

TECHNICAL REVIEW COMMITTEE
July 13, 2011
MINUTES

Members Present: Tom Zotti, Wolfeboro Fire Department, Barry Muccio, Director of Operations, Electric Department, Audrey Cline, Code Enforcement Officer, Dave Ford, Director of Public Works.

Member Absent: Stu Chase, Wolfeboro Police Department.

Planning Board Representative Present: Kathy Barnard.

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

James & Christine Zampell
Special Use Permit
Agent: Jim Rines, White Mountain Survey Co., Inc.
18 North Keewaydin Shore
Case #201110
TM #157-5

Jim Rines reviewed the plans; existing and proposed conditions; noting the proposal includes razing an existing cottage and constructing a new single family dwelling. He stated there will be a reduction in the violation of the current ordinance; noting the existing structure is currently 6.6' from the wetlands however, the proposal will place the structure 9.2' away from the wetlands. He stated the gravel area will be converted to porous pavement and the proposed structure is two stories (original structure is one story).

Kathy Barnard questioned whether the proposal meets side setbacks.

Jim Rines replied yes.

Dave Ford questioned water for the property.

Jim Rines replied seasonal water services the property.

Dave Ford questioned whether the proposal includes the elimination of the seasonal water lines.

Jim Rines replied yes.

It was moved by Tom Zotti and seconded by Kathy Barnard to accept the application as complete. All members voted in favor. The motion passed.

Rob Houseman opened the public hearing.

Paul Houde, abutter, stated he is in favor of the proposed plan.

Kathy Barnard questioned the opinion of the Conservation Commission.
Rob Houseman stated the Commission and Health Officer has no objection to the application and the Code Enforcement Officer stated care should be taken to protect the vegetation and work should be done in the dry season and that it is assumed there will be no traverse of construction equipment nor will any materials be placed in the wetland area.

Audrey Cline stated due diligence must be given not to disrupt the retaining wall of the abutting property.

Kathy Barnard requested the applicant to speak to the criteria of no alternative location exists within the wetland buffer.

Malcolm McNeil stated it had been presumed that without the expansion of the footprint into the buffer that the alternative analysis would be unnecessary.

Rob Houseman stated the applicant does not propose to change the footprint; noting the addition of the second floor triggers a Special Use Permit.

Malcolm McNeil stated the wetland impact is being reduced and noted the vertical expansion does not affect the buffer and triggered review by the Committee. He stated the existing nonconformity is being reduced.

Jim Rines reviewed the disturbed and wooded areas of the lot and stated there would be more impact to the lot to go outside the disturbed area.

Kathy Barnard agreed with Mr. Rines.

Dave Ford verified the seasonal water line extends to a property beyond the Zampbell property. He questioned whether an easement exists from the property owner to the Town.

Paul Houde stated the electric department has a right-of-way for the power lines and water lines.

Dave Ford verified the applicant intends to discontinue the seasonal water line. He questioned whether the Town should request an easement.

Jim Rines stated the Town probably has a prescriptive easement since the line has been there for more than 20 years.

Dave Ford questioned if an outlet for the porous pavement sub-base exists.

Jim Rines replied into the ground.

Dave Ford questioned whether the seasonal high water table is below the base.

Jim Rines replied yes.

There being no questions or comments, Mr. Houseman closed the public hearing.

Rob Houseman reviewed the following recommended conditions of approval;

1. A building permit shall require a survey to stake the location of the home and as-built drawings to ensure compliance with the approved plan.
2. The following plan, as amended to the date of approval, is hereby incorporated into this approval: **Plan 1:** Special Use Permit Application Plan for James and Christine Zampell, 18 North Keewaydin Shore, Wolfeboro, New Hampshire, 03894, Plan prepared by James Rines, LLS, White Mountain Survey Company Inc., PO Box 440, Ossipee, New Hampshire, 03864, Dated July 13, 2011.
3. The applicant shall submit and comply with a pre-construction siltation and erosion control plan. In addition, an inspection by the Town shall be required of siltation devices prior to construction.
4. The applicant shall be responsible for all recording fees.
5. The applicant shall provide construction fencing with offset 5 feet from the edge of wetlands and no cutting shall be permitted within the wetlands.
6. This approval is subject to all required State permits and any conditions attached thereto.
7. The applicant shall provide a final grading plan prior to the issuance of a building permit.
8. The applicant shall be required to monument the edge of wetlands in compliance with *175-9.1 Wetlands Boundary Monumentation, adopted March 13, 2007*. 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 within 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.

Referencing condition #5, Jim Rines recommended against using a siltation fence and stated 5' is too much.

Fenton Varney proposed a hay bale barrier.

Rob Houseman stated he would prefer an erosion sock rather than a silt fence and orange construction fence to keep from driving over it. He stated he acknowledges Mr. Rines' concern that 5' is too much and it can be referenced as shown on the plan therefore, he amended condition #5 as follows;

5. The applicant shall provide construction fencing with offset as referenced on the plan from the edge of wetlands and no cutting shall be permitted within the wetlands.

Audrey Cline questioned whether the applicant has received State septic approval.

Jim Rines replied yes, on 3/16/11 approval was granted for a 5 bedroom septic.

Audrey Cline questioned whether such is reflected on the plan.

Jim Rines replied yes.

It was moved by Kathy Barnard and seconded by Tom Zotti to approve the James & Christine Zampell Special Use Permit application, Case #201110, subject to the recommended conditions of approval, noting the application is in compliance with the revised section of the Wolfeboro Planning & Zoning Ordinance and reduces the existing nonconformity. All members voted in favor. The motion passed.

**Wolfeboro Common Associates, Inc.
Special Use Permit
Agent: Jim Rines, White Mountain Survey Co., Inc.
Corner of Hickory Drive & Foxglove Lane
Case #201111
TM #201-34-122**

Jim Rines stated the Planning Board approved the application 3 years ago however, the approval lapsed. He stated the proposal includes the reduction in the footprint to conform to the required 1800 SF maximum. He reviewed the existing and proposed conditions.

Kathy Barnard verified the previous approval is void because it is expired.

Dave Ford questioned whether there would be a septic tank and if it reflects for a 3 bedroom.

Jim Rines replied yes however, a community system exists and the unit is calculated in such.

Dave Ford verified the property is served by Town water and would be subject to a hook up fee.

It was moved by Kathy Barnard and seconded by Tom Zotti to accept the application as complete. All members voted in favor. The motion passed.

Rob Houseman opened the public hearing.

Ken Brown, Foxglove Lane, President, Wolfboro Common II Condominium Association, stated that once the unit is completed it becomes part of the association. He expressed concern regarding the front setback; noting the 2007 Notice of Decision included a condition the front setback be moved 10' closer to the road. He stated the 10' was an arbitrary number and requested the garage be moved back further. He requested the applicant review the design specifications with the association.

Audrey Cline questioned the dimensions of the garage.

Jim Rines replied 22'X22'.

Betty Brennan questioned the distance from her property.

Jim Rines replied 550'.

Betty Brennan questioned how long it would take to construct the house.

Jim Rines replied approximately 6 months.

Audrey Cline questioned whether the garage could be placed under the living space.

Jim Rines stated the contours do not conform to such.

Ken Brown questioned whether the garage could be pushed back and expressed concern for how narrow the road is.

The Committee reviewed the plan and impact to the buffer if the garage is moved back 5'.

Jim Rines stated the setback from the wetlands would go from 14.3' to 13'; noting there is no reason why the garage couldn't be moved back. He stated there would be a higher frost wall and foundation.

Rob Houseman questioned Mr. Brown if the Association would work with the applicant in regard to building style to accommodate the relocation of the garage.

Ken Brown replied yes. He noted the applicant requested approval for a two car garage and such was granted by the Association.

Rob Houseman verified the Association is prepared to work with the applicant in regard to design and setback issues. He reviewed the Conservation Commission's concerns; noting such includes the grading plan and request for a second opinion on the fill. He stated the applicant has documented the issue of the fill in Gary Flaherty's report; noting the question is whether the land is made land on wetlands or whether it is dry land that was fill. He noted due diligence has been done by a Certified Wetlands Scientist.

Jim Rines stated there is no intent to change the grading (referencing the Conservation Commission's memo).

Rob Houseman questioned whether the Committee has concern with the data presented in Gary Flaherty's report based on the question raised by the Commission.

Jim Rines stated that per the 1991 plan, the fill was placed legally.

Dave Ford recommended accepting the plan as submitted.

There being no further questions or comments, Rob Houseman 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: Special Use Permit Application Plan, Wolfeboro Common Associates, Inc., Hickory Drive and Foxglove Lane, Tax Map 201, Lot 34-122, Wolfeboro, New Hampshire, Prepared by James Rines, PE, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Soils Work prepared by Gary Flaherty, CWS, Wetlands delineated in August 2005, Plan Dated June 9, 2011.
Plan 2: Erosion and Sediment Control Plan, Wolfeboro Common Associates, Inc, Hickory Drive and Foxglove Lane, Tax Map 201, Lot 34-122, Wolfeboro, New Hampshire, Prepared by James Rines, PE, White Mountain Survey Co., Inc., PO Box 440, Ossipee, New Hampshire 03864, Plan Dated June 9, 2011.
2. The applicant and Wolfeboro Common II Condominium Association shall work together to accommodate moving the garage back 5'.
3. The applicant shall comply with a pre-construction siltation and erosion control measures and construction sequences, paying particular attention to the prohibition of additional flooding, sediment and erosion affecting downstream abutters.
4. An inspection by the Town shall be required of siltation devices prior to construction.
5. The applicant shall be responsible for all recording fees.
6. There shall be a no cut tree line maintained in perpetuity using the existing vegetation tree line as shown on the plan.
7. The applicant shall be required to monument the edge of wetlands in compliance with *175-9.1 Wetlands Boundary Monumentation, adopted March 13, 2007*. 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 within 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 Dave Ford and seconded by Audrey Cline to approve the Wolfeboro Common Associates, Inc. Special Use Permit application, Case #201111, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Respectfully Submitted,
Lee Ann Heathley
Lee Ann Heathley