

## **WOLFEBORO PLANNING BOARD**

**August 19, 2014**

### **MINUTES**

**Members Present:** Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, Paul O'Brien, John Thurston, Vaune Dugan, Members.

**Members Absent:** Chuck Storm, Dave Alessandroni, Alternates.

**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.*

#### **Scheduled Appointments**

**Sandra Ballentine Family Trust**

**Special Use Permit ~ Construct Fire Pond**

**Agent: Jim Rines, White Mountain Survey and Engineering Co.**

**Case #201410**

**TM #5-3**

Vaune Dugan stated she is the architect for the applicant however; she is not involved with the construction of the fire pond. She stated she does not feel there is a conflict.

Rob Houseman reviewed the Planner Review for August 19, 2014 and stated the applicant proposes to construct a 72'x52' fire pond that will impact both wetlands and the wetlands buffer. He stated the Code Enforcement Officer, Health Officer and Conservation Commission have reviewed the proposal and have no objections to such.

Jim Rines stated the fire pond is 72' long, 52' wide and 9' deep and allows for the availability for 50-60 gallons of water for fire suppression. He stated the fire pond abuts a gravel parking area for the workshop. He stated an aquatherm/bubbler is proposed in order to keep the water open at all times. He stated impact to the wetlands is necessary because the elevated groundwater level of the wetlands will provide a steady inflow of groundwater into the pond. He stated there is no impact to downstream abutters, no disturbance to any unique habitat and best management practices were employed to minimize erosion and down gradient issues. He stated the NHDES Wetlands permit was submitted however, they have not yet received approval.

John Thurston stated he has no objection to constructing a fire pond however, questioned the ongoing maintenance of such and the protocol related to such.

Jim Rines stated he anticipates NHDES will require maintenance of the fire pond as a condition of the approval.

John Thurston asked if the permit is recorded with the State and believes maintenance is required in order to maintain the embankment system.

Rob Houseman stated such relates to a dam and the maintenance of such.

Referencing the Code Enforcement Officer's memo ("Care should be taken to protect the vegetation and work should be done in the dry season), Mike Hodder asked when the applicant intends to begin construction of the fire pond.

Jim Rines replied October.

Mike Hodder asked if the existing wetland is a result of prior excavation.

Jim Rines stated he does not know; noting the property was developed prior to the current owner's purchase of the property.

Vaune Dugan asked if the Fire Department put forth any recommendations.

Jim Rines stated the Fire Department signed off on the proposal. He stated they discussed having a dry hydrant however, agreed to installing an aquatherm.

Mike Hodder verified the Technical Review Committee signed off on the proposal.

**It was moved by Mike Hodder and seconded by John Thurston to accept the application as complete. All members voted in favor. The motion passed.**

*Chairman Barnard opened the public hearing.*

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval;  
**Plan 1:** Proposed Fire Pond Wetlands Impact Plan for Sandra Ballentine Family Trust, 975 Beach Pond Road, Wolfeboro, New Hampshire, Tax Map 5, Lot 3, Prepared by James Rines, PE, White Mountain Survey and Engineering Co., PO Box 440, Ossipee, NH 03864, Dated July 7, 2014.
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 required to monument the edge of wetlands in compliance with 175-9.2 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 closet to any proposed or existing structure located on the property.
  - (3) The cost shall be borne by the applicant/ developer or their successors in interest.
  - (4) The applicant shall be responsible for submitting a letter of certification of the posting to the Code Enforcement Office prior to the issuance of any building permit.
6. The applicant shall be responsible for the payment of all recording fees.

Kathy Barnard asked whether Audrey Cline's comments in her memo should be incorporated as a condition of approval.

The Board discussed such and agreed to exclude the comment from the conditions of approval.

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

**It was moved by Stacie Jo Pope and seconded by John Thurston to approve the Sandra Ballentine Family Trust Special Use Permit application, Case #201410, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

Vlado Madzar  
2-Lot Subdivision  
Agent: Jim Rines, White Mountain Survey and Engineering Co.  
Case #201411  
TM #190-79

Rob Houseman reviewed the Planner Review for August 19, 2014 and stated the applicant proposes a 2-lot subdivision in which Lot 1 shall consist of 1.34 acres and 150' of road frontage on Center Street and Lot 2 shall consist of 3.66 acres with 355' of road frontage on Birch Road. He stated Lot 2 is developed and contains a single family dwelling with drive access to Center Street. He stated the applicant has received NHDES Subdivision approval and NHDOT Driveway Permit.

Jim Rines stated all State approvals have been received and there are no waivers being requested.

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

*Chairman Barnard opened the public hearing.*

Jim Benson, 12 Birch Road, stated a wetlands pond runs down between his lot and the abutting lot and questioned drainage proposals related to such.

Jim Rines stated there is no plan for development at this time. He stated the owner intends to gift the lot to his son with the expectation that a single family dwelling will be built. He stated the proposal will not impact the wetland or pond area.

Rob Houseman clarified the pond that Mr. Benson is speaking to is located behind his property and not the applicant's property.

Shelly McGee, Birch Road, stated the cutting of timber would affect drainage and expressed concern for drainage impact in addition to increase in traffic. She requested consideration of a bike path from that area to The Nick; noting Birch Road is considered a park.

Jim Rines stated the embankment and vegetation would be cut back to meet NHDOT's requirement of 400' for sight distance and noted sight distance would be improved in that area.

Mike Hodder asked whether the site is impacted by the State's Shoreland Regulations.

Jim Rines stated the State restricts tree removal within a specific amount of feet from the shorefront.

Julie Jacobs, Birch Road, questioned whether excavation to Lot 2 is necessary in order to achieve sight distance requirements.

Jim Rines stated safe sight distance must be achieved therefore, Lot 2 could be impacted.

Rob Houseman stated improvement can and will impact both lots to achieve safe sight distance requirements.

Vaune Dugan stated the Pathways Committee is engaging in a public forum with regard to pedestrian access to The Nick via a tunnel.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval:  
**Plan 1:** Plan of Subdivision Plan Prepared for Vlado Madzar, 182 Center Street, Wolfeboro, New Hampshire, Prepared by Kevin Ashe, LLS, White Mountain Survey and Engineering Co., PO Box 440, Ossipee, NH 03864, Dated July 23, 2014.

**Plan 2.** High Intensity Soils Plan Prepared for Vlado Madzar, 182 Center Street, Wolfeboro, New Hampshire, Prepared by Kevin Ashe, LLS, White Mountain Survey and Engineering Co., PO Box 440, Ossipee, NH 03864, Dated July 23, 2014.

**Plan 3.** Plan of Subdivision Plan Prepared for Vlado Madzar, 182 Center Street, Wolfeboro, New Hampshire, Prepared by Kevin Ashe, LLS, White Mountain Survey and Engineering Co., PO Box 440, Ossipee, NH 03864, Dated July 23, 2014.

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 update plans.
4. The following permits and approvals and any conditions attached thereto, is adopted by reference to this approval;
  - NHDES Subdivision approval
  - NHDOT Driveway Permit approval
5. The applicant shall be responsible for the payment of all recording fees.

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

**It was moved by Stacie Jo Pope and seconded by Paul O'Brien to approve the Vlado Madzar Subdivision application, Case #201411, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

**Green Mountain Realty Corp. & Paul W. Whalen  
Boundary Line Adjustment  
Agent: Randy Tetreault, Norway Plains Survey Associates, Inc.  
Case #201413  
TM #217-68 & 70**

Rob Houseman reviewed the Planner Review for August 19, 2014 and stated the applicant proposes a boundary line adjustment for Tax Maps 217-68 and 70. He stated the boundary line adjustment will transfer 1,940 SF of land to TM #217-68 (the old railroad ROW) and eliminate encroachments from TM #217-68 onto TM #217-70 (driveway, fence and a corner of the garage) and transfer 921 SF of land to TM #217-70. He stated the latter change would allow for parking improvements as proposed in a subsequent application. He stated TM #217-68 will increase in size from 6,480 SF to 7,427 SF and TM #217-70 will decrease in size from 11,865 SF to 10,846 SF. He stated the encroachments have existed for a substantial amount of time; noting issues of adverse possession exists.

Randy Tetreault stated the application is for a minor boundary line adjustment on two fully developed lots which will bring the Whalen lot into frontage conformity. He stated the proposal will rid all existing encroachments and allows for additional parking and space on the Green Mountain Realty Corp. lot. He stated both lots are serviced by Municipal water and sewer.

Vaune Dugan questioned the property lines relative to the Town's property.

Rob Houseman stated the Town once owned the Bell Building (former Fired Station, Community Center and Electric Department). He stated the easement are shown on the plan; noting Victor Drouin is attending the BOS meeting on 8/20/14 to discuss a boundary line adjustment between the Town of Wolfeboro (Electric Generation Building properties) and Green Mountain Realty Corp. He stated that if the BOS endorse the proposal, Green Mountain Realty Corp. will submit another Boundary Line Adjustment application.

Referencing the TRC's sign off sheet, Mike Hodder questioned Barry Muccio's comment (depiction of existing underground conduit required on plan).

Randy Tetreault stated such is depicted on the site plan and not the boundary line adjustment plan.

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

Chairman Barnard opened the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval:  
**Plan 1:** Lot Line Revision, Lehner Street, Carroll County, Wolfeboro, NH, Green Mountain Realty Corp., Plan prepared by Randolph R. Tetreault, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Plan Dated July 2014.
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 update plans.
4. The applicant shall be responsible for the payment of all recording fees.

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

**It was moved by Vaune Dugan and seconded by Stacie Jo Pope to approve the Green Mountain Realty Corp. and Paul W. Whalen Boundary Line Adjustment application, Case #201413, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

**Green Mountain Realty Corp. & Paul W. Whalen  
Site Plan Review ~ Parking Lot Expansion  
Agent: Randy Tetreault, Norway Plains Survey Associates, Inc.  
Case #201412  
TM #217-70**

Rob Houseman reviewed the Planner Review for August 19, 2014 and stated the applicant proposes an expansion of the parking lot and noted 6 new parking spaces and four additional spaces are proposed. He stated the latter is requested since three parallel spaces will be impacted by the new diagonal spaces. He stated the applicant has proposed the following landscaping; installation of Allen Block wall, new stockade fence and the planting of two deciduous trees. Referencing storm drainage, he stated the increase in impervious is limited to 730 SF and would produce a slight increase of storm water runoff (less than 0.1 cfs). He stated the proposed drainage is tied into the Town's Stormwater drainage rather than infiltrating the storm water; noting the drainage design was recommended by Dave Ford, Director of Public Works, in order to avoid groundwater. He recommended the Board clarify snow storage compliance and requested the applicant provide a cost estimate for site improvements.

Randy Tetreault stated the proposed parking expansion will result in four additional parking spaces (6 new diagonal and one remaining parallel). He stated the parking spaces will be constructed on a 60 degree skew which is consistent with the one-way directional traffic flow patterns. He stated the existing stockade fence along the edge of the pavement will need to be relocated or removed with the new location being set next to a proposed Allen Block segmental block wall. He stated several trees will be removed to accommodate the new parking area however, two new trees are proposed to be planted at the ends of the parking. He stated the parking will be graded such that the storm water runoff will be directed to an existing catch basin located in the paved access way. He stated based on conversations with Dave Ford, the insignificant increase will not impact the existing storm water collection system downstream of the project area. He stated a 10' landscape easement is proposed onto the abutting property, TM #217-68, to allow the construction and maintenance of the stockade fence, the Allen Block wall and a small grassed area. He stated the proposed wall and fence are placed back four feet from the proposed parking to allow for some snow storage; noting the owner would need to remove excess snow accumulates or allow for the loss of some parking spaces. He stated Barry Muccio's request at the TRC meeting was added to the plan (to maintain the spacing with existing substation and depict the underground

conduit on the plan). He submitted the waiver request and requested the Board grant a waiver from Section 173-21 A. Stormwater drainage general requirement to contain all increased drainage on site. He noted existing groundwater concerns prohibits infiltrating the slight increase in stormwater.

Kathy Barnard asked when construction would begin.

Victor Drouin, owner, replied this year.

Vaune Dugan stated the lot line is the line at the edge of the parking spaces.

Rob Houseman stated that without the 10' landscape easement the property line would run down the existing pavement.

John Thurston asked the applicant to ensure that snow does not leave the property and run onto the Town's property. He asked the applicant to commit to snow removal.

Randy Tetreault stated a strip in front of the fence and/or a couple of parking spaces are available for snow storage. He stated the applicant could use the existing snow storage location as well.

Victor Drouin stated the Public Works Department pushes the snow down the alley and historically, the snow has been hauled off site and the snow banks have been cleared due to pedestrian use.

Randy Tetreault stated a note could be added to the plan to reflect snow storage.

**It was moved by Mike Hodder and seconded by Paul O'Brien to grant waiver Section 173-21 A. All members voted in favor. The motion passed.**

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

Chairman Barnard opened the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plan, as amended by the Planning Board approval, is incorporated into the approval:  
**Plan 1:** Lot Line Revision, Lehner Street, Carroll County, Wolfeboro, NH, Green Mountain Realty Corp., Plan prepared by Randolph R. Tetreault, PE, Norway Plains Survey Associates, Inc., PO Box 249, Rochester, NH 03867, Plan Dated July 2014.
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 update plans.
4. The applicant shall be responsible for the payment of all recording fees.

Kathy Barnard asked if there should be a note added to the plan regarding snow storage.

Mike Hodder and John Thurston replied no.

Kathy Barnard asked if there is a note on the plan now.

Randy Tetreault replied no and recommended that if a condition is added regarding such to use the language in the narrative of his letter for the note on the plan.

Vaune Dugan questioned whether a condition of approval should include the recording of the boundary line adjustment (Green Mountain Realty Corp. and Paul Whalen, Case #201413) prior to the issuance of a building permit.

Rob Houseman added the following conditions of approval;

5. A note shall be added to the plan to reflect snow storage; *"The proposed wall and fence are placed back four feet from the proposed parking to allow for some snow storage. The owner would need to remove excess snow accumulates or allow for the loss of some parking spaces."*
6. The applicant shall record the Green Mountain Realty Corp. and Paul W. Whalen Boundary Line Adjustment plan, Case #201413, Tax Map 217-68 & 70, prior to the issuance of a building permit for site improvements.

Kathy Barnard stated the proposal is a benefit to the neighborhood.

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

**It was moved by Vaune Dugan and seconded by John Thurston to approve the Green Mountain Realty Corp. Site Plan Review application, Case #201412, subject to the recommended conditions of approval. All members voted in favor. The motion passed.**

#### **Information Items**

Rob Houseman reviewed the following informational items; Land Use Board Decisions, 2014 Lakes Region Planning Commission and Municipal Law Lecture Series.

#### **Public Comment**

None.

#### **Subcommittee Reports**

##### **TRC:**

7/9/14; reviewed a site plan review for a property on Center Street and a 2-lot subdivision application for Madzar on Center Street

8/6/14; reviewed site plan review for Green Mountain Realty

**CIP:** First meeting scheduled for 8/20/14

#### **Action Items**

##### **Leonard P. Pineault Revocable Trust**

##### **Lot Merger**

##### **Tax Map #158-7 & 8**

Rob Houseman stated the lot merger will be the creation of a single 1.1 acre parcel on North Main Street with approximately 250 feet of street frontage. He stated TM #158-4 is a vacant lot and the resulting lot merger will eliminate one building lot.

**It was moved by Vaune Dugan and seconded by Mike Hodder to approve the Leonard P. Pineault Lot Merger, Tax Map #158-7 and 158-8. All members voted in favor. The motion passed.**

##### **Babalis Family Trust**

##### **Lot Merger**

##### **Tax Map #215-34 & 35**

Rob Houseman stated the lot merger will be the creation of a single 1.26 acre parcel on Forest Road with approximately 155 feet of street frontage. He stated TM #215-34 is a vacant lot and the resulting lot merger will eliminate one building lot.

**It was moved by Paul O'Brien and seconded by Vaune Dugan to approve the Babalis Family Trust Lot Merger, Tax Map #215-34 and 215-35. All members voted in favor. The motion passed.**

**Craig R. and Lori T. Sutherland  
Lot Merger  
Tax Map #258-3 & 4**

Rob Houseman stated the lot merger will be the creation of a single 3.99 acre parcel on Melody Island with approximately 395 feet of shore frontage. He stated TM #258-4 is a vacant lot and the resulting lot merger will eliminate one building lot.

**It was moved by Mike Hodder and seconded by Paul O'Brien to approve the Craig R. and Lori T. Sutherland Lot Merger, Tax Map #258-3 and 258-4. All members voted in favor. The motion passed.**

**Eastern Lakes Region Housing Coalition  
Release of Financial Security  
Case #201019**

Kathy Barnard recused herself.

Rob Houseman stated the applicant has requested a partial release of financial security in the amount of \$161,447.00. He stated the Town's consulting engineer concurs with the request and noted the amount to be retained being \$16,144.70.

**It was moved by Mike Hodder and seconded by Vaune Dugan to approve the partial Release of Financial Security for Eastern Lakes Region Housing Coalition, Case #201019, in the amount of \$161,447.00 based on the recommendation of the Town's consulting engineer; amount to be retained being \$16,144.70. Stacie Jo Pope, Vaune Dugan, Brad Harriman, Paul O'Brien, Mike Hodder, John Thurston voted in favor. Kathy Barnard abstained. The motion passed.**

**Consideration of Minutes**

**July 1, 2014**

**Corrections:** Page 1, Members Absent; strike "Dave Alessandroni, Alternate."  
Page 2, 18<sup>th</sup> paragraph; insert "Goodhue Hawkins Navy Yard" following "Steve Durgin"

**It was moved by Paul O'Brien and seconded by Stacie Jo Pope to approve the Wolfeboro Planning Board July 1, 2014 minutes as amended. All members voted in favor. The motion passed.**

**Other Business**

- NHDES Shoreland Regulations (amendment to the Administrative Rules) are being revised to be more user friendly
- Lake Motel is moving forward with Phase II of the project

**It was moved by Paul O'Brien and seconded by Mike Hodder to adjourn the August 19, 2014 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.**

There being no further business, the meeting adjourned at 9:06 PM.

Respectfully Submitted,  
*Lee Ann Keathley*  
Lee Ann Keathley

**\*\*Please note these minutes are subject to amendments and approval at a later date.\*\***