



*Town of
Wolfeboro*

**ABUTTER NOTICE
ZONING BOARD OF ADJUSTMENT
WOLFEBORO, NEW HAMPSHIRE**

Notice is hereby given that the Zoning Board of Adjustment will meet on **Monday, 4 April 2016 at 7:00 PM** in the Wolfeboro Public Library Meeting Room to conduct the following business:

TM# 231-55

Applicant: Charles Mock Trust 1996

Case #04-SE-2016



Public Hearing for a Special Exception from Article XXII, Section 43-A 2 of the Wolfeboro Planning & Zoning Ordinance to permit restoration of a guest cottage and addition of guest area; total square footage of expansion would be 103.75 square feet. This property is located at 243 South Main Street. A site visit will be held at approximately 6:40 pm prior to the hearing.

TM# 231-55

Applicant: Charles Mock Trust 1996

Case #05-V-2016

Public Hearing for a Variance from Article 175-70-A 2 of the Wolfeboro Planning & Zoning Ordinance for a 2 foot proposed setback from the property line. Expansion of non-conforming structure (10' setback required). This property is located at 243 South Main Street. A site visit will be held at approximately 6:40 pm prior to the hearing.

Copies to:

- Town Manager
- Codes Officer
- Police Chief
- Fire Chief
- Conservation Commission
- Assessor
- Public Works Department
- Municipal Electric
- Department of Water & Sewer
- Planning Department
- File

Charles Mock Trust 1996
Brooks
Huggins Hospital
Michael J O'Connell Rvcbl. Trust



V. PUBLIC HEARING

The conduct of the public hearing shall be governed by the following rules:

- A. The Chair shall call the hearing in session.
- B. The Clerk shall read the notice and report on how public notice and personal notice was given and if a site visit was held the clerk will report such.
- C. Members of the Board may ask questions at any time during testimony.
- D. Each person who appears shall be required to state her/his name and address, and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
- E. Any member of the Board, through the Chair, may request any party to the case to speak a second time.
- F. Any party to the case, who wants to ask a question of another party of the case, must do so through the Chair, but only at the discretion of the Chair.
- G. The applicant shall be called to present her or his appeal and those appearing in favor of the appeal shall be allowed to speak.
- H. Those in opposition to the appeal shall be allowed to speak.
- I. The applicant and those in favor of the appeal shall be allowed to speak in rebuttal.
- J. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- K. When the public portion of the hearing is declared closed, no further testimony will normally be received from the applicant or any other party or interested person. However, to avoid the appearance of injustice, the Chair shall have the authority on a majority vote of the board to reopen the hearing to allow such limited additional testimony as may in the Chair's judgment be thought necessary to clarify one or more questions that may have arisen during the board's deliberations, provided that the applicant(s) and all interested parties are still present and in attendance. The board may continue the public hearing to a subsequent meeting if all interested parties are not still present and in attendance Notice shall be given of the continuance.

The Board has the authority to reopen the hearing at the next board meeting if the board feels that reopening the hearing is necessary because the applicant and/or any interested party has departed. Notice shall be required and the cost of said notice shall be the responsibility of the applicant.

VI. DECISIONS

The Board will endeavor to decide all cases immediately after the public hearing. The Board may approve with conditions, deny the application, or defer its final decision. The Board's Notice of Decision will be made available within 5 business days as required by RSA 676:3, and will be sent in a timely manner to the applicant and other appropriate parties in interest. If the application is denied, the notice shall include the reasons for the denial.



ZONING BOARD OF ADJUSTMENT

*Town of
Wolfeboro*

17 March 2016

Dear Applicant;

The Wolfeboro Zoning Board of Adjustment has scheduled a meeting on Monday, April 4, 2016, 2016 at 7 pm in the Wolfeboro Public Library Meeting Room relative to your submitted application(s). A site visit has been scheduled at approximately 6:40 pm the day of the meeting. It is advisable that either you or a representative be present at the time of the site visit to answer questions the Board may have. As a site visit is not a public hearing and no additional comments will be accepted,

If you have any questions, please feel free to contact me at 603-569-5970.

Sincerely,



Robin Kingston
Administrative Assistant

South Main Street Post Office Box 629 Wolfeboro, New Hampshire 03894

(603) 569-5970



TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

RECEIVED

MAR 10 2016

SPECIAL EXCEPTION

Section II -- (To be prepared by Applicant)

ZONING
BOARD OF ADJUSTMENT

Date: 3-9-16

NOTE: Additional information may be supplied on separate sheet if the space provided is not inadequate.

TO: Zoning Board of Adjustment
Town of Wolfeboro
P.O. Box 629
Wolfeboro, New Hampshire 03894-0629

1. Having been denied a permit by the Wolfeboro Building Official for the reason specified in Section I: NOTICE OF ZONING DECISION (Copy Attached). I hereby appeal the decision and request the Board of Adjustment to schedule a public hearing to consider this appeal.
2. I realize that providing the complete information requested below is the responsibility of the undersigned applicant and must be provided before a public hearing can be scheduled by the Board. I understand that it is my responsibility to present this appeal to the Board.

- a. Type of Appeal: Special Exception
- b. Basis for Appeal is Article 175-43A2, Section _____ of the Wolfeboro Planning and Zoning Ordinance
- c. Location of property in question: _____
243 South Main St.
- d. Tax Map number: 231 Lot Number: 55 Sub Lot: _____
- e. Zoning District: Village Residential Zoning District
- f. Name of Applicant: Charles N. Mock

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

- g. Mailing Address of Applicant: P.O. Box 1545 Wolfeboro, NH
- h. Phone Number of Applicant: 401-203-9297
- i. E-mail Address: cin4g@aol.com
- j. Name of Company (if applicable): _____
- k. Legal Owner of the Property: Charles Mock Trust 1996
- l. Mailing Address of Property Owner: P.O. Box 1545 Wolfeboro, NH
- m. Proposed use of property or modification of existing use: _____
owner occupancy
- n. Directions to the property from the Wolfeboro Town Hall: _____
Corner of East Clark Rd.
and South Main St.

I understand that I must appear in person at the public hearing scheduled by the Board of Adjustment to present this appeal. If I cannot appear in person, I will notify the Board in writing of the name of the individual I designate to represent me at the hearing. I also understand that it is my sole responsibility, as the applicant, to provide ALL of the information required to the Secretary of the Board of Adjustment before a hearing can be scheduled.

Charles M. Mark 3-9-16
Applicant's Signature Date

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

3. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking:

None of above. There is sufficient on site parking.

4. Availability of public services and facilities: That the following services and facilities are available and adequate to serve the needs of the use designed and proposed:

- a. Sewer
- b. Water
- c. Stormwater Drainage
- d. Fire Protection
- e. Streets
- f. Parks
- g. Schools

The building already has sewer and water hook-up, as well as electricity. All above services and facilities would be available.

5. Appropriateness of Site Plan: Consideration shall be given to the following:

- a. Parking Scheme
- b. Traffic Circulation
- c. Open Space
- d. Fencing/Screening
- e. Landscaping
- f. Signage
- g. Commercial Vehicles
- h. Lighting Impact

The building currently used by family will have no negative impact on neighborhood. None of the above items would be a problem.

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

6. Immediate neighborhood integrity: That the uses and established use patterns be weighed with recent change trends in the neighborhood.

The integrity of the neighborhood would be improved as the building is currently in bad shape.

7. Impact on property values: That the proposed use will not cause or contribute to decline in property values of adjacent properties.

Property values would be increased for all adjacent properties.

8. The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan.

We feel the proposed renovation would be consistent with the spirit of the ordinance and the intent of the master plan.

Applicant: Charles N. Mark

Date: 3-9-16

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

EIGHT POINT SPECIAL EXCEPTION REQUEST:

A SPECIAL EXCEPTION is requested as provided in Article 175-43 A2 of the Zoning Ordinance to permit: restoration of guest cottage and addition of expanded living area - total square footage of expansion would only be 103.75 square feet.

FACTS SUPPORTING THIS REQUEST:

1. Site Suitability: That the specific site is an appropriate location for the proposed use or structure:

This includes:

- a). Adequate usable space
b). Adequate access.
c). Absence of environmental constraints (floodplain, steep slopes, etc.)

Building currently exists. Renovation will prevent further deterioration of this older building and will greatly improve its appearance. It was built as a guest house and it would be nice to improve it back to its original condition - with a small addition for extra living space

2. Immediate Neighborhood Impact: That the proposal is not detrimental injurious, obnoxious or offensive to the abutting properties in particular and to the neighborhood in general. Typical impacts, which extend beyond the proposed site include:

- a. Excessive trip generation
b. Noise or vibration
c. Dust, glare of heat
d. Smoke, fumes, gas or odors
e. Inappropriate hours of operation

Building is already there and renovation will not create any negative impact for neighbors.



100 foot Abutters List Report

Wolfeboro, NH
February 11, 2016

Subject Property:

Parcel Number: 231-055-000
CAMA Number: 231-055-000
Property Address: 243 SOUTH MAIN STREET

Mailing Address: MOCK CHARLES TRUST 1996 MOCK CHARLES & CAROLYN TRTS 28 BERKELEY ROAD EAST GREENWICH, RI 02818

T A
✓ ✓
✓ ✓
NO ✓
✓ ✓
✓ ✓
✓ ✓

Abutters:

Parcel Number: 231-052-000
CAMA Number: 231-052-000
Property Address: 14 EAST CLARK ROAD

Mailing Address: STEER CYNTHIA F 91 VOLPI ROAD BOLTON, CT 06043

Parcel Number: 231-053-000
CAMA Number: 231-053-000
Property Address: 12 EAST CLARK ROAD

Mailing Address: BROOKS STEPHEN J BROOKS JANE R PO BOX 312 SAGAMORE BEACH, MA 02562

Parcel Number: 231-054-000
CAMA Number: 231-054-000
Property Address: 233 SOUTH MAIN STREET

Mailing Address: TOWN OF WOLFEBORO WOLFEBORO HISTORICAL SOCIETY PO BOX 629 WOLFEBORO, NH 03894

Parcel Number: 231-056-000
CAMA Number: 231-056-000
Property Address: 245 SOUTH MAIN STREET

Mailing Address: OCONNELL MICHAEL J RVCBL TRUST OCONNELL MICHAEL J TRUSTEE 67 JONATHAN AVE ROCHESTER, NH 03839

Parcel Number: 231-057-000
CAMA Number: 231-057-000
Property Address: 251 SOUTH MAIN STREET

Mailing Address: TOWN OF WOLFEBORO PO BOX 629 WOLFEBORO, NH 03894

Parcel Number: 231-090-000
CAMA Number: 231-090-00E
Property Address: 240 SOUTH MAIN STREET

Mailing Address: HUGGINS HOSPITAL PO BOX 912 WOLFEBORO, NH 03894

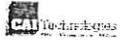
Parcel Number: 231-090-000
CAMA Number: 231-090-00T
Property Address: 240 SOUTH MAIN STREET

Mailing Address: HUGGINS HOSPITAL 240 SOUTH MAIN STREET WOLFEBORO, NH 03894

4 postage for 4 envelopes

4 plain #10 envelopes

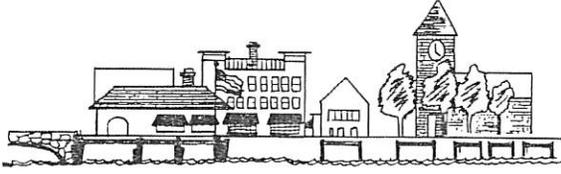
4 certified slips



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Certified \$3.94 per-



Planning and Development

*Town of
Wolfeboro*

MEMORANDUM

DATE: 28 March, 2016
TO: Zoning Board of Adjustment
FROM: Robert Houseman, Director of Planning and Development
SUBJECT: Special Exception

Subject: Special Exception request for the expansion of a nonconforming use, a second dwelling on a lot in the Village Residential District

Case #: 04-SE-16

Tax Map#: 231-55

Initiated by: Charles Mock Trust 1996

Description: The applicant seeks a Special Exception for the expansion of a nonconforming use (a second dwelling on a lot). The cottage is considered a lawfully existing nonconforming use since the property contains a principle dwelling, the main house, and a second detached dwelling. The applicant is seeking a Special Exception to allow the expansion of a nonconforming use by 25%. The existing building is 625.5 sq. ft. and the proposed addition is 94.5 sq. ft. (approximately a 15.1% expansion).

Below please find applicable section of the Wolfeboro Zoning Ordinance:

§ 175-43. Nonconforming uses.

A. Expansion.

(1) A nonconforming building or structure may be maintained or rebuilt as it existed at the time of the passage of this section and may, by special exception, be expanded by no more than 25% of its existing area at that time.

(2) A nonconforming use occupying a portion of a parcel of land or a portion of a building may, by special exception, be expanded by no more than 25% of the portion of the parcel of land or building dedicated to the nonconforming use at the time of passage of this section; provided, however, that nonconforming signs may not be expanded.

B. Abandonment. Any nonconforming use that is discontinued or abandoned for a period of one year or more cannot be resumed.

C. The following are allowed:

[Added 3-10-2015 ATM by Art. 3]

(1) Routine maintenance.

(2) Completion of projects under construction which subsequently become not permitted by a zoning amendment.

(3) Change of a nonconforming use to another, less conforming use, subject to site plan approval if the use is nonresidential.

Below please find the Special Exception standards:

ARTICLE XXI, Special Exception Criteria

§ 175-127. Review of conditions for grant of permit.

The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, such as but not limited to site plan review by the Planning Board, control of outside display of merchandise, hours of operation, and duration of use, grant permits for the following uses as special exceptions in the respective districts set forth. Before reaching a decision under this article, three members of the Board shall have viewed jointly the subject area. Said viewing shall be noted in their records. The Board shall also notify abutters in accordance with NH RSA 676:7. The Board, in acting on the application for a special exception, shall take into consideration the following conditions:

A. Site suitability: that the specific site is an appropriate location for the proposed use or structure. This includes:

(1) Adequate usable space.

(2) Adequate access.

(3) Absence of environmental constraints (floodplain, steep slope, etc.).

B. Immediate neighborhood impact: that the proposal is not detrimental, injurious, obnoxious or offensive to abutting properties in particular and to the neighborhood in general. Typical negative impacts which extend beyond the proposed site include:

- (1) Excessive trip generation.
 - (2) Noise or vibration.
 - (3) Dust, glare or heat.
 - (4) Smoke, fumes, gas or odors.
 - (5) Inappropriate hours of operation.
- C. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of accessways and off-street parking.
- D. Availability of public services and facilities: that the following services and facilities are available and adequate to serve the needs of the use as designed and proposed:
- (1) Sewer.
 - (2) Water.
 - (3) Stormwater drainage.
 - (4) Fire protection.
 - (5) Police protection.
 - (6) Streets.
 - (7) Parks.
 - (8) Schools.
- E. Appropriateness of site plan. Consideration shall include:
- (1) Parking scheme.
 - (2) Traffic circulation.
 - (3) Open space.
 - (4) Fencing/screening.
 - (5) Landscaping.
 - (6) Signage.
 - (7) Commercial vehicles.
 - (8) Lighting impact.
- F. Immediate neighborhood integrity: that the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.
- G. Impact on property values: that the proposed use will not cause or contribute to a decline in property values of adjacent properties.
- H. That the proposed use or structure is consistent with the spirit of Part 1 and the intent of the Master Plan.

If the Board, after its deliberations on the case, considers approving this application, Staff would recommend that the ZBA consider the following conditions of approval:

1. 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.

2. The application, as submitted to the ZBA, does not satisfy all applicable requirements for a building permit.
3. This approval is subject to the receipt of a Variance and any conditions attached thereto.
4. The applicant shall pay all recording fees.
5. This Special Exception shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause.

I hope this information provides you with some assistance. Please call me if you have any questions or need additional information.