH 03881, Dated October 7, 2008.
- 2) The applicant shall be responsible for all recording fees.
- 3) The applicant shall comply with the pre-construction siltation and erosion control measures as shown on the plan.
- 4) The building and property lines shall be laid out by a Licensed Land Surveyor.
- 5) The vegetation shall be protected with construction fencing throughout the construction process.
- 6) No additional encroachment into the wetlands buffer shall be permitted.
- 7) Work should be done in the dry season, July – September.
- 8) The applicant shall be required to monument the edge of wetlands in compliance with § 175-9.1 *Wetlands Boundary Monumentation, adopted March 13, 2007*. 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.

It was moved by Kathy Barnard and seconded by Chris Franson to approve the Dennis Topping Special Use Permit application, Case #200901, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Herbert C. Miesfeldt, Trustee under Living Trust
2-Lot Subdivision
Agent: Kevin Ashe, LLS, White Mountain Survey Co., Inc.
Tax Map #228-33
Case #200904

Rob Houseman reviewed the Planner Review for January 20, 2009. He stated the applicant proposes a 2-lot subdivision in which Lot 1 shall consist of 1.25 acres and have over 217' of frontage on Spruce Road and Lot 2 shall consist of 1.49 acres and have over 336' of frontage on Tips Cove Road and 201' on Spruce Road. He stated the applicant has not yet received NH DES State Subdivision approval.

It was moved by Kathy Barnard and seconded by Jennifer Haskell to accept the application as complete. All members voted in favor. The motion passed.

Chairman Storm opened the public hearing.

Kevin Ashe stated the original subdivision for Embassy Estates occurred in the late 1980's and consisted of 44 lots including two lots owned by the applicant however, in the 1990's, the applicant merged the two lots. He stated the applicant now wishes to subdivide the lot to its original layout however, since the merger, he built his garage too close to the property line therefore, a new line has been delineated to maintain the 25' buffer from the garage. He stated the original State subdivision approval still applies because the State views the lot as two lots and is viewed as a boundary line adjustment since the lots were originally approved and the property line was altered due to errors.

Kathy Barnard questioned the date of the original subdivision approval.

Kevin Ashe replied 1987.

Kathy Barnard questioned whether the applicant has received a letter from the State in support of the subdivision and that such would fall under the original approval.

Kevin Ashe replied no.

Rob Houseman requested the receipt of such a letter.

Kevin Ashe agreed and requested conditional approval.

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

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: Plan of Subdivision Prepared for Herbert C. Miesfeldt, Trustee under Living Trust of Elizabeth C. Miesfeldt, Spruce Road, Wolfeboro, NH, Dated December 15, 2008, Prepared by Kevin M. Ashe, LLS, White Mountain Survey Co., Inc, PO Box 440, Ossipee, NH 03864.
Plan 2: Plan of Subdivision with HISS Mapping Prepared for Herbert C. Miesfeldt, Trustee under Living Trust of Elizabeth C. Miesfeldt, Spruce Road, Wolfeboro, NH, Dated December 15, 2008, Prepared by Kevin M. Ashe, LLS, White Mountain Survey Co., Inc, PO Box 440, Ossipee, NH 03864.
2. The applicant shall be responsible for all recording fees.
3. The applicant shall submit the Mylar plan for recording at the Carroll County Registry of Deeds.
4. The applicant shall provide a letter from NH DES stating that the 1987 Subdivision approval is still valid or the applicant receive the necessary Subdivision Approval / Permit.

It was moved by Stacie Jo Pope and Jennifer Haskell to approve the Herbert C. Miesfeldt, Trustee under Living Trust, Case #200904, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

It was moved by Jennifer Haskell and seconded by Kristi Ginter to adjourn the January 20, 2009 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 7:48 PM.

Respectfully Submitted,

Lee Ann Keathley
Secretary