

WOLFEBORO PLANNING BOARD

December 4, 2012

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, Vaune Dugan, John Thurston, Members, Dave Alessandroni, Alternate.

Members Absent: Dave DeVries, Member, Fae Moore, Alternate.

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

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library.

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

Consideration of Minutes

November 6, 2012

Corrections:

Pages 2 & 3; change "Hyatt" to "Hiatt"

It was moved by Chris Franson and seconded by Chuck Storm to approve the November 6, 2012 Wolfeboro Planning Board minutes as amended. Kathy Barnard, Chuck Storm, Chris Franson, Vaune Dugan, John Thurston, Dave Alessandroni voted in favor. Stacie Jo Pope abstained. The motion passed.

November 20, 2012

Corrections:

Page 2, 12th paragraph, 2nd bullet; add suggested road standards

It was moved by Stacie Jo Pope and seconded by Chuck Storm to approve the November 20, 2012 Wolfeboro Planning Board minutes as amended. Chris Franson, Vaune Dugan, John Thurston, Chuck Storm, Kathy Barnard voted in favor. Stacie Jo Pope abstained. The motion passed.

Information Items

Kathy Barnard reviewed such.

Public Comment

None.

Subcommittee Reports

TRC

No report.

Shoreland Protection Ordinance

Next meeting scheduled for 12/11/12, 10 AM at the Library.

Action Item

Eastern Lakes Region Housing Coalition

Release of Financial Security

Case #201009

Kathy Barnard recused herself.

Rob Houseman stated the applicant has requested a release of financial security in the amount of \$33,584.90. He stated Dave Ford, Public Works Director, inspected Beck Drive and determined that it meets all Town Road Standards and has

been built in accordance with plans approved by the Planning Board. He stated Mr. Ford also determined the water system was built in accordance with Town and State standards and recommended that Beck Drive and the water line and appurtenances be accepted as Town infrastructure from Pine Hill Road to the turnoff. He stated the gravity sewer system has been built to Town and State standards and can be accepted by the Town.

It was moved by Chris Franson and seconded by Stacie Jo Pope to release the financial security in the amount of \$33,584.90 for Eastern Lakes Region Housing Coalition. All members voted in favor. The motion passed.

Scheduled Appointments

Helen Stock

Special Use Permit

Agent: Peter Cooperdock, Fernstone Associates

Tax Map #155-6

Case #201210

Rob Houseman reviewed the Planner Review for 12/4/2012 stating the applicant proposes to encroach into the wetlands setback, buffer zone and wetland to permit the construction of a driveway crossing to access an upland building envelope. He stated the driveway construction and side slope grading creates permanent wetlands and wetlands buffer impacts. He stated the Conservation Commission has issued two memos on this application; noting the first memo expressed the following concerns; the parcel was not mapped completely, making it impossible to fully appraise whether the proposal was the least impacting alternative, and that it does not appear that every effort was made to avoid the wetlands and buffer impacts. He stated the second memo notes the crossing will not adversely impact the values or functions of the wetlands; noting a site visit was conducted following the submittal of the first memo.

Kathy Barnard stated the Planning Board conducted a site visit. She stated the Board has the ability to waive guidelines however; the applicant must demonstrate good cause and place the waiver request in writing. She requested Mr. Cooperdock address issues noted by the Conservation Commission.

Peter Cooperdock stated he walked the entire property with the owner and Commission members and examined various parts of the parcel; noting minimum impact to the wetlands. He stated no alternative location was found on the property that would have less impact for a building site. He reviewed the plan and the location of the wetlands and the wetland limits.

Vaune Dugan verified the 50' right-of-way is the only point of access on the land.

Stacie Jo Pope stated the Board typically receives a map of the entire parcel.

Peter Cooperdock stated it wasn't deemed necessary to map the entire parcel.

Roger Murray showed the Board surveys of the parcel.

Chris Franson stated the applicant did not submit a waiver for mapping the entire parcel and feels the Board does not have complete information.

Vaune Dugan stated every other location on the property requires the same wetland crossing. She stated the Board needs to address the waiver issue for mapping the entire parcel.

Rob Houseman asked if there is any other place where wetlands do not exist to construct on the upland area.

Peter Cooperdock replied no.

It was moved by Vaune Dugan and seconded by Chuck Storm to grant a waiver for mapping the entire site because the only access is over the wetlands crossing. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Vaune Dugan, Dave Alessandroni, John Thurston voted in favor. Chris Franson opposed. The motion passed.

Kathy Barnard requested a copy of the survey presented by Roger Murray.

Roger Murray stated the parcel consists of 82 acres and the only access is via a 50' right-of-way (access at existing woods road). He stated the applicant is requesting to construct a driveway to access the rear portion of the property; noting the upland area cannot be accessed without a wetland crossing. He stated there is no alternative location on the site for the crossing.

John Thurston questioned the direction of the flow.

Roger Murray replied south.

Peter Cooperdock stated there is no evidence of water flow on the surface and most of the flow goes to the west. He stated there is some subsurface flow on top of the hardpan with some lateral flow in all directions.

Chris Franson stated she feels an alternative location exists.

Roger Murray stated there is no alternative location to access the rear of the property. He stated Section B of the ordinance applies to roads and access ways; noting the applicant is seeking an access way to get to the rear portion of the parcel.

Vaune Dugan stated the crossing is inconsequential; noting the impact is 230 SF. She stated it would be a shame to place a house on the neck of the parcel.

John Thurston questioned the width of the road.

Peter Cooperdock replied 12'.

John Thurston stated the plans submitted do not depict such information or any other dimensions. He questioned whether an 18" culvert is adequate.

Peter Cooperdock stated the culvert has to be maintained and if properly maintained the size of the culvert is adequate.

Roger Murray stated the applicant has received DES approval.

Peter Cooperdock distributed photographs of the crossing and noted such is currently a logging road.

It was moved by John Thurston and seconded by Stacie Jo Pope to accept the application as complete. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Vaune Dugan, Dave Alessandroni, John Thurston voted in favor. Chris Franson opposed. 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 conditions of approval;

1. The following plans, as amended by the date of this approval, are hereby incorporated into this approval:
Plan 1: Special Use Permit Plan for Helen J. Stock, Cotton Mountain Road, Wolfeboro, NH, Map 155, Lot 6, Wolfeboro, NH, Prepared by Peter Cooperdock, Fernstone Associates, Certified Wetlands Scientist, Certified Soils Scientist, PO Box 97, Tamworth, NH 03886, dated July 28, 2012.

Plan 2: Special Use Permit Plan for Helen J. Stock, Cotton Mountain Road, Wolfeboro, NH, Map 155, Lot 6, Wolfeboro, NH, Prepared by Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, dated August 14, 2012.

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 NH DES Wetlands permit and any conditions attached thereto.
5. The applicant shall be responsible for all recording fees.
6. The applicant shall be required to monument the edge of wetlands in compliance with 175-10.2 Wetlands Boundary Monumentation.

Kathy Barnard requested an additional condition of approval to include reference to the Code Enforcement Officer and Conservation Commission's memorandums.

Rob Houseman stated the following condition of approval:

7. Adopt by reference Audrey Cline's memorandum, dated 9/25/12 and the Conservation Commission's memorandum, dated 11/1/12.

It was moved by Vaune Dugan and seconded by Chuck Storm to accept the application as complete. Kathy Barnard, Stacie Jo Pope, Chuck Storm, Vaune Dugan, Dave Alessandroni, John Thurston voted in favor. Chris Franson abstained. The motion passed.

**WSK Inc./Walter & Susan Fawcett
Special Use Permit
Agent: Peter Cooperdock, Fernstone Associates
Tax Map #45-6, 24 & 25
Case #201211**

Rob Houseman reviewed the Planner Review for 12/4/12 and stated the applicant proposes to expand the existing fire pond and two wetlands crossings (for TM #45-23 & 25 and TM #45-7 & 24). He stated the Health Officer and Code Enforcement Officer have no objections to the proposal. He stated the Conservation Commission has no objections to the expansion of the fire pond and the wetland crossing on lot 25 however, questioned the need for the wetland crossing over lot 24. He noted three members of the Board conducted a site visit on 11/15/12. He stated NH DES application is pending; noting NH DES has requested additional information.

Kathy Barnard verified the current plan is consistent with the plan approved in 2004.

Rob Houseman reviewed the 2004 Boundary Line Adjustment approval for lots 33-23, 33-24, 33-25, 45-6 and 45-7.

Kathy Barnard stated the entire site has not been depicted on the plan.

Peter Cooperdock reviewed the history relative to the 2004 boundary line adjustment. He stated there is no driveway on Lot 4; noting a house has been built on Lot 4 and a barn has been built on Lot 5.

Chris Franson asked why a driveway is proposed if a structure already exists on the lot.

Peter Cooperdock replied for a 10' access to the fire pond and to address the issue of current access from Haines Hill Road. He stated the owners want to revert the Haines Hill Road access back to a golf cart path. He submitted the site plan.

Rob Houseman stated the intent at the time of the boundary line adjustment was to build a house and access the lot off Haines Hill Road; noting the applicant is subsequently seeking access from an alternative location.

Peter Cooperdock stated the intent is to revert the access to a golf cart path.

Kathy Barnard verified the house on Lot 4 is currently occupied and in order for a house to be built on Lot 5 a driveway permit is required.

Rob Houseman stated the driveway access issue was reviewed by the Fire Department, Public Works Department and Code Enforcement; noting the driveway was constructed on a grass runway. He stated the driveway cut has been built as previously approved however, the entire driveway is not constructed. He stated if the application is approved the E911 address would be reissued for Penn Air Road.

John Thurston asked when the road was built.

Peter Cooperdock replied 2005.

John Thurston asked Mr. Cooperdock if he was involved with the construction of the road.

Peter Cooperdock replied no. He stated he submitted a wetland delineation for the 2004 boundary line adjustment submittal. He stated the applicant proposes two driveway crossings off Penn Air Road. He stated he spoke to a representative from NH DES with regard to the fire pond; noting the State requested an assessment of impact for approval because the cumulative impact (2 driveways & fire pond) is over 3,000 SF.

Stacie Jo Pope stated she would like to wait for a response from NH DES regarding the cumulative impact.

Chris Franson stated she does not agree with the applicant submitting plans at the meeting. She requested the information be submitted prior to the meeting.

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

Chairman Barnard opened the public hearing.

Mike Carleton, Penn Air Road, asked whether the lots that have access from Haines Hill Road are part of the Penn Air Association and if not, will the lots become part of the association given that Penn Air Road is a private road.

Walter Fawcett stated Lot 45-24 is part of Penn Air Estates and dues have been paid.

Kathy Barnard stated the plan notes that Lot 5 has an access easement over Lot 4.

Suki Fawcett stated when Penn Air Estates was developed in 1960, the intent was to make the development a flying community and when the boundary line adjustment was approved in 2004 the intent was to have homes and hangers along the runway. She stated changes to the wetlands ordinance have impacted the use of the property. She stated they have been good stewards of the land by placing underground utilities so not to disturb the wildlife and now they would like the community to be safe however, a fire truck cannot get to lots 4 & 5 via Haines Hill Road because it is too wet. She stated if the Board wants a separate application for the fire pond then such will be done.

Bruce Terkelson stated he is in favor of the proposal and expressed concern regarding the safety issue.

Paul Zanis stated he has no objection to the proposal and feels the proposal improves the safety aspect. He stated he is currently using Haines Hill Road and would like to use Penn Air Road.

John Zanchi stated that currently the lots are legal lots with minimal acceptable access and noted the applicant is requesting to provide an alternative access point for vehicles. He stated the request removes the need to maximally create a road structure for access.

Kathy Barnard noted the Board has incomplete information when the meeting began this evening.

Vaune Dugan stated the first two crossings are condoned and seem reasonable with no issues by the Conservation Commission. She questioned whether the size of the culvert is adequate.

Peter Cooperdock stated an 18" culvert is proposed; noting Mr. Houseman recommended having the culvert sized by a professional engineer.

Rob Houseman stated an engineer will use traditional modeling software to size the culverts.

Chris Franson stated she does not want to make a decision prior to NH DES determination and requested a continuance of the application.

Kathy Barnard expressed concern with regard to no alternative location available.

Rob Houseman questioned whether Lot 4 had access over Lot 5 as part of the 2004 boundary line adjustment approval.

Vaune Dugan stated Lot 5 is not making any additional wetland crossings therefore, if Lot 5 were removed from the application, there would be no issue.

Walter Fawcett stated when Lot 4 was developed, the lot was temporarily accessed through Lot 5 and Haines Hill Road therefore, a crossing is needed for Lot 4. He stated Lot 5 has a hanger located on the edge of the runway. He stated in an attempt to reduce impact, a shared crossing for two lots was proposed; noting the crossing for Lot 4 benefits Lot 5 for hanger access only. He noted Tom Zotti submitted a letter that endorsed the fire pond and access via Penn Air Road.

Peter Cooperdock submitted the letter from Tom Zotti.

Vaune Dugan stated the design of the culverts and pond should be left to the professionals and the Board should conditionally approve the application.

Chris Franson stated the issue of no alternative location has not been discussed and recommended the application be continued.

John Thurston requested additional information regarding the road because if the lots are to be accessed by fire trucks then there will be a greater impact to the wetlands.

The Board requested the following information from the applicant:

- Review of the plan by the Fire Department and receipt of comments regarding the road and impact to wetlands
- NH DES approval for the fire pond
- Submittal of one plan to include all parcels

It was moved by Chuck Storm and seconded by Chris Franson to continue the WSK Inc./Walter & Susan Fawcett Special Use Permit application, Case #201211, to January 8, 2012. All members voted in favor. The motion passed.

**Ronald C. Locke/McCracken Family Trust
Special Use Permit
Agent: Peter Cooperdock, Fernstone Associates
Tax Map #159-17
Case #201212**

**McCracken Family Trust/Ronald & Louise Locke
Boundary Line Adjustment & Subdivision
Agent: Eric Roseen
Tax Map #159-16 & 17
Case #201213**

Kathy Barnard stated Staff sent a letter to the applicant stating the application qualified for exemption from the Conservation Subdivision Ordinance. She stated the public hearing is continued from October 2, 2012.

Rob Houseman stated there has not been a subdivision on the parcel in the last seven years therefore, it is exempt from the Conservation Subdivision Ordinance.

Kathy Barnard stated Jim Bean submitted information regarding the right-of-way.

Chris Franson stated the Board had concerns with the future use of the frontage on Waumbeck Road, the configuration of the lot and whether the configuration meets the form factor requirements.

Eric Roseen stated the lot meets the form factor requirements and noted the calculations were submitted to Staff. He stated the configuration is the preference of the families.

John Thurston asked whether the abutters received the letter regarding the exemption.

Rob Houseman stated yes, by certified mail.

Vaune Dugan stated it is beyond the appeal period therefore, the Board can consider the application.

Mr. Bean stated there is a clearly defined pathway to the land that has been maintained for years. He requested the pathway not be obstructed or constructed upon and noted the surveyor stated it could be considered a prescriptive easement because it has been used for 20+ years.

Eric Roseen stated the pathway is labeled as a trail on the plan and stated he is not aware of individual possession rights. He stated the pathway is not located in the newly created lot and not proposed to be obstructed. He stated he does not know the extent of Mr. Bean's rights however, such does not affect this application. He stated Mike McLean's (former surveyor) placed the following note on the plan; *Rights of others, if any, regarding the existing woods road located on proposed Lot 2 have not been determined. No recorded information was found regarding any easements of others. Said woods road may be remnants of the old Miles Road.*

Rob Houseman asked Mr. Roseen why he did not choose to include the language from the note on Mike McLean's plan.

Eric Roseen stated because he agrees with everything except the Miles Road portion. He stated the applicant received approval for Lot 1 from NH DES. He stated he could revise the plan to reflect the following language: 1955 plan depicts dotted line right-of-way.

Donna Beaulieu acknowledged the path is a right-of-way.

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

Relative to the Special Use Permit application, Kathy Barnard stated the Board determined there is no alternative location to access and minimize impact to the wetlands and wetlands buffer. She stated the Conservation Commission had no objections to the proposal. She stated the project is consistent with the ordinance.

Rob Houseman reviewed the following recommended conditions of approval for the Special Use Permit application:

1. The following plan, as amended by the date of this approval, is hereby incorporated into this approval:
Plan 1: Special Use Permit Plan for Bruce McCracken, Waumbeck Road, Wolfeboro, NH, Map 159, Lot 17, Wolfeboro, NH, Prepared by Peter Cooperdock, Fernstone Associates, Certified Wetlands Scientist, Certified Soils Scientist, PO Box 97, Tamworth, NH 03886, dated August 29, 2012. Property Lines and locations provided by Eric Roseen, LLS, Roseen Survey PLLC, PO Box 1581, Wolfeboro, NH 03894.
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 NH DES Wetlands permit and any conditions attached thereto.
5. This approval is subject to NH DES Wetlands permit, and any conditions attached thereto, for access to the building envelope for Lot 3.

6. The applicant shall be responsible for all recording fees.
7. The applicant shall be required to monument the edge of wetlands in compliance with 175-10.2 Wetlands Boundary Monumentation.

It was moved by Stacie Jo Pope and seconded by Chuck Storm to approve the Ronald C. Locke and McCracken Family Trust Special Use Permit application, TM #159-17, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Rob Houseman reviewed the following recommended conditions of approval for the Subdivision and Boundary Line Adjustment application:

1. The following plans, as amended by the date of this approval, are hereby incorporated into this approval:
Plan 1: Subdivision and Boundary Line Adjustment Plan for Bruce E. and Barbara L. McCracken (Tax Map 159, Lot 16) and Ronald C. Locke and Louise S. Locke (Tax Map 159, Lot 17, Waumbeck Road, Wolfeboro, NH 03894, Plan Dated August 31, 2012, Prepared by Eric Roseen, LLS, Roseen Survey PLLC, PO Box 1581, Wolfeboro, NH 03894.
Plan 2: Topographic Information for Bruce E. and Barbara L. McCracken (Tax Map 159, Lot 16) and Ronald C. Locke and Louise S. Locke (Tax Map 159, Lot 17, Waumbeck Road, Wolfeboro, NH 03894, Plan Dated August 31, 2012, Prepared by Eric Roseen, LLS, Roseen Survey PLLC, PO Box 1581, Wolfeboro, NH 03894.
2. The applicant shall be responsible for monumentation and the submittal of the monumentation certificate and updated plans.
3. Submittal of a Mylar plan for recording at the Carroll County Registry of Deeds.
4. Payment of all recording fees.
5. This approval is subject to the receipt of a Special Use Permit and any conditions attached thereto.
6. Include a note on the plan to read as follows, "Rights of others, if any, regarding the existing woods road located on proposed Lot 2 have not been determined. No recorded information was found regarding any easements of others."

It was moved by Chuck Storm and seconded by Stacie Jo Pope to approve the McCracken Family Trust and Ronald & Louise Locke Subdivision and Boundary Line Adjustment application, TM #159-16 & 17, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Nokomis 3, LLC
Boundary Line Adjustment
Agent: Ken Berry, Berry Surveying and Engineering
Tax Map #264-10, 11
Case #201214

Kathy Barnard stated the Board received a letter from the applicant requesting a continuance to 4/16/13.

It was moved by Vaune Dugan and seconded by Chris Franson to continue the Nokomis 3, LLC application to April 16, 2013. All members voted in favor. The motion passed.

Work Session

A. Public Hearings

It was moved by Chris Franson and seconded by Stacie Jo Pope to move definitions of Lot Coverage and Impervious Surface, Percent Coverage for lots equal to or smaller than 0.25 acres and Commercial Changes of Use to Public Hearing. All members voted in favor. The motion passed.

It was moved by Chuck Storm and seconded by Chris Franson to adjourn the December 4, 2012 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:46 PM.

Respectfully Submitted,
Lee Ann Keathley