

**WOLFEBORO PLANNING BOARD
REGULAR MEETING
April 7, 2009
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Kristi Ginter, Selectmen's Representative, Chris Franson, Jennifer Haskell, Richard O'Donnell, Members, Dave Alessandroni, Alternate.

Members Absent: Fae Moore, Member, Steve Buck, Alternate.

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

Chairman Barnard opened the meeting at 7 PM.

Chairman Barnard appointed Dave Alessandroni, Alternate, to sit in for Fae Moore, Member.

Consideration of Minutes

March 3, 2009

It was moved by Chris Franson and seconded by Jennifer Haskell to approve the March 3, 2009 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, Chris Franson, Jennifer Haskell voted in favor. Kristi Ginter, Richard O'Donnell abstained. The motion passed.

March 17, 2009

Corrections:

Page 1, Subcommittee Appointments, Green Subdivision; add "Kathy Barnard"

Page 2, 1st paragraph; add the following to the end of the sentence; "if the exemption is not granted"

It was moved by Stacie Jo Pope and seconded by Kristi Ginter to approve the March 17, 2009 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

Informational Items

- **Eastern Lakes Region Housing Coalition Forum**
Rob Houseman stated the ELRHC is hosting a breakfast forum at Club 59 (Kingswood Golf Club) with Rebecca Perkins and Ben Frost.

- **LRPC Kim Ayers Award**
Rob Houseman stated LRPC is accepting nominations for such.

- **Urbanized Area Shoreland Exemption application**
Rob Houseman stated he presented such to the BOS on 4/1/09; noting the BOS approved the letter to be sent to the State and also expanded the boundary of such.

Public Comment

No public comment.

Subcommittee Reports

- **TRC**
No report.
- **Master Plan**
No report.
- **CIP**
Kathy Barnard stated Suzanne Ryan expressed an interest in being a member of the Committee; noting the Committee consists of the following members; Jennifer Haskell, Stacie Jo Pope (Planning Board representatives), John Burt (Budget Committee representative), 1 BOS and 2 citizens at large. She stated Dick Hamilton resigned and questioned whether the Board should advertise to fill the position.

Kristi Ginter stated the Board should advertise the vacancy of the position.

Stacie Jo Pope stated the question is to whether or not to expand the Committee; noting all positions are currently filled (6 members). She stated Dick Hamilton acted as a liaison between the Committee and the Planning Board.

Following discussion, the Board agreed to not expand the Committee at this time.

- **Smart Growth**
The Committee met on 4/2/09.

SCHEDULED APPOINTMENTS

Sheepshead Bay, LLC
Special Use Permit
Agent: Jim Rines, White Mountain Survey Co., Inc.
Tax Map #158-21 & 23
Case #200909

Chairman Barnard stated the Sheepshead Bay, LLC application has been withdrawn.

Robert & Michelle Walker
Special Use Permit
Agent: Sherrie Trefry, NH Soils Consultants
Tax Map #266-7
Case #200906

Rob Houseman reviewed the Planner Review for April 7, 2009 and stated the applicant proposes to construct a new dwelling in full compliance with the shorefront setback but, an encroachment into the wetlands buffer, construct a modern septic system in full compliance with all applicable State and local standards, construct a permanent bridge to access the proposed dock and shorefront, temporary impact (after-the-fact) for a wetlands crossing to replace an existing culvert and permanent impact to wetlands for the construction / access to the dock. He stated the Health Inspector and Code Enforcement Officer have no objections to the proposal however, the Conservation Commission conducted a site visit and noted concerns given the proximity to the wetlands. He noted the following recommendations made by the Conservation Commission; if approved as submitted, a natural woodlands buffer should be maintained and enhanced, an alternative location on the lot

appears to provide a "lesser impact" to the wetlands buffer and recommends moving the house further back on the lot and as an alternative, the applicant consider a detached garage situated further from the lake, thereby shrinking the footprint of the house in its current location. He stated the site received a septic system approval in 2002 however, was not installed therefore, questioned whether an alternative design that was not available at the time of the approval that would have a smaller footprint and could be located closer to the travel way.

Sherrie Trefry stated the septic system was approved in 2002 and renewed in 2008. She stated the septic system is located in an area that would not require any environmental waivers, noting the following requirements; 50' from any wetland, 35' from the drainage culvert, 25' from the road, 15' from the foundation and 75' from any surface water therefore, the septic system has to be located in the back of the lot. She noted the building envelope on the lot and reviewed alternative locations and constraints associated with such. She stated the lot was previously developed in the 1970's; a cottage located in the front of the property with an existing bridge, a 15" culvert that was replaced because the pipe had rusted and cracked (requesting an after-the-fact approval for such) and existing wetland fill that is a footpath. She stated the applicant has requested grandfathered status for the culvert and wetland fill (which divides the wetlands on either side) and noted to remove such would change the drainage pattern that has existed for years. She stated a Shoreland permit was granted and the development is at 12% impervious surface coverage. She stated that associated with the previous development was a violation as the owner had put in a dock crib, received a letter of deficiency from NH DES and was instructed to remove the crib. She stated the owners removed the crib down below the surface water however, rocks and debris were left and as part of the application, the current owner requested temporary impact for that area to remove the debris and restore the area. She stated the owners have removed all the invasive species along the waterfront and planted native shrubs (more than 500) to restore the waterfront buffer. She stated the house cannot be moved further back on the lot and noted encroachment issues related to driveway and access regardless if the garage is moved; noting environmental constraints.

Kathy Barnard questioned whether the 25' setback from the road for the septic system is a State requirement.

Sherri Trefry replied yes.

Rob Houseman questioned whether technology has changed in such a way that the footprint of the septic system could be reduced dramatically.

Sherri Trefry stated she is unaware however, had asked whether the system could be developed to be driven over and the response was yes, however, such would increase the size of the system which in turn would also affect the grading of the site.

Referencing the NH DES letter, date 2/20/09, Chris Franson stated she is unclear as to whether the applicant has received all the necessary permits. She stated the letter mentions the shrubs have already been cut within 50' of the reference line.

Sherri Trefry stated the owner originally cut and burned the invasive species then ground the stumps, mulched and planted the shrubs. She stated the Dredge & Fill application has not yet been approved.

Chris Franson questioned the stone steps.

Sherri Trefry stated the stone steps were put in without a permit and are not permitted under the current wetland regulations therefore, as mitigation for doing such and the desire of the property owner to have a dock, the steps are proposed to be removed and using the disturbed area for a concrete hinge pad for the

crank up dock. He stated the owner would restore any remaining area and install over the bank steps that are permitted by NH DES. She stated NH DES didn't issue a letter of deficiency regarding the steps.

Richard O'Donnell questioned the building footprint.

Sherri Trefry replied 2,036 SF including decks and apron.

Richard O'Donnell questioned the approximate area of the upland soils.

Sherri Trefry stated she is unaware.

Richard O'Donnell questioned whether the garage has rooms above it.

Sherri Trefry replied yes, noting the house would have to be redesigned if the footprint was to change or the garage was moved.

Richard O'Donnell stated the applicant appears to have made many accommodations to the site plan to allow for setbacks yet, it appears the building footprint is driving all the other issues. He questioned whether the building was designed prior to determining the placement of such.

Sherri Trefry replied no.

Chris Franson questioned the discrepancy in the calculation of impervious surface as noted on the plan.

Sherri Trefry stated the Springfield Point Road calculations has to be included as it is part of the lot and has to be counted as impervious surface.

Richard O'Donnell questioned the type of foundation to be excavated.

Sherri Trefry replied slab construction.

Richard O'Donnell questioned what would happen to the excavated material.

Sherri Trefry replied it would either be hauled off or used for the septic system. She stated a silt fence and construction fencing is proposed around the property.

Kristi Ginter questioned whether NH DES commented on the Conservation Commission's letter, dated 2/20/09, specifically related to the removal of the culvert.

Sherri Trefry stated she responded to the letter and spoke to Dan Coons regarding such. She stated there is no stream present on the site and noted inaccuracies in the Commission's letter. She stated historically, the area is an upland area and there was not fill or a stream.

Kristi Ginter questioned the purpose of the culvert.

Sherri Trefry replied to direct drainage.

It was moved by Kristi Ginter and seconded by Jennifer Haskell to accept the application as complete. Kathy Barnard, Stacie Jo Pope, Jennifer Haskell, Dave Alessandroni, Kristi Ginter, Richard O'Donnell voted in favor. Chris Franson abstained due to the fact the applicant has not received all the necessary State permits for the project. The motion passed.

Chairman Barnard opened the public hearing.

Kevin Farley, abutter, stated his concern is to ensure there is no drainage impact / issues to his property. He stated a substantial amount of fill is needed to build up the area for the septic system and is interested in the impact from such. He requested the Board review and take into consideration impact to abutters; noting that if the impact is not substantial the owners should be allowed to proceed with their proposal.

Kristi Ginter questioned Mr. & Mrs. Farley if they are concerned the culvert is removed, that flow would occur toward their property.

Kevin Farley stated he doesn't ever recall a culvert rather, recalls sitting or standing water in the gully eight months of the year.

Kathy Farley stated she wishes to ensure things are done properly.

Kevin Farley stated if a home is built and mitigation is performed, there is still going to be an impact and the drainage will be changed.

Richard O'Donnell questioned whether they have received the information from the engineers regarding the safety measures to be placed on site.

Kevin Farley replied no.

Richard O'Donnell recommended communication with the applicant regarding such.

Sherri Trefry stated the property naturally sheds toward the east. She stated she spoke to the previous owners who tore down the cottage and they stated to her the culvert was there as long as they have known. She stated she has reviewed aerial photographs as they are requesting a grandfathered status from NH DES. She stated 2,000 SF of impervious surface will generate runoff and the placement of gutters to direct the runoff towards the pervious porous pavers or the creation of a rain garden would help mitigate such and ensure drainage to the west side of the property (also owned by Mr. & Mrs. Walker).

Richard O'Donnell questioned the ridgeline.

Sherri Trefry stated she has not seen architectural drawings.

Chris Franson questioned whether a boundary line adjustment could be done to gain additional area for the construction of the house since the owners also own the abutting parcel.

Sherri Trefry stated the wetland extends onto the abutting property therefore, adjusting the boundary line would increase the area of wetland.

Jennifer Haskell questioned whether alternate building envelopes exist if the garage were to be detached.

Rob Houseman replied not for the proposed house.

Sherri Trefry stated alternate envelopes exist for a much smaller house and a detached garage by the septic system; noting that the driveway would then have to be adjusted and impacts would still occur.

Jennifer Haskell verified the size of the lot is approximately 24,000 SF and the amount of impact is approximately 50%.

Sherri Trefry stated the total lot area within the 250' buffer is 26, 478 SF and the proposed impact is 3,200 impervious.

Chris Franson verified the total impact is more than an area of 100'X100' for the construction of the house.

Kathy Barnard stated the total area within the 50' buffer is 17,000+ SF with an impact of 10,000. She recommended the applicant lessen the impact.

Sherri Trefry stated the owner tried to design an appropriate house for the property and value of the land in addition to providing some buffer.

It was moved by Jennifer Haskell and seconded by Kristi Ginter to continue the Robert & Michelle Walker Special Use Permit application, Case #200906, to May 5, 2009. All members voted in favor. The motion passed.

Rob Houseman stated that if the design of the building is not changed, the Board is requesting the following;

- Copy of the roof shed layout and elevations to determine flow
- Rendering of building and elevations on the lot
- Review of septic system design technology to determine whether a smaller design is available
- Proof of no alternate location or smaller footprint that would be a lesser impact
- Incorporation of Conservation Commission's comments

Wolfeboro Business Park, LLC
Special Use Permit
Agent: Jim Rines, WMSC
Tax Map #161-14-1-1
Case #200908

Wolfeboro Business Park, LLC
Site Plan Review
Agent: Jim Rines, WMSC
Tax Map #161-14-1-1
Case #200910

Rob Houseman reviewed the Planner Review for April 7, 2009 (Special Use Permit application) by stating the proposed project impacts three areas, two wetlands and a wetlands buffer encroachment as follows; wetland depressions are proposed to be filled for a total of 845 SF of wetlands – one wetland is partially under the proposed tank storage and the other is to the southeast of the bulk fuel storage facility and an encroachment into the wetlands buffer is proposed as a result of the drive cut to the lot. He noted the primary encroachment was created by the original road crossing and hammerhead turnaround and the proposed driveway is an extension of the hammerhead turnaround. He stated the Health Inspector, Code Enforcement Officer and Conservation Commission have no objections to the proposal.

Jim Rines reviewed the letter of intent he prepared for both the Special Use Permit and Site Plan Review application, dated 3/6/09.

Chris Franson verified there are no known aquifers in the area and verified safety procedures are in place in case of oil spills.

Jim Rines stated a safety containment and spill prevention plan has been developed.

It was moved by Jennifer Haskell and seconded by Chris Franson to accept the Special Use Permit application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

There being no questions or comments, Chairman Barnard 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: Site Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864, Peter Cooperdock, Fernstone Associates, Certified Soil Scientist.
Plan 2: Site Details for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.
Plan 3: Storm Water and Pollution Prevention Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.
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 a NH DES Wetlands permit and any conditions attached thereto.
5. The applicant shall be required to monument the edge of wetlands in compliance with *175-9.1 Wetlands Boundary Monumentation*. This includes:
 - i. 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.
 - ii. 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.
 - iii. The cost shall be borne by the applicant / developer or their successors in interest.
 - iv. 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.
6. The applicant shall be responsible for the payment of all recording fees.

It was moved by Jennifer Haskell and seconded by Chris Franson to approve the Wolfeboro Business Park, LLC Special Use Permit application, Case #200908, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Rob Houseman reviewed the Planner Review for April 7, 2009 (Site Plan Review application) by stating the applicant proposes to construct a bulk fuel storage facility and fueling station at the end of Wicker Drive Extension and includes the following; bulk storage propane facility, bulk storage heating oil, diesel and gasoline facility, an automated fueling facility for government and private account users, a propane tank storage area, a propane tank fueling facility, a maintenance building and an office and storage building

(30'X60'). In regard to lighting, he recommended the Board address the following; hours of illumination, light color, light placement and impact to abutters. In regard to Security for Improvements, he stated the applicant has not submitted a cost estimate for such. In regard to Design Review, he stated the applicant has not provided copies of the building elevation however, questioned whether it would be appropriate to require compliance with the Voluntary Design Guidelines given the nature of the use, a bulk storage facility, and its location. He stated the following permits are still outstanding; NH DOT Driveway Permit and NH DES Subsurface Disposal System. In regard to landscaping, he stated the proposal triggers the streetscape and buffer requirements since the proposed use abuts use intensities of lesser impact and noted the proposed buffering complies with the buffering requirements of the ordinance however, the streetscape requirements do not.

Kathy Barnard questioned whether the streetscape requirements could be waived.

Rob Houseman replied no, the requirements are part of the Zoning Ordinance.

Jim Rines stated he contacted NH DOT to issue a new approval. In regard to parking, he reviewed the tank storage structure; noting there is 6,600 SF of buildings of which 5,700 SF of such is for storage and does not generate parking. He stated 5 parking spaces are provided including one handicap parking space. In regard to the landscaping and streetscape requirements, he stated such was an oversight on their part and could fully comply with the ordinance. He stated he responded to Josh McAllister's comments (HE Bergeron review) and reviewed lighting. He submitted sketches and a photograph of the filling station in addition to a waiver request for the Voluntary Design Review Guidelines.

Jennifer Haskell expressed concern regarding safety issues relative to vandals and verified safety measures have been taken.

Jim Rines stated the propane tanks are encompassed by a chain link fence with bollards at the ends of the fuel storage facility and the containment structure has a 3'- 4' concrete wall around it.

Jennifer Haskell questioned whether propane facilities have a legal obligation to deter from an attractive nuisance and dissuade trespassers.

Jim Rines stated he is unaware. He stated the Wolfeboro Fire Department is reviewing the site plan and providing comment on such.

William Beard, Webb Engineering, stated it would be essentially impossible for someone to damage the propane tanks and the most damage that could be done is graffiti on the tanks. He stated the tanks are constructed of half inch steel and if the piping is damaged, the internal valves in the tank automatically shut off.

Jen Haskell questioned the hydrant structure.

William Beard stated the structure requires a key from the Fire Department to be turned on and off.

Richard O'Donnell questioned whether there are any regulatory agencies related to fuel installation.

William Beard stated the facility has to comply with the National Fire Protection Association codes, specifically NFPA Codes 30, 30A & 50. He stated the facility is reviewed by NH DES including safety aspects. He stated all tanks will have high level alarms, pump feed shut offs and leak sensors at the dispensers and tanks. He

stated the equipment has to be tested annually and noted the EPA (Spill Prevention) and Homeland Security has requirements that must be met as well.

Richard O'Donnell questioned the type of structures on site; metal or wood frame.

Jim Rines stated he is unaware.

Richard O'Donnell questioned whether the tanks would be fabricated on site.

William Beard stated the propane tanks would be delivered in one piece and the smaller diesel tanks would be factory built tanks. He stated the 150 gallon tank would be built on site and painted white (to reflect sun) however, could be painted green to blend in with the forest. He stated the tanks are not standing completely upright out of the ground because the area has been compressed for containment.

Richard O'Donnell questioned whether the buildings would be one story.

Jim Rines replied yes.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to grant a waiver request for the Voluntary Review Guidelines. All members voted in favor. The motion passed.

It was moved by Jennifer Haskell and seconded by Chris Franson to accept the Site Plan Review application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

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

Richard O'Donnell stated he is opposed to painting the tanks white and recommended the tanks be painted an earth tone color.

Jennifer Haskell stated she is in favor of painting the tanks white.

William Beard stated he has never seen a liquefied propane tank any other color than white. He stated the tanks would be NFPA labeled and requested the tanks remain white.

Stacie Jo Pope questioned the number of parking spaces provided; noting such doesn't appear to be adequate considering 5 spaces have been provided yet the fleet includes 7 vehicles. She questioned the number of employees at the office.

Howard Bean stated the office located Downtown would not be moving to the site; noting 1 person would be onsite.

Jim Rines stated there is enough room to delineate additional parking spaces.

Rob Houseman stated the ordinance sets a baseline and the applicant has demonstrated compliance with such. He questioned whether two additional parking spaces could be developed on the arc.

Jim Rines replied yes.

Stacie Jo Pope questioned the lighting for the sign.

Jim Rines stated he would submit a lighting plan and such would conform to the ordinance.

Kathy Barnard recommended the lighting plan and compliance with the streetscape section of the ordinance be incorporated as a condition of approval.

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: Site Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864, Peter Cooperdock, Fernstone Associates, Certified Soil Scientist.

Plan 2: Site Details for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.

Plan 3: Storm Water and Pollution Prevention Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.

Plan 4: Pre-Development Drainage Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.

Plan 5: Post Development Drainage Plan for Wolfeboro Oil, Wickers Drive Extension, Wolfeboro, New Hampshire, Dated March 6, 2009, Prepared by James F. Rines, PE, LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, NH 03864.

2. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer, HE Bergeron for site work.

3. The applicant shall be responsible for the cost of the Construction Observation Agreement.

4. The applicant shall post a financial security, as outlined in Item #12 of the Planner Review for 4/7/09, for the purpose of securing the required onsite improvements.

5. Two additional parking spaces shall be added on the radius.

6. The applicant shall submit a lighting plan in compliance with the 2009 Lighting Ordinance.

7. The streetscape plan shall be amended to comply with the applicable provision of the ordinance.

8. The applicant shall be responsible for the payment of all recording fees.

9. The following permits and/or approvals, and any conditions attached thereto, are adopted by reference to this approval:

- a. NH DOT Driveway Permit
- b. NH DES Subsurface Disposal Permit
- c. NH DES Wetlands Permit
- d. Town of Wolfeboro Driveway Permit
- e. Town of Wolfeboro Special Use Permit
- f. NEPA Phase II Storm Water Management Permit

It was moved by Jennifer Haskell and seconded by Chris Franson to approve the Wolfeboro Business Park, LLC Site Plan Review application, Case #200910, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

It was moved by Chris Franson and seconded by Jennifer Haskell to adjourn the April 7, 2009 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:22 PM.

Respectfully Submitted,

Lee Ann Keathley