

TECHNICAL REVIEW COMMITTEE
Wednesday, July 5, 2017
MINUTES

Members Present: Barry Muccio, Electric Department, Tom Zotti, Wolfeboro Fire Department, Mark Livie, Wolfeboro Police Department, Adam Tasker, Public Works Department.

Planning Board Representatives Present: Kathy Barnard, Paul O'Brien.

Staff Present: Matt Sullivan, Director of Planning & Development, Lee Ann Hendrickson, Administrative Secretary.

Mary F. Shaw/Annmarie Flynn/Rosemary F. Lounsbury
Special Use Permit
204 Warren Sands Road
TM #210-3
Case #2017-20

Jim Rines reviewed his letter, dated June 12, 2017, see attached.

Dan Coons, Chairman, Wolfeboro Conservation Commission, stated the applicant has proposed the best possible location for the replacement septic system and the Commission supports the proposal.

Matt Sullivan confirmed the total SF of impact is 1,755.

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

Matt Sullivan opened the public hearing.

There being no questions or comments, Matt Sullivan closed the public hearing.

Matt Sullivan reviewed the following recommended conditions of approval;

1. The following plan, as amended to the date of approval, is hereby incorporated into this approval:
Sheet 1: Special Use Permit (Sewage Disposal System Plan), Owner/Applicant: Mary F. Shaw, Annmarie Flynn, Rosemary F. Lounsbury, 15 Pond Brook Circle, Weston, MA, 02493-1425, Project Location: 204 Warren Sands Road, Wolfeboro, New Hampshire, 03894, Tax Map 210 Lot 003, Prepared by David Aiton, White Mountain Survey and Engineering, Inc., PO Box 440, Ossipee, New Hampshire 03864, Dated June 12, 2017.
2. The applicant shall comply with the pre-construction siltation and erosion control measures and construction sequence as shown on the plan, but not limited to:
 - (1) Silt fencing

3. An inspection by the Town shall be required of siltation devices prior to construction.
4. 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.
5. 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.
6. The applicant shall be responsible for the payment of all recording fees.

It was moved by Kathy Barnard and seconded by Adam Tasker to approve the Mary F. Shaw/Annmarie Flynn/Rosemary F. Lounsbury Special Use Permit application, Tax Map 210-3, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Respectfully Submitted,
Lee Ann Hendrickson
Lee Ann Hendrickson



WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

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June 12, 2017

Via Hand Delivery

Matthew Sullivan, Director of Planning and Development
Town of Wolfeboro
P.O. Box 629
Wolfeboro, NH 03894-0629

Re: Mary F. Shaw, et. al. Special Use Permit Application
204 Warrant Sands Road
Tax Map 210 Lot 3

Dear Matt:

Please accept this letter, the accompanying documents and plan as a completed application for a Special Use Permit to permit the home owner the ability to replace their failing sewage disposal system within 100 feet of a Prime Wetland boundary and within 75' of a very poorly drained wetlands. This application is made in accordance with Article II, Section 175-10, C. (9) of the current Wolfeboro Zoning Ordinance which states:

A failed septic system within 75 feet of any very poorly drained soils and 50 feet from poorly drained soils must be replaced on land outside the buffer zone, unless the NHDES and the Code Enforcement Officer make a determination that such placement is not physically possible. A special use permit shall be required to place a new or failed system within the setback zone.

The property in question lies near the end of Warren Sands Road between Lake Wentworth and the Warren Brook prime wetland (PW26). The prime wetland boundary was determined by Doiron Environmental, LLC as was the test pit and percolation test.

The property owners wish to replace their failing sewage disposal system at their summer cottage. However, the result of the survey work, wetland delineation and the soil testing reveals that the percolation rate is less than two minutes per inch and the distance between Lake Wentworth and the very poorly drained varies from roughly 148 feet to 180 feet.

Due to the percolation rate being two minutes per inch or faster, the NHDES requirement is 125 foot setback from Lake Wentworth, and a 75 foot setback from very poorly drained wetland and a 50 foot setback to poorly drained wetlands. On existing developed lots, NHDES will grant a

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waiver for replacement systems to be as close as 75' to surface waters and will allow reductions to the maximum extent practicable from both poorly and very poorly drained soils.

The proposal is to place a replacement sewage disposal system in the same general area as the existing system. At the closest points, the effluent disposal area (EDA) will be 103 feet from Lake Wentworth and 57.3 feet from very poorly drained wetlands. The EDA will be 53.6 feet from poorly drained wetlands which exceed the minimum 50 foot setback from poorly drained wetlands, but since this is prime wetlands, we fall 46.4 feet short of the required 100 foot setback to a prime wetland.

The septic tank/pump chamber is proposed to be 90.5 feet from Lake Wentworth and 75'5 feet from very poorly drained wetlands and 71.7 feet from poorly drained wetlands.

With a maximum of 180 feet of separation between Lake Wentworth and the Warren Brook Prime wetlands, it is clear that there is no location on this property where compliance with setbacks is possible and relief from both NHDES Subsurface Systems Bureau and the Town of Wolfeboro will be required to install this replacement system. Therefore, we believe it is clear that we satisfy the requirements of Article II, Section 175-10, C.(9).

Because this proposal will does not require a Wetlands Bureau permit, we anticipate this application being reviewed, and hopefully approved, by the Technical Review Committee in accordance with Article II, Section 175-10, A (3) of the Zoning Ordinance.

To be granted a special use permit, the TRC must determine that we have satisfied the criteria outlined in Article II, Section 175-10.1, B. (1) – (7). They are listed and address below.

(1) The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:

- (a) Support fish and wildlife***
- (b) Prevent flooding.***
- (c) Supply and protect surface and groundwaters.***
- (d) Control sediment.***
- (e) Control pollution***
- (f) Support native wetlands vegetation.***
- (g) Promote public health and safety.***
- (h) Moderate fluctuations in surface water levels.***

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The replacement of a failing ISDS in an existing developed area, of the existing failing system will have no negative impact on any of the criteria list in (a) through (h) above. In fact, it is without question that replacing a failing ISDS with a modern system as compliant with today's standards as possible will have either a neutral or positive impact on items (a) through (h) above. Replacement will definitely enhance (e) and (g).

(2) The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetlands resources, including:

- (a) Erosion.***
- (b) Siltation.***
- (c) Turbidity.***

By employing Best Management Practices during construction, we will have no negative environmental impact to any abutting or downstream property, nor will we have any negative environmental impact to the lake which does lie hydrologically downstream from the proposed impacts.

- (d) Loss of fish and wildlife.***
- (e) Loss of unique habitat having demonstrable natural, scientific, or educational value.***
- (f) Loss or decrease of beneficial aquatic organisms and wetlands plants.***
- (g) Dangers of flooding and pollution.***

The proposed impacts will have no negative environmental impact that would result in the loss of fish and wildlife, unique habitat that has demonstrable natural, scientific, or educational value nor will it increase the dangers of flooding. Replacing the failing ISDS will however reduce the chance of pollution to the ground and surface waters.

- (h) Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.***

This proposal will have no negative impact on the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community. In fact replacement of the ISDS will enhance most of these criteria.

(3) The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetlands or its buffer.

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As is demonstrated by plan, there is virtually no other location on this lot that would eliminate or reduce the impact to the wetlands or its buffer. By replacing the ISDS in the area of the existing ISDS, we are minimizing any new impacts to the buffers.

(4) The proposed activity utilizes applicable best management practices.

The proposed activity employs the application of Best Management Practices.

(5) Federal and/or state permits have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.

As soon as the Town of Wolfeboro signs the ISDS plan for forwarding to the NHDES, we will submit this design as a failed system to NHDES Subsurface Systems Bureau, which does not require a NH Shoreland Impact Permit or Town of Wolfeboro Shoreland Impact Permit so that this system may be replaced as soon as physically possible.

(6) Where applicable, proof of compliance with all other state and/or federal regulations has been received.

As soon as we received the ISDS construction approval from NHDES, we will forward it to the Town.

(7) When a special use permit application proposes work that requires a NH shoreland permit in accordance with the NHCSPA, RSA 483-B, the applicant shall submit a copy of the shoreland permit and approved plan as part of the special use permit application.

As stated above, replacement of failed ISDS's are exempt from the need to obtain a Shoreland Impact Permit in accordance with the Shoreland Water Quality Protection Act.

Finally, we wish to point out that there will be no impacts to actual wetlands, only impacts within the wetland buffer.

As a result of the above information, we are confident that this submittal meets the requirements outlined in Article II, Section 175-10, C. (9) of the Wolfeboro Zoning Ordinance necessary to be granted approval for a Special Use Permit for the proposed activity.

Once you have had the opportunity to review this submittal, if you find that you have any

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questions, please feel free to contact me directly at 539-4118, extension 315, or David Aiton, extension 305, in my absence. In thanking you for your attention to this matter, I remain

Sincerely,
White Mountain Survey & Engineering, Inc.

James F. Rines, P.E., L.L.S., C.P.E.S.C.
President

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