

WOLFEBORO PLANNING BOARD

November 5, 2013

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Vaune Dugan, Chris Franson, Paul O'Brien, Member, John Thurston, Members, Chuck Storm, Alternate.

Member Absent: Dave Alessandroni, 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.

Public Hearing

➤ **Stormwater Management Regulations**

Kathy Barnard stated the Planning Board began discussing regulations for stormwater management in May 2013; noting the regulations would be incorporated into the Site Plan Review and Subdivision Regulations. She stated the development of the regulations was recommended by the Shorefront Ordinance Committee and the Lake Wentworth Crescent Lake Watershed Management Plan. He stated the proposed regulations have been reviewed by Town Counsel and Rob Roseen, Director, The UNH Stormwater Center.

Rob Houseman reviewed the Stormwater Management Regulations, see attached.

Chairman Barnard opened the public hearing.

Roger Murray, representing Lake Wentworth Foundation and Lake Wentworth Association, stated he appreciates the time and effort of the Board and recommended revisions to the document, see attached.

Member of the public, North Kenney Shore Road, asked if there are any provisions for training staff with regard to enforcement of the checklist; noting the difficulty in monitoring such.

Rob Houseman stated the NHDES Alteration of Terrain permit has a water quality provision. He stated many communities that have regulations in place have a model ordinance per EPA standards which is very different from the State's model ordinance. He stated the Board proceeded with the regulations based on his guidance. He stated Mr. Murray's comments regarding the definitions merit discussion and any complicated language should be clarified. With regard to staff training, he stated NHDES provides a training manual in which both he and Audrey Cline will be the staff to address any issues. He also stated he will contact the State of Maine and inquire about their method of training. He stated Subdivision and Site Plan Review Regulations still apply as does bonding and third party engineer inspections.

The Board agreed to discuss the public's comments and recommendations at the 11/19/13 work session.

It was moved by Vaune Dugan and seconded by Paul O'Brien to continue the Stormwater Management Regulations public hearing to December 3, 2013 to further discuss, revise and finalize the regulations at the Board's 11/19/13 work session. Kathy Barnard, Stacie Jo Pope, Paul O'Brien, John Thurston, Vaune Dugan, Brad Harriman voted in favor. Chris Franson opposed. The motion passed.

Following review and discussion of the Stormwater Management Regulations, the Board recommended the following;

- Further discuss, revise and finalize regulations at 11/19/13 work session
- Continue public hearing to 12/3/13

Scheduled Appointments

Steven & Mary E. Knudsen

3-Lot Subdivision

Agent: Eric Roseen, Roseen Survey PLLC

Tax Map #23-1-1

Case #201308

Rob Houseman reviewed the Planner Review for November 5, 2013 and stated the applicant proposes a 3-lot subdivision in which Lot 1 will consist of 11.12 acres, Lot 2 will consist of 12.04 acres and Lot 3 will consist of 39.41 acres. He stated that although the lots are constrained by the wetlands setback requirements they are in compliance with such and in compliance with the wetlands buffer zone. He stated the plan needs to be updated to reflect the newly adopted no-touch buffer zone. In order to comply with the Conservation Subdivision standards, he stated the applicant has proposed that the lots include a prohibition of future subdivision. He stated this provision would require a note on the plan expressing that the subdivision was approved as exempt from the Conservation Subdivision requirements because the applicant imposed a restriction that prohibits additional subdivision of the lots. He stated all deeds for the approved lots shall reflect the prohibition of any additional subdivision. He stated the applicant has requested the following waiver; Section 174-7 B. (4).

Kathy Barnard asked Mr. Houseman if he has concerns regarding the waiver.

Rob Houseman replied no.

Eric Roseen stated the waiver is a matter of practicality and it would be cumbersome to show the entire property and information associated with it on a single sheet. He stated sheet 2 depicts the environmental information.

It was moved by Chris Franson and seconded by Vaune Dugan to grant the following waiver; Section 174-7 B. (4). All members voted in favor. The motion passed.

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

Chairman Barnard opened the public hearing.

Ken Perry, President, North Wolfeboro Area Association, stated he is representing Alison Hart and Jane Hall, Hall Family Revocable Trust of 1999. He stated the property is currently on the market and questioned whether the field closest to Route 28 is considered buildable.

Eric Roseen replied yes, the field has adequate soils to be built on. He stated the property has been HISS mapped and the soil information regarding such is located on sheet 2 of the application.

Ken Perry stated the lower portion of the field tends to be wet in the spring.

Eric Roseen stated the sheer runoff makes the land wet however, the land is not considered a wetland.

Ken Perry expressed concern regarding the architectural compatibility of the houses to be built (that can be seen from the road) with the existing houses on Pork Hill Road.

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

Rob Houseman reviewed the following conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;
Plan 1. Plan of Subdivision for Steven E. & Mary E. Knudsen, Tax Map 23, Lot 1-1, Pork Hill Road and NH Route 28, Wolfeboro, NH 03894, Plan Dated September 11, 2013, Prepared by Eric Roseen, LLS, Roseen Survey PLLC, PO Box 1581, Wolfeboro, NH 03894.

Plan 2. Plan of Subdivision (Topographic Information) for Steven E. & Mary E. Knudsen, Tax Map 23, Lot 1-1, Pork Hill Road and NH Route 28, Wolfeboro, NH 03894, Plan Dated September 11, 2013, Prepared by Eric Roseen, LLS, Roseen Survey PLLC, PO Box 1581, Wolfeboro, NH 03894.

2. The applicant shall submit Mylar plans for recording at the Carroll County Registry of Deeds.
3. The applicant shall be responsible for monumentation and the submittal of the Certificate of Monumentation and updated plans.
4. The proposed lots include a prohibition of future subdivision. The applicant shall add a note to the plan expressing that this subdivision was approved as exempt from the Conservation Subdivision requirements because the applicant imposed a restriction that prohibits additional subdivision of the lots.
5. All deeds for the approved lots shall reflect the prohibition of any additional subdivision.
6. The applicant shall be responsible for the payment of all recording fees.

Chris Franson asked how to ensure condition #4.

Rob Houseman stated by placing a note on the plan.

Kathy Barnard asked whether a condition should be included stating the applicant comply with the Wetlands Overlay District standards.

Rob Houseman stated the ordinance already imposes that standard.

It was moved by Stacie Jo Pope and seconded by Vaune Dugan to approve the Steven & Mary E. Knudsen Subdivision application, Case #201308, subject to the conditions of approval. All members voted in favor. The motion passed.

Brewster Academy

Site Plan Review ~ Site Improvements to Anderson Hall

Agent: Brian Berlind, Land Technical Service Corp.

Tax Map #218-150

Case #201309

Stacie Jo Pope stated she works for Brewster Academy and feels she has no issues sitting on the application.

Rob Houseman reviewed the Planner Review for November 5, 2013 and stated the applicant proposes the following site improvements to Anderson Hall; construction of a 2600SF addition to the rear of the building in order to improve the stage area and seating, realignment of the sewer easement to accommodate the proposed addition, removal of the residential dwelling on TM #218-157, removal of the two driveway accesses to Anderson Hall (north side of the health center off South Main Street and drive access from Estabrook Road) and merge Tax Map 218-157 into 218-150. He stated the applicant has requested an amendment to the driveway permit from NHDOT. He stated since the facility is one element of a boarding school campus and the students and faculty walk to the facility, the proposal does not trigger additional parking. He stated the applicant has submitted a lighting plan that complies with the Town's lighting ordinance. He noted the applicant has not provided a cost estimate for site improvements and the plan does not address signage. He stated the applicant has requested the following waivers; Section 175-13.E. (3)(e), (4)(a), (d), (e), (i), (x).

Vaune Dugan questioned whether there is adequate parking for assembly use.

Rob Houseman stated the Board should discuss such; noting a condition could be set to include that additional parking issues be resolved by the applicant for any public use of the building.

Chris Franson questioned the direction of headlights in the parking lot.

Rob Houseman replied headlights would shine towards the adjacent properties.

Chris Franson asked if there is a fence along the property line.

Rob Houseman replied a partial fence and stone wall.

Lisa Braiterman, Chief Financial Officer, stated Brewster Academy serves 360 students (260 boarding students, 70 day students) and the arts is a very important component of school life however, the school does not currently have a home for the performing arts. She stated the improvements proposed include a lobby, stage and acoustic shell. She stated the health center, including the resident director of health services, are included in the building. She stated the school is currently holding theatre programs in Rogers Gymnasium. She stated the project will cost \$2.5 million however, only \$350,000 is left to raise with the hopes of completing fundraising within one month and complete construction for use in September 2014. She stated changes to the exterior of the building would not change the character of the building and interior changes include a new elevator, larger lobby, additional restrooms, green room, improved stage area and improved seating.

Referencing the waiver request regarding surveying the entire parcel, Brian Berlind, Land Technical Service Corp, stated the property is 66 acres and it would be a huge expense and undertaking to include such; noting the topography would be a labor intensive project. He noted the project reduces the impervious surface. He submitted a waiver request from the buffering requirement along TM #218-159; noting the applicant proposes to remove the driveway and convert such to a pedestrian pathway. He stated such would be a less intensive impact and the scale and massing of the project supports the waiver of the buffering element. He stated there is an existing buffer comprised of a stone wall and vegetation.

Jeff Lewis, NorthPoint Engineering, stated there will be no increase in runoff, existing drainage patterns will remain unchanged and small yard drains are proposed next to the patio. He stated the Public Works Department signed off on the sewer realignment however, the applicant is awaiting NHDES signoff. He stated an amended driveway permit was sent to NHDOT and the applicant is awaiting a decision regarding such.

Kathy Barnard questioned whether the driveway being maintained is being expanded in width.

Jeff Lewis replied no. He stated the plans will be revised to address signage and lighting is proposed along the walkway (none proposed for parking lot) and will consult with the Town's consulting engineer regarding the distribution pattern of the fixtures. He stated Tighe and Bond's comments are minor in nature and would be addressed.

Kathy Barnard questioned whether there would be a decrease in handicap parking spaces.

Jeff Lewis stated the primary use of the building is accessed by pedestrians. He stated ADA requirements are based on the number of parking spaces and doesn't feel additional handicap parking spaces are necessary.

Vaune Dugan asked the type of material used for the handicap spaces.

Jeff Lewis replied pavement. He stated the existing pavement will be seal coated and restriped.

Chris Franson requested the applicant explain their rationale for the waiver of the buffer requirement.

Kathy Barnard expressed concern regarding the property line further down the parking lot that is exposed to the site.

Jeff Lewis stated the lower property line is an existing condition and there are no proposed changes to such, including no additional parking spaces and no substantial improvements in that location. He stated there are 3 residential houses that abut the property along the other property line and the argument is that the proposed use is a reduction of use by removing the driveway and pavement access. He stated pedestrian access to the site is proposed with no increase to the use of the location therefore, the existing buffer is adequate.

Chris Franson expressed concern for pedestrians cutting through the property without the buffer.

Jeff Lewis stated there are two paths to access Estabrook Road.

Brian Berlind stated there is no evidence that students will cut through the property. He stated a fence would detract from the aesthetics; noting there is an existing stone wall, vegetation and grassed yard. He stated the former church was categorized as a Use Intensity 3 and Brewster Academy is categorized as a Use Intensity 2.

Vaune Dugan requested clarification regarding the techno block patio.

Austin Smith, Scott Simons Architects, stated such is a loose type paver with a paving pattern.

Vaune Dugan questioned the intensity of use on the patio relative to it being a reception area for large events.

Lisa Braiterman stated the facility will be used once per week by students and for school performances; noting there are no plans for social events.

Austin Smith reviewed the building elevations and architectural changes; noting the lobby would consist of a brick veneer to make the lobby more distinctive. He noted the following upgrades; life safety, sprinkler system and seating (removing pews and installing upholstered theatre seats).

John Thurston questioned the width of the paved walkway.

Jeff Lewis replied 8'.

John Thurston asked the applicant's intent regarding recreating a vegetative buffer; noting no trees are proposed for the parking area.

Jeff Lewis stated additional green space would further reduce the number of parking spaces. He stated there is no proposed outdoor lighting for the parking area because such is not needed. He stated the purpose of the proposal is to address the interior of the building and noted there would be additional plantings around the exterior of the building.

Chris Franson stated landscaping should be added along the property line.

John Thurston expressed concern regarding headlights onto abutting properties.

Brian Berlind stated the new layout of the parking area is an improvement because there is less parking. He stated the facility will primarily be used during the day.

It was moved by Chris Franson and seconded by Stacie Jo Pope to grant the following Site Plan waivers; Section 173-15.E. (3)(e), (4)(a), (d), (e), (i), (x). All members voted in favor. The motion passed.

It was moved by Vaune Dugan and seconded by Chris Franson to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Al Pierce, Green Street, expressed concern regarding the construction process stating there have been previous issues with such; noting a dirt pile still remains from the construction of the playing fields. He stated last summer work began at 6:30AM and requested specific work hours be specified and observed during construction. He stated proper lighting should be addressed; noting a new light located on a 10-12' post shines on his property and requested that all building lights are full cut off fixtures. He stated the air conditioner is a constant noise and loud.

Kathy Barnard asked if all the fixtures would be new.

Jeff Lewis replied yes. Referencing the air conditioners, he stated pad mounted compressors are proposed along with screening of such. He stated the machinery is proposed to be located between the buildings and include a screening planter.

Dennis Schauer, 209 South Main Street, stated the proposal is an improvement however, expressed concern regarding lighting. He noted the existing lighting on the building is high and extremely bright. He stated the compressors are very loud when they turn on. He stated an effort should be made to eliminate the issues a neighbor may have and recommended a buffer. He requested the Board address noise and dust from construction.

Kathy Barnard stated the Board received several letters of support for the project.

Stacie Jo Pope stated she has issues regarding the buffers on both sides of the property. She stated the applicant needs to take into consideration the abutting properties and recommended planting small evergreen shrubs. She stated the time of construction is regulated by the noise ordinance.

Rob Houseman stated the noise ordinance falls under the jurisdiction of the BOS and read the ordinance; noting construction is prohibited from 10PM to 6:30AM. He verified the applicant proposes to replace the existing lighting and requested such be dark sky compliant. He noted the Board cannot regulate the height of the lighting on the building.

Lisa Braiterman stated the new light post is temporary lighting provided for students (security lighting of parking area for safety of the students).

Vaune Dugan expressed concern regarding the streetscape along the 205' of road frontage. She recommended planting 2-3 additional street trees to shield parking area and create a physical barrier at the drive entrance on South Main Street that is proposed to be abandoned.

Brad Harriman recommended curbing and planting of shrubs.

Chris Franson questioned signage.

Rob Houseman stated the existing signage will be retained.

Chris Franson questioned overflow parking.

Rob Houseman stated a condition could be placed on the applicant that parking is use specific and Brewster Academy would be responsible to provide ample amount of parking for the facility and events.

Stacie Jo Pope recommended plantings along the property line to address buffer issues.

Jeff Lewis stated there is not enough room in the green space to plant evergreens along the property line however, a fence could be installed. He stated the applicant would be amenable to adding two street trees however, requested further review of such. He stated curbing or islands cannot be added without grading the parking lot and reconfiguring the drainage. Therefore, he recommended box planters.

Chris Franson recommended the applicant meet with abutting property owners to discuss the installation of a fence.

Jeff Lewis stated he would rather agree to a general parameter with the Board.

John Thurston recommended meeting with the abutters regarding planting a row of arborvitaes. He expressed concern regarding lighting (that none is proposed), headlights shining on abutting properties and the lack of buffer.

Dennis Schauer stated he has planted arborvitaes on his property and such could be continued further down along the property line.

Jeff Lewis stated he is apprehensive to make improvements on another person's property.

Kathy Barnard stated if the Board does not grant the waiver the applicant must comply with the regulations.

Rob Houseman stated he does not believe the property line that abuts the parking lot is subject to the buffer requirement because there is no expansion of use in that area; noting expansion of use is the threshold for buffering. However, he stated a buffer is required on the other property line; noting the buffer extends 50' from South Main Street.

John Thurston and Chris Franson stated there should be a buffer in the location it is required.

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

Rob Houseman reviewed the following conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;
Plan 1: Coversheet, Site Improvements Plans Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Wetlands: Peter Cooperdock, Fernstone Associates, Certified Wetlands Scientist, PO Box 97, Tamworth, NH 03886, Surveyor: Brian Berlind, Land Technical Service Corp, PO Box 60, Ossipee, NH 03864, Architect: Scott Simons Architects, 75 York Street, Portland, ME 04101, Dated October 16, 2013.
Plan 2: Sheet 1 of 12, Plan Overview, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Surveyor: Brian Berlind, Land Technical Service Corp, PO Box 60, Ossipee, NH 03864, Dated October 16, 2013.
Plan 3: Sheet 2 of 12, Existing Conditions, Proposed Sewer Easement & Lot Merger Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Surveyor: Brian Berlind, Land Technical Service Corp, PO Box 60, Ossipee, NH 03864, Dated October 16, 2013.
Plan 4: Sheet 3 of 12, Removals Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 5: Sheet 4 of 12, Site Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 6: Sheet 5 of 12, Drainage and Grading Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 7: Sheet 6 of 12, Landscape Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 8: Sheet 7 of 12, Lighting Plan, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 9: Sheet 8 of 12, Sewer Main Plan & Profile, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 10: Sheet 9 of 12, Construction Details, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 11: Sheet 10 of 12, Construction Details, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 12: Sheet 11 of 12, Construction Details, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.
Plan 13: Sheet 12 of 12, Construction Details, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Engineering: Jeffrey Lewis, Professional Engineer, NorthPoint Engineering, 5 Sheep David Drive, Suite F, Pembroke, NH 03275, Dated October 16, 2013.

Plan 14: Building Elevations, Prepared for Brewster Academy, Anderson Hall, Tax Map 218, Lot 150 (80 Academy Drive), Wolfeboro, NH 03894, Architect: Scott Simons Architects, 75 York Street, Portland, ME 04101, Dated October 16, 2013.

2. The facility is approved for use by Brewster Academy as part of its educational facilities.
3. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer. The cost shall be borne by the applicant.
4. Payment of a financial security as specified in item #12 of the Planner Review dated November 5, 2013.
5. The following permits and approvals, and any conditions attached thereto, is adopted by reference to this approval;
 - a. NHDOT Driveway Permit
 - b. NHDES Sewer Discharge Permit
6. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
7. The applicant shall be responsible for the payment of all recording fees.
8. The applicant shall evaluate the opportunity to install up to two street trees, depending upon site conditions, and propose planter boxes to create a physical barrier at the driveway entrance on South Main Street.
9. Users of the building exceeding the number of parking spaces provided at Anderson Hall shall provide notice to address alternative parking.

It was moved by Paul O'Brien and seconded by Stacie Jo Pope to grant the waiver request for buffering along TM #218-157 based on the findings that the property complies with the waiver buffering requirement standards. Kathy Barnard, Stacie Jo Pope, Paul O'Brien, Vaune Dugan, Brad Harriman voted in favor. John Thurston, Chris Franson opposed. The motion passed.

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the Brewster Academy Site Plan Review application, Case #201309, subject to the conditions of approval. All members voted in favor. The motion passed.

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the Brewster Academy Lot Merger, Tax Map 218-157 and 218-150; noting the lot merger would be consistent with the campus use of the property. All members voted in favor. The motion passed.

Consideration of Minutes

October 1, 2013

It was moved by Paul O'Brien and seconded by Stacie Jo Pope to approve the October 1, 2013 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

October 15, 2013

The Board tabled consideration of the October 15, 2013 Wolfeboro Planning Board minutes.

Action Item

Gary and Avis B. White Life Estate

Lot Merger

542 North Main Street

TM #172-23 & 172-24

Rob Houseman stated the lot merger would create a single 0.74 acre parcel and noted the merger would improve the conformity of the new lot by increasing its frontage and area requirements.

It was moved by Chris Franson and seconded by Paul O'Brien to approve the Gary White and Avis B. White Life Estate Lot Merger, Tax Map 172-23 and 172-24; noting the merger would improve the conformity of the new lot by increasing its frontage and area requirements. All members voted in favor. The motion passed.

It was moved by Chris Franson and seconded by Paul O'Brien to adjourn the November 5, 2013 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 10:24 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

Roger Murray's comments at the 11/5/13 Planning Board meeting:

The Stormwater Management Regulations are a positive, important step for all the reasons Rob outlined in his presentation.

Although the Regulations apply to both site review and subdivision applications, Section I. Purposes references the site review statute but nowhere do the regulations state that they apply to subdivisions. This needs to be stated.

Under Section II. Definitions, I would add "road construction" to the definition of development.

The definitions of "impervious cover" and "impervious surface" are confusing. Is impervious cover intended to mean the aggregate amount of impervious surface on a given parcel or area of land and impervious surface the particular surface that sheds water? Or, do they define the same thing?

Under Water Quality Treatment, the percentages for removal of total suspended solids, phosphorus and nitrogen need to be greater, especially the requirement for phosphorus which is the critical nutrient in terms of our lakes. For phosphorus, we recommend there be demonstrated removal to predevelopment levels. Where there is no water body impairment, only the stated percentages need to be removed. However, where water quality impairments do exist, the system must meet maximum load allocations or not further impair the receiving water. This latter requirement should apply to both impaired and unimpaired water bodies. Wolfeboro's water bodies are unimpaired and we should want to keep them that way.

Under Section III. Stormwater Management, paragraph 2. provides that submission of an approved Alteration of Terrain permit shall satisfy the requirement for a Stormwater Management Plan. While water quality is a goal of the Alteration of Terrain permitting, the regulations primarily deal with water quantity not quality. In the Regulations, Water Quality Treatment requires that certain percentages of total suspended solids, total phosphorus and total nitrogen load be removed on an annual basis. It is not possible to tell from the materials required under an Alteration of Terrain Permit Application whether these standards are being met. Similarly, there are no explicit monitoring requirements for solids or nutrients under the Alteration of Terrain process so it will not be possible to tell in the future if the removal of solids and nutrients required by the Stormwater Management Regulations is being met. To require an applicant who submits an approved Alteration of Terrain permit to also submit a Stormwater Management Plan does not pose an undue burden.

Alternatively, paragraph 2. could be revised to read, "Submission of an approved Alteration of Terrain (AOT) permit shall satisfy this requirement provided the applicant submits documentation establishing that the project and associated BMPs meet the Water Quality Treatment requirements of these Regulations."

Under Section IV. Responsibility for Installment and Construction, the Town should inspect the BMPs to ensure that they are installed correctly and that they are functioning as intended. The financial security should remain in place until the Town knows that the BMPs are working properly. These requirements should be included in Section IV.

In Section V. Self Imposed Restrictions, the Board should require that the restrictions be placed on the plan and recorded in the Carroll County Registry of Deeds as is required in Section XII., 3. Maintenance and Inspection. With real estate, if a restriction is not recorded in the Registry of Deeds, the restriction does not exist.

Under Section VI. Stormwater Management Plan Submittal Requirements, 2.a. should include "proximity to streams and offsite water bodies." 2.f. should require a statement as to the type of pavement, pervious or impervious.

Section VII. Drainage Analysis and Operation and Maintenance Plan needs to require designated removal rates for each BMP.

Section IX. Stormwater Management for New Development, 2. addressing LID site planning and design strategies is very broad. There needs to be more guidance.

Paragraph 7 of that section states that “Effort shall be made to utilize natural filtration and/or infiltration BMPs...” That language should be strengthened as follows, “The Plan shall make provision to retain stormwater on the site by using the natural flow patterns of the site and natural filtration and/or infiltration BMPs (i.e., bioretention areas, subsurface filtration/infiltration systems, ponds, swales, etc).”

Paragraph 8 requires that where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. This requirement should apply to all sites and not just those where infiltration is limited or not practicable.

Paragraph 15 requires that “Every effort” be made to use pervious parking surfaces. This also should be strengthened to require pervious parking unless it is not practicable. Alternatively, there could be a limit on the amount of impervious pavement allowed with the ultimate goal of minimizing such pavement.

At the top of page 10 the word “effective” should be inserted before impervious so as to ensure that the impervious area reduction and LID strategies and BMPs are producing the desired results.

Paragraph 2.g. of Section XII. Maintenance and Inspection should be revised to read, “A certification signed by the owner(s) that they will comply with the O&M plan.” The goal is compliance, not simply commitment.

Paragraph 4.A. does not state to whom the copy should be provided. There is not a post-construction inspection checklist contained in the current forms. The current forms should be referenced.

Paragraph 4.B. should state that records of all maintenance and repairs be provided to the Director of Planning and Development within ten (10) days of inspections.

Should you have any questions, please let me know.

Roger

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