



ZONING BOARD OF ADJUSTMENT

*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

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

*(603) 569-5970*



## 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 6:15 pm the day of the meeting. It is advisable that either your 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

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

*(603) 569-5970*



**TOWN OF WOLFEBORO**  
**ZONING BOARD OF ADJUSTMENT**

**RECEIVED**

**VARIANCE**

MAR 10 2016

Section II -- (To be prepared by Applicant)

Date: 3-9-16

ZONING  
BOARD OF ADJUSTMENT

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: Variance  \_\_\_\_\_
- b. Basis for Appeal is Article 175.70, Section AZ 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
- g. Mailing Address of Applicant: P.O. Box 1545 Wolfeboro,

**TOWN OF WOLFEBORO**  
**ZONING BOARD OF ADJUSTMENT**

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- 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.
- o. Are there any current Zoning Violations on the property other than those that may be listed on this Application? (If Yes, please fully describe below).  
NO

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 N. Mock  
Applicant's Signature

3-9-16  
Date

# Memo

To: Robert Houseman – Director of Planning & Development

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## RE: School House Trust Tax map #231-55

1. April 2, 2012 Variance to allow for a retail operation to be conducted in the “cottage” building.

Approved on 4/2/2012

2. Aug 22, 1979 - Arthur Jackson –Variance for the sale of religious items.

Denied 8/22/1979

3. Sept 12, 1979 - Arthur Jackson – Application for rehearing for a Variance for the sale of religious Items.

Denied 9-12-1979

4. July 11, 1979 – Arthur Jackson – Special Exception for a home occupation for the sale of religious items.

Denied 7/11/1979

5. July 23, 1979 – Arthur Jackson – Rehearing for special exception for a home occupation for the sale of religious items.

Denied 7/23/1979

6. May 13, 1965- Howard Sabin – Exception to build an apartment over the garage by raising roof.

Approved 5/1/1965

**TOWN OF WOLFEBORO**  
**ZONING BOARD OF ADJUSTMENT**

**VARIANCE REQUEST:**

The undersigned hereby requests a Variance from Article 175.70A2 Section 2; and asks that said terms of the Zoning Ordinance be waived to permit 2 Foot Proposed Set back from property line.  
- Expansion of non conforming Structure  
(10 foot side setback required - this cottage was built long before this requirement was established.)

The undersigned alleges that the following circumstances exist to support this variance request.

**1. The variance will not be contrary to the public interest because:**

The variance will allow the creation of additional living space in this tiny guest cottage which only has a floor area of 635.25 square feet. It will also make possible the remodeling of the interior of the dwelling to make it more functional and will make the exterior much more uniform and appealing to look at.

**2. The spirit of the ordinance is observed because:**

The expansion will not encroach any further into the 2 foot setback than the existing cottage already does.

**3. Substantial justice is done because:**

The extension/expression of the back of the existing cottage will provide additional living space in a very small dwelling with only a 635.25 square foot floor area. It will also make the interior of the cottage more functional and help to block from view an unsightly plastic fence

**4. The values of surrounding properties will not be diminished because:**

The addition as well as remodeling of cottage will improve the overall appearance of the building, will keep it from further deterioration, and help it to fit in better in the colonial type neighborhood, while preserving the historic nature of the cottage itself. that was added by neighbor.

**TOWN OF WOLFEBORO**  
**ZONING BOARD OF ADJUSTMENT**

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

The "Special Conditions" of this property that distinguish it from other properties in the area are as follows:

The historic nature of the cottage suggests that it was built in the early 1900s when there were minimal setback requirements. Along with the main house and garage ~~the~~ it is built close to property line. The property is burdened by zoning restrictions which would prevent renovation and expansion to provide a reasonable living area for a family.

**USE (A) or (B):**

(A) Owing to the special conditions of the property, set forth above, that distinguishes it from other properties in the area:

(i) No fair and substantial relationship exists between the purposes of the ordinance applicable to the application and the specific application of that provision to the property because:

The strict application of the provision provides no additional public good and interferes with the reasonable use of the property given the unique conditions as set forth above. The cottage needs immediate work to prevent further deterioration. If the cottage had to be torn down, the entire neighborhood would have to look at an unsightly plastic fence put up by neighbors.

(ii) The proposed use is a reasonable one because:

The proposed renovation and addition would result in a more proportionally balanced structure that fits in better with the colonial nature of the neighborhood. It would look more like a cottage, as it was intended, than a shed. It was meant to be lived in, as evidenced by lovely stone fire place and wooden floors.

OR, if the criteria in subparagraph (A) are NOT established, an unnecessary hardship will be deemed to exist, if and only if:

(B) Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

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**TOWN OF WOLFEBORO**

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**ZONING BOARD OF ADJUSTMENT**

The undersigned acknowledge that to the best of their knowledge all the above information is true and correct. 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 the information required to the Secretary of the Board of Adjustment before a hearing can be scheduled.

Applicant: Charles N. Mark Date: 3-9-16



# 100 foot Abutters List Report

Wolfeboro, NH  
February 11, 2016

T A  
✓  
✓  
NO ✓  
✓  
✓  
✓  
✓

### 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

### 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 slip

2/11/2016

**TOWN OF WOLFEBORO**  
**ZONING BOARD OF ADJUSTMENT**

**NOTICE OF ZONING DECISION OF CODES OFFICER**

Section I -- (To be prepared by the Wolfeboro Building Official)

To: Name: Charles Mock Trust 1996

Address: P.O Box 1545 Wolfeboro, NH

Your request for a permit to (specify use): Expansion of a non conforming structure to create more living space.

on property located at: 243 South Main Street

is DENIED for the following reason: The expansion is within the 10' side setback. Article 175-70 A. (2) side yard: 10 feet.

You have the right to appeal this decision under Article 175.187 of the Wolfeboro Planning and Zoning Ordinance after completing the Section II of this form.

Corey Ryh  
Building Official

3/11/16  
Date

Mock Cottage  
243 South Main St, Wolfeboro NH

Existing size-

Finished - First Floor	625.25
2nd Floor	10.00
	<hr/>
	635.25

Proposed - First Floor	720.00
2nd Floor	19.00
	<hr/>
	739.00

new = 116.33 % of original

25% of original = 158.81 sq ft  
proposed difference = +103.75 sq ft



*Town of  
Wolfboro*

## MEMORANDUM

**DATE:** March 28, 2016

**To:** Zoning Board of Adjustment  
**From:** Robert Houseman, Director of Planning and Development

**Subject:** Variance request for encroachment into the rear setback in the Village Residential District

**Case #:** 05-V-16

**Tax Map#:** 231-55

**Initiated by:** Charles Mock Trust 1996

**Description:** The applicant seeks a Variance in order to allow for an encroachment into the rear setback for the purpose of squaring off the existing nonconforming cottage (see separate Special Exception application for expansion of a nonconforming use). The encroachment is 8 feet into the setback (2 feet from the property line).

Staff has met with the applicant twice in an effort to provide guidance on the application and recommended review of similar recent filings. Both meetings were at the end of the business day, the day of or the day before the filing deadline and the applications were far from complete. It is unclear if the applicant availed herself of the suggested filings. Below please find the applicable zoning:

Chapter 175. Zoning

Part 1. Planning and Zoning

Article X. Village Residential District (VR)

§ 175-70. Setback requirements; height requirements; coverage.

A. Setback requirements.

(1) Front yard (street):

(a) Minimum: 20 feet.

(b) Maximum: 30 feet.

**(2) Side yard: 10 feet.**

(3) Rear yard: 10 feet.

B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures, provided that no such structure shall exceed a maximum footprint of 144 square feet.

C. No building shall be closer than 20 feet to any other building on the same lot, except for private garages.

D. Percent coverage: 30%. [Note: Lots equal to or smaller than 0.25 acre: 40%.]

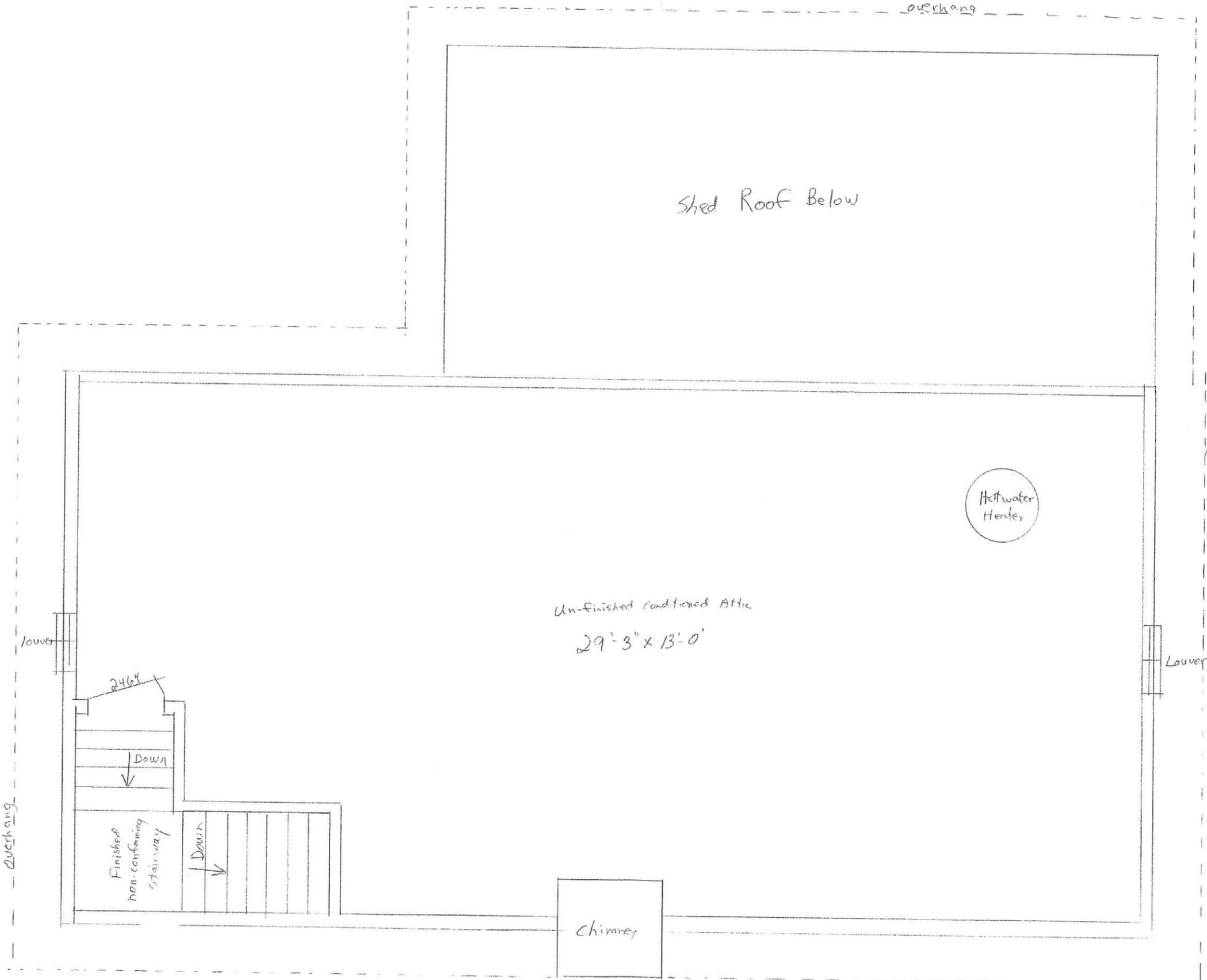
[Amended 3-12-2013 ATM by Art. 2]

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. The approval is to permit the encroachment into the side setback, subject to a Special Exception for the expansion of a nonconforming use (a second dwelling on a lot).
2. 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.
3. The application, as submitted to the ZBA, may not satisfy the submittal requirements for a building permit.
4. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay all recording fees.
5. This Variance 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.
6. This Variance approval supersedes all previous actions by the Zoning Board of Adjustment.

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





square feet  
 Finished 10 sq ft  
 Un-finished 348 sq ft

2nd Floor Existing  
conditioning

Charles Mack Trust 1996  
 Charles & Carolyn Mack, T-1's  
 28 Berkeley Road  
 East Greenwich, RI 02818

*Miked [Signature]*

**Browner Construction**  
 25 Serenity Lane  
 Meredith NH 03253-5300  
 www.browner.com  
 603-393-8556 cell  
 603-279-4249 office

279-4193 fax  
 browner@metrocast.net

Mack Cottage  
 243 South Main St  
 Wolfeboro NH  
 Map 23155

March 9, 2016  
 1/2" = 1'-0"

plan #3



Bricks

Of Sheets	Sheet	Job	Drawn	Scale	Date	Charles Mack Trust 1946		<b>Browler Construction</b> 25 Serenity Lane Meredith NH 03253-5909 www.browler.com 603-393-8556 cell 603-277-4249 office	Mark Cottano 243 South Main St Wolfeboro, NH Map 231-55 279-4193 fax browler@mcmaast.net	March 9, 2016 $\frac{1}{8}'' = 1'-0''$ North Street Side View elevation proposed	REVISIONS BY				
						Charles & Carolyn Mack, Tr's						28 Berkeley Road	East Greenwich, RI 02818	<table border="1"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>	

Plan #4



Charles Mack Trust 1996  
 Charles & Carolyn Mack, Trs  
 28 Berkeley Road  
 East Greenwich, RI 02818

*MWA B/V*

**Brower Construction**  
 25 Serenity Lane  
 Meredith NH 03253-8309  
 www.brower.com  
 603-279-4244 cell 279-4193 fax  
 603-279-4244 office

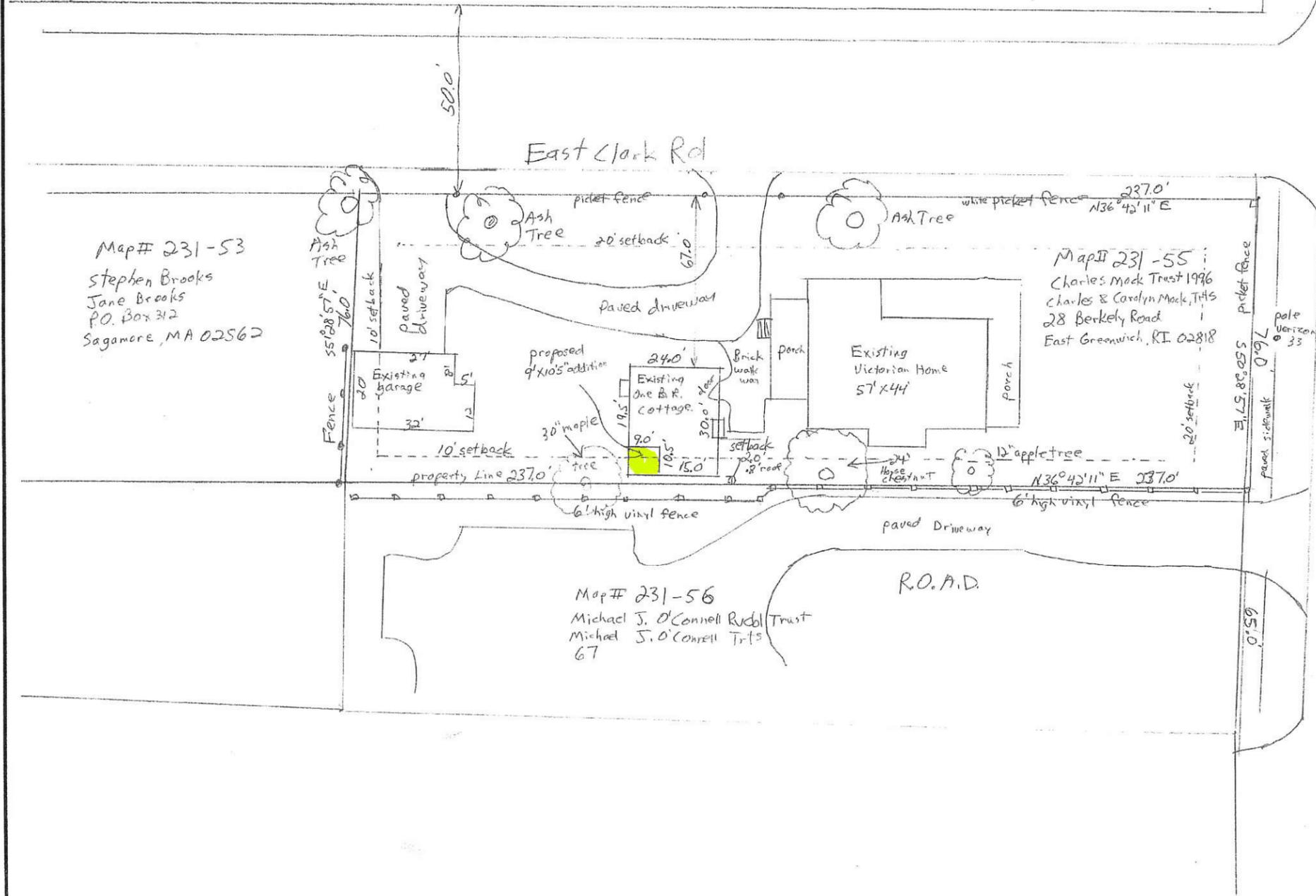
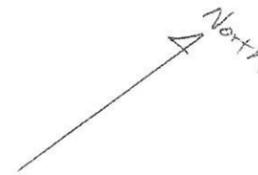
Mack Cottage  
 243 South Main St  
 Wolfeboro, NH  
 Map 231-55

March 10, 2016  
 $\frac{1}{2}'' = 1'-0''$  (18" x 24" paper)  
 $\frac{5}{16}'' = 1'-0''$  (11" x 17" paper)  
 West side (right) elevation



Town of Wolfeboro  
Map 231 - 54

Plan # 7



Map# 231-53  
Stephen Brooks  
Jane Brooks  
P.O. Box 312  
Sagamore, MA 02562

Map# 231-55  
Charles Mock Trust 1996  
Charles & Carolyn Mock, Trs  
28 Berkeley Road  
East Greenwich, RI 02818

Map# 231-56  
Michael J. O'Connell Recbl Trust  
Michael J. O'Connell Trs  
67

South Main St  
N.H. Route 28

Huggins Hospital  
P.O. Box 912  
Wolfeboro, NH 03894

Charles Mock Trust 1996  
Charles & Carolyn Mock, Trs  
28 Berkeley Road  
East Greenwich, RI 02818

Drawn by Michael Browner  
Browner Construction  
25 Security Lane  
Meredith NH 03253  
www.browner.com  
603-273-8556 cell  
603-279-4249 office

March 9, 2006

Mock Cottage  
243 South Main St  
Wolfeboro, NH 03894  
Map 231-55

1" = 20' (18" x 24")  
1" = 30.9' (11" x 17")  
paper