

APPROVED 12-3- 2008

Call to Order by Co-Chairman Balcius at 7:00 p.m.

Members Present: Cynthia Balcius, Bruce Holmes-Co-Chairmen , Bill Curtin- Selectman Representative, Tom Hoopes, Scott Williams, Timothy Roy, David Hussey, Bonnie Dunbar-Alternate, Sharon Penney-Town Planner, Stacey Ames-Assistant to Planner.

Appointment of Alternates. None to appoint.

Approval of Minutes. None to approve.

Approval of Agenda No changes made. No motion made to accept agenda.

Public Input None seen or heard, public input closed.

Conceptual:

Case #P08-30

Map 12, Lot 57

Site Plan

Timothy Morgan & Deana O'Shaughnessy

Old Wolfeboro Road

Requesting to get Board input on the construction of a small bottling facility on Sunny Slope Farm located 118 & 110 Old Wolfeboro Road. This parcel is located in the Residential Rural zone and the use is allowed by Special Exception from the Zoning Board of Adjustment.

Present for this case: Timothy Morgan and Deana O'Shaughnessy

C. Balcius noted Conceptual applications are held to 15 minutes.

T. Morgan Chamberlin Springs LLC. Three questions for the Board. 1. Will this be allowed? 2. Use of 2 contiguous parcels. 3. Piece of property is in an historic easement. Project started in Feb 2003. Held informal meeting with abutters and spoke with all neighbors. August Conservation Commission did a site walk. ZBA special exception in 2004, public hearing in January 2005 from DES requirement. Have received permit for DOT for trucks. Sept 2005 appeared before the board for subdivision. October of 2005 Board did a site walk on concern for traffic issues. Site plan review on Oct 2005. July of 2006 large ground water spring extraction. Not pursuing bulk bottling due to economy. Would like to begin a "mom and pop" bottling. Health and Human Services have approved using barn or stable. Would like to build a facility in the garage portion of the barn using two of the bays. Will be using a truck with 100-200 gallon to transport to barn. Both pieces of property are owned by Deana and her sister. Historic easement question RSA 79-D with 13 subsections and deal with public interest of old properties in NH. Putting the water company in barn will not be seen from public and not in historic part of the barn that was built in 1974,

B. Curtin noted they may lose historic value and possibly have a penalty assigned.

Historic easement is through the state but the town has to approve it. Barn was refurbished in 1974. The barn was jacked up and put a cement base with a three bay garage.

Department of Historic Resources – question on if the square footage of the new garage space was included in the historic easement. There is no intention of any of the historic or exterior part of the barn to be changed.

The well is not on a conservation easement. Checking on what rights need to be reserved.

Special Exception runs with the land. Special exception was made before the subdivision and a new special exception will need to be applied for.

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Need a ruling from town counsel on the two properties.

Suggested to attain help form DHR.

Public Hearing:

Case #P08-31

Map 52, Lot 1 & 2

Boundary Line Adjustment

Charles & Catherine McCauley

167 Route 11D

Application submitted by Bryan Bailey of Turning Point Land Surveyors & Land Planners for a proposed Boundary Line Adjustment to enlarge the small lot (lot 1) by adding .5 acres which will include the accessory building. This parcel is located in the Lakeshore Residential zone.

Present for this case: Bryan Bailey, Charles and Catherine McCauley.

Scott Williams made clear his connection with this property. No one had an issue.

S. Penney reported: B. Bailey brought new editions of his plat map that corrected clerical errors in previous map submissions. These are both non-conforming lots of record. One for lot frontage and the other for lot frontage and acreage size. In the case of BLA will make the lots less non-conforming.

Motion by T. Hoopes to accept the application as complete for Case P08-31. Second by S. Williams. No discussion. Vote unanimous.

B Bailey has plans that reflect the minor modifications. Other than that the only changes are clerical. Two existing lots of record. Sheet 1 of 3 show original property. Lot 52-1 is a small triangle lot. Lot 52-2 has a home and garage. Trying to enlarge the small property and make both lots buildable. Bigger lot of 1.7 acres in size. .51 acres is planning to be transferred to the smaller lot. DES had a difference in calculations to larger lot of .03 and this has been corrected in new plans. Sheet number 2 shows existing property with topography and existing property lines. Sheet 3 is NH DES review plan which has been submitted to Concord.

C. Balcius asked how close to the lakeshore or is it within Shoreline protection.

B. Bailey noted it is very close but outside of the Shoreline protection.

T. Hoopes asked if you can create two non-conforming lots, even though you are making them less non-conforming.

Discussion on adding more to the smaller lot but then it will make the larger lot less conforming with DES.

Both proposed lots each have separate access.

T. Hoopes questioned the legal standpoint and would like to know what town counsel would advise.

S. Penney suggested that the nonconforming lot frontage will have to go before the ZBA.

B. Bailey reminded that both lots will become both buildable.

Open to public input:

None seen or heard.

Closed public input.

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Discussion on the creation of still two non-conforming lots. Also discussion on whether the board can make a decision or should this go to the town counsel.

T. Roy would like to have this presented to town counsel.

D. Hussey okay with making the decision.

B. Holmes would like to make it a condition.

S. Williams concurs with B. Holmes.

T. Hoopes and B. Curtin agree with B. Holmes.

B. Dunbar concern for making this a subdivision.

Discussion on what the State would require this be made a subdivision.

T. Roy asked can they take a non-buildable lot and make it a buildable lot that is still non-conforming.

C. Balcius would like to get town counsel opinion before making a decision.

Motion by T. Hoopes. to continue case until next month, December 16 in order to get an opinion from town counsel and to accept new plans. Second by D. Hussey. No Discussion. Vote unanimous.

Case #P08-32
Joseph Byrne

Map 32-Lot 3 & 5-1

Boundary Line Adjustment
Riverlake West Street

Application submitted by George Chrisenton on behalf of Joseph Byrne for a Boundary Line Adjustment to allow an increase of size to lot 32/5-1 and give it access to Riverlake West Street. This parcel is located in the Residential Zone.

Present for this case: George Chrisenton.

S. Penney noted that parcel is residential commercial zone.

Motion by S. Williams to accept the application for P08-32 is complete with waivers 7.2.14 setback 7.2.27 elevations and 7.2.33 wetlands. Second by T. Roy. Discussion. C. Balcius asked if the setbacks are for the new lot. No further discussion. Vote unanimous.

G. Chrisenton. Proposal is to increase the size to the small parcel to have access on Riverlake West Street. Mr. Guile owns Lots 4 and 5. This will give Mr. Guile more land.

Open to public input.

Maureen Fitzgerald abutter to the property. Is concerned from a Boundary Line Adjustment and subdivision. S. Penney explained sufficiently. Concerned that the BLA is going to make the new lot buildable. Board assured this is not a buildable lot.

S. Williams asked what is being created.

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S. Penney noted that the new lot will not create a conforming lot. Should be 15,000 and it will only be 11,000 sq feet. 15,000 required for a single family home with municipal water.

T. Hoopes asked why this does not meet state subdivision.

Public input closed.

Discussion on approving this BLA when the previous case was not approved for the same reasons. C. Balcius would like to discuss this with town counsel before making a decision.

Discussion that the Board needs advise on how to proceed with the creation of nonconforming lots.

Motion by T. Hoopes to continue case P08-32 to the next regular meeting on December 16 to discuss this with town counsel. Second by D Hussey. No discussion. Vote unanimous.

Other Business

1. Old Business. None.
2. New Business
 - A. Letter from AFD on responsibility of maintenance of roads where a dry hydrant filled fire truck pump with rocks. Discussion on what the condition of approval of the dry hydrant. C. Balcius suggested to look into this situation with the planner and assistant. T. Hoopes noted the wetlands were not surveyed on this property
 - B. Brown - dispute that the application was not complete. Would like fees to be carried forward to the new application and request to meet with town planner to discuss items. S. Ames noted it clearly states that if your application is not accepted you do not get your fees back. C. Balcius will also be present at the meeting. S. Ames would like a motion stating that monies will not be credited or applied to any further iteration of the same project application. Letter received October 24 and the meeting was October 21. Discussion on why the fees are not returned – due to the planning office review of the application. **Motion** by T. Hoopes the monies will not be credited or applied to any future iteration of the same project application Second by D. Hussey. Discussion that the reasons are in the minutes from that meeting where decision was made. No further discussion. Vote unanimous. Suggested by B. Curtin that applicant come to the next planning board.
3. Correspondence, None.
4. Any other business that may come before the Board. None.

Motion by S. Williams to adjourn. Second by T. Roy. No discussion. Vote unanimous.

Respectfully submitted,

Carolyn B. Schaeffner
Recording Secretary