

WOLFEBORO PLANNING BOARD

July 6, 2010

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Richard O'Donnell, Jennifer Haskell, Dave DeVries, Members, Fae Moore, Alternate.

Members Absent: Steve Buck, Dave Alessandroni, Alternates.

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

Chairman Barnard opened the meeting at 7:00 PM.

Consideration of Minutes

June 15, 2010

Corrections:

Eastern Lakes Region Housing Coalition application; remove Kathy Barnard as a voting member in all motions.

It was moved by Chris Franson and seconded by Chuck Storm to approve the June 15, 2010 Wolfeboro Planning Board minutes as amended. All members voted in favor. The motion passed.

Informational Items

Rob Houseman reviewed such; noting at its 7/20/10 meeting, the Board would briefly meet at the Library and then, either via Molly the Trolley or a Brewster Academy micro bus, view the Route 28 corridor and time allowing, the Pine Hill Road relative to zoning to address the goals of the Master Plan. He stated representatives from the Lake Wentworth Foundation would be attending the meeting to present the Watershed Management Plan being developed for Crescent Lake and Lake Wentworth in the hopes to get a letter of support from the Board for their NH DES application. He stated a public hearing on the Impact Fee Schedule would take place in August. Referencing GreatWaters Bank, he stated the reclamation plan has not been completed; noting the deadline of June 30th has passed. He stated work has begun which shows a good faith effort on the part of the applicant and recommended allowing the applicant to continue with the reclamation of the site.

Referencing GreatWaters Bank, Richard O'Donnell stated it appears that bank run gravel rather than sand is being used at the site.

Jim Rines stated such is noted on the plan.

Public Comment

None.

Subcommittee Reports

- **TRC**
6/9/10; Special Use Permit approved for the construction of a single family dwelling located at 152 Governor Wentworth Highway and nonbinding discussions for a boundary line adjustment located on Keewaydin Road and Site Plan Review for conversion of a residence to a medical office located at 245 South Main Street.
- **Master Plan Implementation Committee**
Stacie Jo Pope stated a memo was sent to all Department Heads requesting review and submittal of CIP items; noting the submittal deadline is 6/4/10. She stated the Committee would begin meeting following the submittal deadline.
- **CIPC**
Stacie Jo Pope stated the Committee is scheduled to meet on 7/8/10 to review Fire & Rescue.
- **Wetlands Ordinance**
Chris Franson stated the Committee met on 6/23/10 and reviewed the Master Plan. She stated the Committee discussed having a pre-application phase with the Conservation Commission and a schedule to reflect the values of wetlands rather than a setback.
- **Parking Committee**
Kathy Barnard stated the Committee met on 6/21/10 and reviewed the members of the Committee.

Scheduled Appointments

William B. & Robin L. LaCouture
2-Lot Subdivision
Agent: David Dolan, David Dolan Associates
Tax Map #249-11
Case #201017

Stacie Jo Pope recused herself.

Chairman Barnard appointed Fae Moore, Alternate, to sit in for David DeVries, Member, due to his absence at the previous meeting and submission of the application.

Rob Houseman stated the applicant proposes a common drive therefore; the need for a Special Use Permit has been eliminated.

David Dolan stated State Subdivision approval has been received and the plans have been revised to reflect such. He stated the plan has been revised to eliminate the need for a Special Use Permit; noting one curb cut would exist and the new lot would access the parcel off the existing driveway.

Chairman Barnard reopened 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: Sheet 1 of 2, Subdivision Plan of Land of William B. and Robin P. LaCouture, Tax Map 241, Lot 11, 65 Brackett Road, Wolfeboro, Carroll County, NH. Prepared by David M.

Dolan, LLS, David M. Dolan Associates, PC, 87 Whittier Highway, Moultonborough, NH 03254, Plan Dated April 12, 2010, Wetlands Delineated By Peter Cooperdock, CWS, Fernstone Associates.

Plan 1: Sheet 2 of 2, Plan of Land of William B. and Robin P. LaCouture, Tax Map 241, Lot 11, 65 Brackett Road, Wolfeboro, Carroll County, NH. Prepared by David M. Dolan, LLS, David M. Dolan Associates, PC, 87 Whittier Highway, Moultonborough, NH 03254, Plan Dated April 12, 2010, Wetlands Delineated By Peter Cooperdock, CWS, Fernstone Associates.

2. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for all recording fees.
4. The applicant shall be responsible for monumentation and the submittal of the monumentation certification and updated plans.
5. The applicant shall be required to monument the edge of wetlands in compliance with § 175-9.1 *Wetlands Boundary Monumentation*. 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.

It was moved by Chuck Storm and seconded by Fae Moore to approve the William B. & Robin P. LaCouture Subdivision application, Case #201017. All members voted in favor. The motion passed.

Wolfeboro Masonic Temple Association
Site Plan Review - Lighting
Agent: Andrew Shagoury
Tax Map #147-8
Case #201023

Rob Houseman reviewed the Planner Review for July 6, 2010; noting the applicant proposes to install 4 pole mounted lights to illuminate the existing parking lots at the Masonic Temple. He stated the photometrics as required in the ordinance has been met.

Andrew Shagoury stated the intent is to make the parking lot more usable and safer during evening events; noting there are existing lights at the site. Referencing the Planner Review, specifically the Lumen Plan, he stated the plan is dated April 14, 2010 (the Planner Review states the plan is undated).

Richard O'Donnell verified the location of the poles to the boundary lines.

Chuck Storm questioned the type of lumen to be used.

Rob Houseman replied metal halide lights (white lights).

Andrew Shagoury replied the lights on the south side would be 70 watts and the lights on the north side would be 150 watts.

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

Chairman Barnard opened the public hearing.

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

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, amended to the date of this approval, are adopted by reference into this approval:
Plan 1: Lighting Plan for Site Plan Review, Prepared for the Wolfeboro Masonic Temple Association of Property Located at 35 Trotting Track Road, Wolfeboro, New Hampshire, Tax Map ID # 147-8, Dated May 24, 2010, Prepared by Donald S. Wright, LLS, New Hampshire Land Use Consultants, PLLC, 160 Sodom Road, Moultonborough, NH 03254.
Plan 2: Lumen Plan (a visual impact photometric plan) , Wolfeboro Masonic Temple Association, Prepared by Linda Schaller, Beta Lighting, A Division of Ruud Lighting, 12200 92nd Street, Sturtevant, Wisconsin 53177, Dated April 14, 2010.
2. The applicant shall be responsible for the payment of all recording fees.
3. The Code Enforcement Officer shall certify compliance with the Planning Board approval.

It was moved by Stacie Jo Pope and seconded by Chris Franson to approve the Wolfeboro Masonic Temple Association application, Case #201023, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Richard O. Hawkins Trust & Hawkins Safety Equipment, Inc.
Boundary Line Adjustment
Agent: James Rines, White Mountain Survey Co., Inc.
Tax Map #171-36 & 172-74
Case #201024

Kathy Barnard stated she is the President of the Osseo Association and although she is not an abutter she feels that she can sit for the application without prejudice.

Rob Houseman reviewed the Planner Review for July 6, 2010; noting the applicant proposes a boundary line adjustment for TM #171-36 & 172-74 (both are nonconforming lots of record because both lots lack frontage on a street). He stated access is via an easement right-of-way known as Keewaydin Road Extension. He stated Lot 172-74 will increase in area from 3.08 acres to 4.1 acres with no proposed change in road frontage however, shore frontage will increase by 199'. He stated Lot 171-36 will decrease in area from 2.9 acres to 1.9 acres with no proposed change in road frontage however, the shore frontage will decrease from 544' to 345'. He noted the waterfront lot is heavily encumbered by wetlands.

Jim Rines stated the proposal includes the reconfiguration of existing nonconforming lots of record. He stated the reconfiguration is an improvement because the existing lot, TM #171-36, consists of very poorly drained soils and has no area for a septic system therefore; a septic easement would be placed on TM #172-74 for the

benefit of TM #171-36. He stated the opportunity for the septic easement could be lost if the lot is sold without such.

David DeVries questioned whether a new septic system would be installed for the lot with the existing dwelling.

Jim Rines replied no. He stated if the existing septic system fails then a new system would be designed and installed.

Rob Houseman noted the renovation or reconstruction of the existing cottage would also trigger the design and installation of a new septic system.

Stacie Jo Pope verified the buildable area would be in the back of the waterfront lot.

Jim Rines stated all parties understand there will be no building / construction to the front of the waterfront lot.

Stacie Jo Pope verified that a bridge would not be built.

Rob Houseman questioned whether the applicant has received State Subdivision approval.

Jim Rines replied no.

Richard O'Donnell questioned whether the Conservation Commission reviewed the application.

Rob Houseman replied no, the application does not trigger their review.

Richard O'Donnell stated that all future uses are delineated on the plan therefore questioned why a pathway over the wetlands to access the waterfront is not shown on the plan. He stated the location of the septic system is delineated however; the location of the pathway is not.

Jim Rines stated that whoever purchases the lot would determine how the wetlands would be crossed; noting the location of such is not known at the present time.

Richard O'Donnell questioned who would determine the location of the pathway.

Jim Rines replied the property owner, the State Wetlands Bureau, Planning Board and the Conservation Commission.

It was moved by Stacie Jo Pope and seconded by David DeVries to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Ken Bowers, 4 Koko Circle, stated there is a for sale sign on the roadway stating waterfront property that has been posted for one month and questioned why the sign is there and to which property it relates to.

Jim Rines stated he is unaware of said sign however; the realtors have been spoken to about the property.

Kathy Barnard stated there is a sign on the vacant parcel as well.

David DeVries recommended Mr. Bowers contact the realtor directly.

Ken Bowers questioned whether the application is for a subdivision or boundary line adjustment.

Rob Houseman stated the State of NH defines a boundary line adjustment as a re-subdivision of land; noting the application begins with two lots and ends with two lots. He stated the boundary line adjustment requires Subdivision approval from the State.

Ken Bowers stated there are currently two dwellings on the lot.

Rob Houseman stated two lots of record currently exist and at no time can an additional dwelling be placed on the lot. He stated the vacant lot is entitled to one dwelling.

Ken Bowers stated that in the future it looks like more than two dwellings and questioned the number of dwellings that can be placed on the property.

Rob Houseman stated the vacant lot is allowed one dwelling regardless of whether the lots are reconfigured; noting the dwelling has the right to be a duplex.

Ken Bowers stated there are 2 dwellings on the developed lot and questioned the current septic system design.

Jim Rines stated there is no current design.

Ken Bowers questioned what is in place now for the septic system.

Jim Rines stated the existing cottages pre-date State requirements and permits.

Ken Bowers questioned what would happen if the application is approved and the septic system fails for either of the dwellings.

Rob Houseman stated if the septic system that services the cottages fails, the owner is obligated to design a new septic system in full compliance with the State and place said system within the easement area as noted on the plan. He stated an easement for the septic system located away from the shorefront and wetlands is proposed as part of the boundary line adjustment application.

Chris Franson stated the Planning Board has no jurisdiction or authority over the condition of the existing septic system.

Ken Bowers questioned the distance from the septic system to the wetlands.

Rob Houseman stated the Town has a wetlands buffer setback of 50' to poorly drained soils and 75' to very poorly drained soils however, the applicant could seek relief from the requirements if the septic system were to fail for a replacement system.

Ken Bowers stated that when he looks at the property he has environmental concerns and does not see anything good about the property; noting nothing is gained as a result of the proposal. He stated he can't see how the area would be protected.

Kathy Barnard verified with Staff that the applicant has complied with the Town's requirements for a boundary line adjustment / subdivision.

Ken Bowers asked whether it would be fair to say that some time in the future the septic system would need to be updated.

Rob Houseman acknowledged Mr. Bower's concern for the future state of the septic system and stated the applicant's agent has designed a plan to include a receiving area for the two septic systems. He stated if the existing cottage lot is redeveloped, expanded or converted the issues relating to the septic would be addressed at that time. He stated the State Subdivision application takes into consideration a base load of the two lots and such would be determine future conditions; noting the State doesn't require the Board to address the issues without a septic system being in failure.

Jim Rines stated the easement would allow for the replacement of lines, installation and construction of a septic system. He disagreed with Mr. Bower's comment that nothing is gained by the proposal and noted that if the lot is sold tomorrow, the owner has the right to a septic system as close as 10' from the wetlands for the existing developed lot.

Kathy Barnard questioned the presence of the for sale signs on both the road side and waterfront side of the lots. She stated that following review of the proposal, she believes the septic system in the future would be located further from the wetlands is an improvement.

Jennifer Haskell stated that sales are often contingent upon State and local approvals.

David DeVries stated the proposal is an obvious improvement for when the current septic system fails.

Stacie Jo Pope stated she feels the boundary line adjustment is an improvement with less impact to the wetlands.

Chris Franson & Jennifer Haskell agreed.

There being no further 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: Boundary Line Adjustment involving lands of Richard O. Hawkins, Trustee of the Richard O. Hawkins Trust and Hawkins Safety Equipment, Inc, Tax Map 171, Lot 36 and Tax Map 172, Lot 74, Keewaydin Road Extension, Wolfeboro, New Hampshire, Prepared by Ronald C. Remick, Jr., LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Soils Work prepared by Gregory Howard, CSS, Dated June 16, 2010.

Plan 2: NHDES Subdivision Plan involving lands of Richard O. Hawkins, Trustee of the Richard O. Hawkins Trust and Hawkins Safety Equipment, Inc, Tax Map 171, Lot 36 and Tax Map 172, Lot 74, Keewaydin Road Extension, Wolfeboro, New Hampshire, Prepared by Ronald C. Remick, Jr., LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Soils Work prepared by Gregory Howard, CSS, Dated June 16, 2010.

Plan 3: Wetlands and High Intensity Soils Map involving lands of Richard O. Hawkins, Trustee of the Richard O. Hawkins Trust and Hawkins Safety Equipment, Inc, Tax Map 171, Lot 36 and Tax Map 172, Lot 74, Keewaydin Road Extension, Wolfeboro, New Hampshire, Prepared by Ronald C. Remick,

Jr., LLS, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Soils Work prepared by Gregory Howard, CSS, Dated June 16, 2010.

2. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
3. This approval is subject to receipt of State Subdivision approval and any conditions attached thereto.
4. The applicant shall be responsible for monumentation and the submittal of the monumentation certification and updated plans.
5. The applicant shall be required to monument the edge of wetlands in compliance with § 175-9.1 *Wetlands Boundary Monumentation*. 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.
6. The applicant shall be responsible for the payment of all recording fees.

Richard O'Donnell stated he takes issue with the fact the plan has not delineated a walkway.

Rob Houseman stated to delineate such would trigger jurisdiction of the Board through the Special Use Permit process. He stated the subsequent owner would determine the location of the walkway if they so choose to construct such; noting that if an abutter acquires the property there would not be a need for the walkway.

It was moved by David DeVries and seconded by Jennifer Haskell to approve the Richard O. Hawkins Trust & Hawkins Safety Equipment, Inc. Boundary Line Adjustment application, Case #201024, subject to the recommended conditions of approval. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Jennifer Haskell, Chris Franson, David DeVries voted in favor. Richard O'Donnell abstained. The motion passed.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to adjourn the July 6, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 8:43 PM.

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley