



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, 13 June 2016** at **7:00 PM** in the Wolfeboro Public Library Meeting Room to conduct the following business:

**TM# 266-1**

**Case # 06-SE-16**

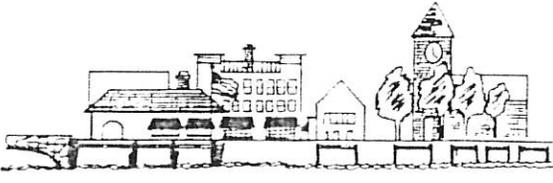
**Owner: Hingham Realty Trust  
Special Exception**

Public Hearing for a Special Exception from Article 175.55 (1) of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a single family dwelling on a lot with no frontage. This property is located off Gould Road in Alton. A site visit will be held at approximately 6:30 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

Hingham Realty Trust  
Rourke Builders  
Powell-Gorai  
John Jackson Parker Trust  
Susan B Fowler Trust, et.al.



Zoning Board of Adjustment

*Town of  
Wolfeboro*

20 May 2016

Dear Applicant;

The Wolfeboro Zoning Board of Adjustment has scheduled a meeting on Monday, June 13, 2016 2016 at 7 pm in the Wolfeboro Public Library Meeting Room relative to your submitted application(s). A site visit is scheduled at approximately 6:30 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

## 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.

RECEIVED

TOWN OF WOLFEBORO  
ZONING BOARD OF ADJUSTMENT

APR 7 2016

ZONING  
BOARD OF ADJUSTMENT

SPECIAL EXCEPTION

Section II -- (To be prepared by Applicant)

Date: 3/31/2016

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, Section 55.1 of the Wolfeboro Planning and Zoning Ordinance
  - c. Location of property in question: 150 Gould Rd
  - d. Tax Map number: 266 Lot Number: 1 Sub Lot: \_\_\_\_\_
  - e. Zoning District: Shorefront Residential District
  - f. Name of Applicant: Hingham Realty Trust

**TOWN OF WOLFEBORO**

**ZONING BOARD OF ADJUSTMENT**

- g. Mailing Address of Applicant: PO Box 361 Wolfeboro NH 03894  
\_\_\_\_\_
- h. Phone Number of Applicant: 603-569-0800
- i. E-mail Address: John@roukebuilders.com
- j. Name of Company (if applicable): \_\_\_\_\_
- k. Legal Owner of the Property: Hingham Realty Trust
- l. Mailing Address of Property Owner: PO Box 361 Wolfeboro NH 03894  
\_\_\_\_\_
- m. Proposed use of property or modification of existing use: Single family residential  
\_\_\_\_\_  
\_\_\_\_\_
- n. Directions to the property from the Wolfeboro Town Hall: \_\_\_\_\_  
Rte 28 south to Gould rd. Last property at the end of the road.  
\_\_\_\_\_

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.

  
\_\_\_\_\_  
Applicant's Signature

3/31/2016  
Date

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

**EIGHT POINT SPECIAL EXCEPTION REQUEST:**

A SPECIAL EXCEPTION is requested as provided in Article 175, Section 55.1 of the Zoning Ordinance to permit: \_\_\_\_\_

\_\_\_\_\_ A building permit on a road with no frontage. There was \_\_\_\_\_  
\_\_\_\_\_ a home on the site which was razed. There are other \_\_\_\_\_  
\_\_\_\_\_ houses at the end of the road. Appeal of BOS Decision re: \_\_\_\_\_  
\_\_\_\_\_ RSA 674:41 Class VI and Private Roads \_\_\_\_\_

F

**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.)

\_\_\_\_\_ There was a home on the site which was razed over a year ago \_\_\_\_\_  
\_\_\_\_\_ necessitating this process. There is an existing well and septic for the \_\_\_\_\_  
\_\_\_\_\_ property was being utilized until the house was razed.

**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

\_\_\_\_\_ It is the rebuild of a single family home which was one the site for many \_\_\_\_\_  
\_\_\_\_\_ generations. It is consistent with the present and past use of the parcels \_\_\_\_\_  
\_\_\_\_\_ adjacent to it. The adjacent properties are and will be intended for \_\_\_\_\_  
\_\_\_\_\_ residential use. \_\_\_\_\_

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

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**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:**

\_\_\_\_ It is located in a rural area and will be consistent with the current and \_\_\_\_\_  
\_\_\_\_ past use of the property and those adjacent to it. The access will be \_\_\_\_\_  
\_\_\_\_ significantly improved over what exists. Providing a higher standard of \_\_\_\_\_  
\_\_\_\_ safety for the existing homes in the neighborhood. \_\_\_\_\_

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**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 road will be upgraded for fire apparatus per their requirements. \_\_\_\_\_  
\_\_\_\_ There are other houses on the road presently. The house design will \_\_\_\_\_  
\_\_\_\_ have to meet the current shoreland protection requirements which \_\_\_\_\_  
\_\_\_\_ encompass storm water impervious soil requirements. No relief from \_\_\_\_\_  
\_\_\_\_ these are being requested at this time. \_\_\_\_\_

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**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

\_\_\_\_ No relief is being sought for the aforementioned requirements of the \_\_\_\_\_  
\_\_\_\_ current shorefront permit requirements or shoreland requirements. \_\_\_\_\_  
\_\_\_\_ The design of a home to be constructed will be done in accordance \_\_\_\_\_  
\_\_\_\_ with building regulations. The Wolfeboro planning board signed a plat \_\_\_\_\_

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**TOWN OF WOLFEBORO**

**ZONING BOARD OF ADJUSTMENT**

\_\_\_\_for a boundry line adjustment on the property several years ago which was  
\_\_\_\_recorded.

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

\_\_\_\_The use of the neighborhood has been single family residential for many years  
\_\_\_\_and the intended use for the property now will be consistent with that of the  
\_\_\_\_past and the current trend of single family residential for the area. The structure  
\_\_\_\_that was razed did not conform to current zoning standards with regard to  
\_\_\_\_property line setbacks. A new structure will comply with current setbacks.

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

\_\_\_\_The use of the property will be the same as the adjacent properties  
\_\_\_\_and the same as it has been for generations. The upgrade of the  
\_\_\_\_road will provide a higher standard of safety for adjacent properties.  
\_\_\_\_The improved access should not cause a decline in property values.  
\_\_\_\_It in all likelihood provide an enhancement for property values.

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

\_\_\_\_This is a site which had a home on it that was razed in the recent past. \_\_\_\_\_  
\_\_\_\_Granting the special exception will grant greater safety for the adjacent \_\_\_\_\_  
\_\_\_\_properties resulting from the road improvements. This would be in the \_\_\_\_\_  
\_\_\_\_spirit of the ordinance and the master plan. Not granting a special \_\_\_\_\_  
\_\_\_\_exception would have the unintended consequence of not having the \_\_\_\_\_  
\_\_\_\_access for life safety vehicles improved. \_\_\_\_\_  
\_\_\_\_

Applicant: John J. Rowke

Date: 3/31/2016

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1-800-GO-AVERY



Hingham Realty Trust  
PO Box 316  
Wolfeboro, NH 03894-0316

Elizabeth Powell-Gorai  
PO Box 20059  
Greely Sq. Station  
New York, NY 10001

Sarah B. Fowler Trust, et als  
Marjory G. Crawford Trust et als  
449 Summer Street  
North Andover, MA 01845

Sarah B. Fowler Trust, et als  
Marjory G. Crawford Trust et als  
449 Summer Street  
North Andover, MA 01845

John Jackson Parker Trust  
John J. Parker, Trustee  
79 Old Town Park Road  
New Milford, CT 06776

John Jackson Parker Trust  
John J. Parker, Trustee  
79 Old Town Park Road  
New Milford, CT 06776

Hingham Realty Trust  
PO Box 316  
Wolfeboro, NH 03894-0316

Elizabeth Powell-Gorai  
PO Box 20059  
Greely Sq. Station  
New York, NY 10001



# 100 foot Abutters List Report

Wolfeboro, NH  
April 07, 2016

### Subject Property:

Parcel Number: 266-001-000  
CAMA Number: 266-001-000  
Property Address: SPRINGFIELD POINT RD

Mailing Address: HINGHAM REALTY TRUST ROURKE  
JOHN J SR  
12 LONGMEADOW ROAD  
HINGHAM, MA 02043

	I	A
Subject Property	✓	✓
Abutters:		
Parcel Number: 266-002-000	✓	✓
CAMA Number: 266-002-000		
Property Address: SPRINGFIELD POINT RD		

### Abutters:

Parcel Number: 266-002-000  
CAMA Number: 266-002-000  
Property Address: SPRINGFIELD POINT RD

Mailing Address: GORAI ELIZABETH POWELL  
PO BOX 20059  
NEW YORK, NY 10001



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.

## MEMO:

To: Robert Houseman – Director of Planning & Development

Re: Hingham Realty Trust – Springfield Point Road Tax Map 266 Lot 1

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2007 Boundary Line Adjustment between Tax Map #266-1, 2, 3

Plan submitted to seek a boundary line adjustment for TM #266-1, 2 & 3.

Please note a portion of 266-1 falls within the Town of Alton.

Approved by Planning Board on August 14, 2007

2008 Boundary Line Adjustment between Tax Map #266-1 & 2.

Plan submitted to seek a boundary line adjustment for Tax Map #266-1 & 2.

Please note a portion of Tax Map #266-1 falls within the Town of Alton.

Approved By Planning Board on November 4, 2008

Note: No ZBA applications found

*TR Houseman*

Images Available

Books 0001 - 2956

Plan Drawers: 00L-0-001 - 0L75-019

Plan Books: 001-0002 - 148-0025

Document Book

2853

Document Page

775

Plan Drawer

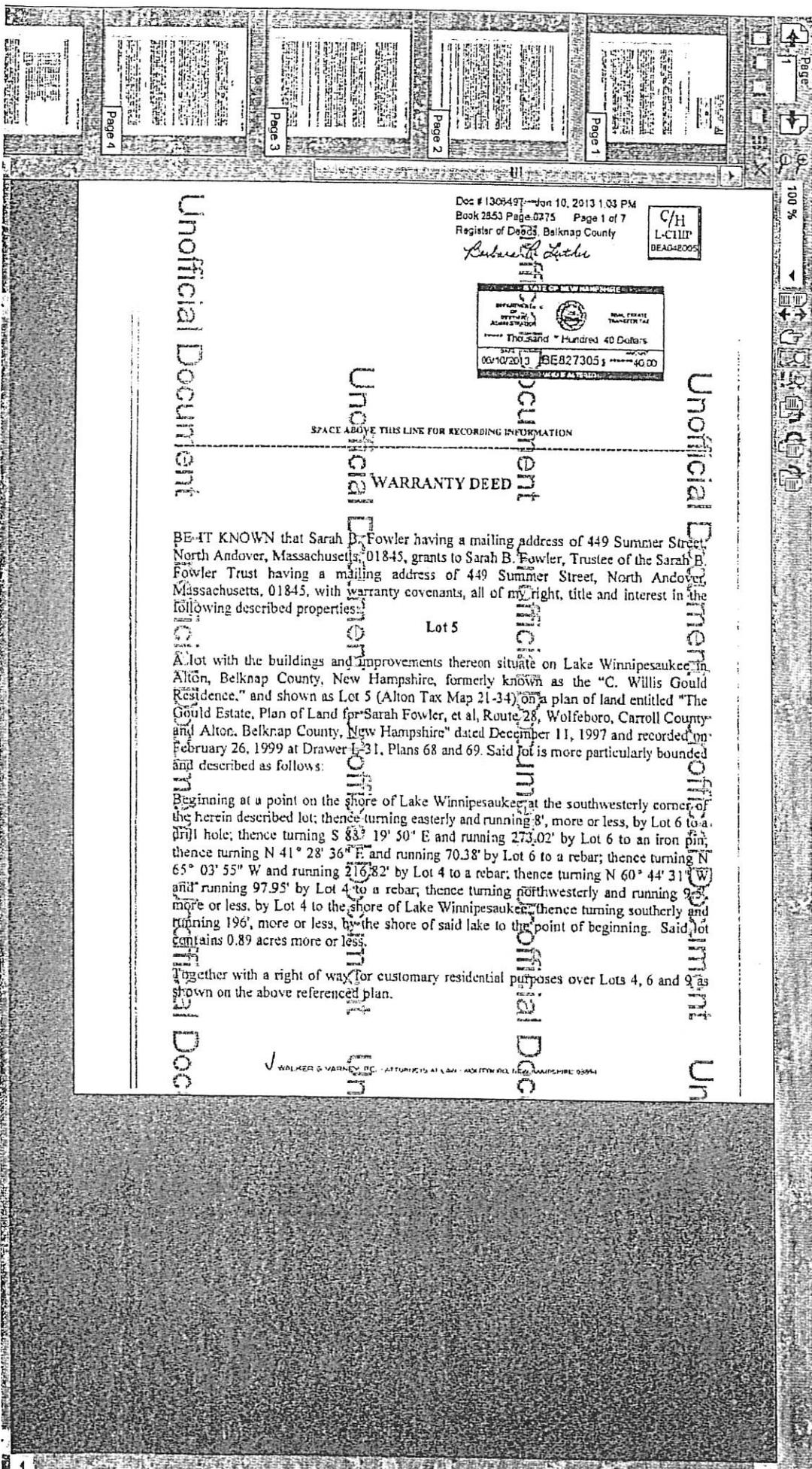
Plan Number

Plan Book Plan Page

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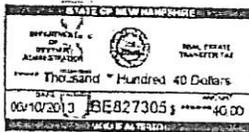
Next Document



Doc # 1309497 - Jan 10, 2013 1:33 PM  
Book 2853 Page 0775 Page 1 of 7  
Registrar of Deeds, Belknap County

*Rubene R. Little*

C/H  
L-CIHP  
BEAG-2005



SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

WARRANTY DEED

BE IT KNOWN that Sarah B. Fowler having a mailing address of 449 Summer Street, North Andover, Massachusetts, 01845, grants to Sarah B. Fowler, Trustee of the Sarah B. Fowler Trust having a mailing address of 449 Summer Street, North Andover, Massachusetts, 01845, with warranty covenants, all of my right, title and interest in the following described properties:

Lot 5

A lot with the buildings and improvements thereon situate on Lake Winnepesaukee in Alton, Belknap County, New Hampshire, formerly known as the "C. Willis Gould Residence," and shown as Lot 5 (Alton Tax Map 21-34) on a plan of land entitled "The Gould Estate, Plan of Land for Sarah Fowler, et al, Route 28, Wolfeboro, Carroll County and Alton, Belknap County, New Hampshire" dated December 11, 1997 and recorded on February 26, 1999 at Drawer L-31, Plans 68 and 69. Said lot is more particularly bounded and described as follows:

Beginning at a point on the shore of Lake Winnepesaukee at the southwesterly corner of the herein described lot; thence turning easterly and running 8', more or less, by Lot 6 to a drill hole; thence turning S 83° 19' 50" E and running 273.02' by Lot 6 to an iron pin; thence turning N 41° 28' 36" E and running 70.38' by Lot 6 to a rebar; thence turning N 65° 03' 55" W and running 216.82' by Lot 4 to a rebar; thence turning N 60° 44' 31" W and running 97.95' by Lot 4 to a rebar; thence turning northwesterly and running 93' more or less, by Lot 4 to the shore of Lake Winnepesaukee; thence turning southerly and running 196', more or less, by the shore of said lake to the point of beginning. Said lot contains 0.89 acres more or less.

Together with a right of way for customary residential purposes over Lots 4, 6 and 8 as shown on the above referenced plan.

WALKER & VARNNEY, INC. ATTORNEYS AT LAW - 100 STATE STREET, WOLFEBORO, NH 03094

Images Available

Books 0001 - 2956

Plan Drawers: 00L0-001 - 0L75-019

Plan Books: 001-0002 - 148-0025

Document Book 2853 Document Page 775

Plan Drawer Plan Number

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Meaning and intending to describe and convey all of Sarah B. Fowler's right, title and interest in the above described lot, including but not limited to my 37.13% interest therein; as conveyed by (a) Janet G. Beal (12.5% interest) by warranty deed dated December 20, 1976 and recorded on December 21, 1976 at Book 694, Page 317, (b) Marjorie G. Wood (12.5% interest) by warranty deed dated December 24, 1976 and recorded on December 28, 1976 at Book 695, Page 27, and (c) Southern Spectrum, LLC (12.1% interest) by warranty deed dated August 14, 2000 and recorded on August 15, 2000 at Book 1600, Page 936 at the Belknap County Registry of Deeds.

Lot 7

A lot with the buildings and improvements thereon situated on Lake Winnepesaukee in Alton, Belknap County, New Hampshire, shown as Lot 7 (Alton Tax Map 21-32) on plan of land entitled "The Gould Estate, Plan of Land for Sarah Fowler, et al, Route 28 Wolfboro, Carroll County and Alton, Belknap County, New Hampshire" dated December 11, 1997 and recorded on February 26, 1999 at Drawer L-31, Plans 68 and 69. Said lot is more particularly bounded and described as follows:

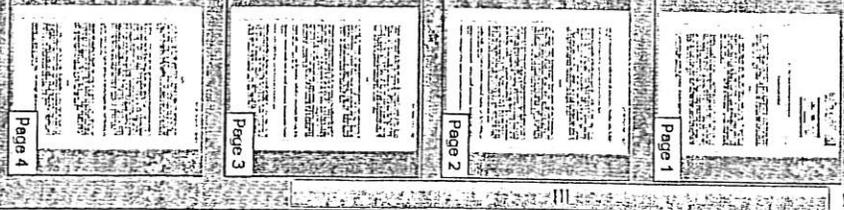
Beginning at a point on the shore of Lake Winnepesaukee at the southwesterly corner of the herein described lot; thence turning easterly and running 31.5', more or less, by Lot 8 to a rebar; thence turning N 87° 46' 50" E and running 232.14' by Lot 8 to an iron pin; thence turning N 11° 35' 43" W and running 122.66' by Lot 8 to a rebar; thence turning N 83° 45' 45" W and running 109.95' by Lot 6 to a rebar; thence turning N 83° 53' 45" W and running 139.61' by Lot 6 to an iron pipe; thence turning northwesterly and running 14' more or less, by Lot 6 to the shore of Lake Winnepesaukee; thence turning southerly and running 162', more or less, by the shore of said lake to the point of beginning. Said lot contains 0.83 acres more or less.

Together with a right of way for customary residential purposes over Lots 6 and 9 as shown on the above referenced plan.

Said lot is conveyed together with any and all improvements, including docks, located thereon.

Subject to those rights of way depicted on the above referenced plan.

Meaning and intending to describe and convey all of Sarah B. Fowler's right, title and interest in the above described lot, including but not limited to my 50% interest therein, as conveyed by (a) Janet G. Beal's Estate (16.67% interest), (see Belknap County Probate Court #25-981), (b) Marjorie G. Wood (25% interest) by warranty deed dated March 9, 1987 and recorded on March 26, 1987 at Book 993, Page 607, and (c) William M. Beal's Estate (8.33% interest), (see Belknap County Probate Court #89-301).



Images Available

Books 0001 - 2956

Plan Drawers: 00L0-001 - 0L75-019

Plan Books: 001-0002 - 149-0025

Document Book

2853

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775

Plan Drawer

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Thence turning and running by a stone wall and said Moyer land along the following courses and distances:

- N 58° 02' 21" W and running 94.83' to a drill hole;
- N 57° 37' 21" W and running 70.24' to a drill hole;
- N 59° 33' 28" W and running 70.88' to a drill hole;
- N 57° 58' 59" W and running 80.62' to a drill hole;
- N 58° 08' 33" W and running 101.94' to a rebar;
- N 58° 08' 03" W and running 138.74' to a drill hole;
- N 57° 11' 54" W and running 48.07' to a drill hole;
- N 62° 01' 29" W and running 18.35' to a rebar;
- N 57° 32' 39" W and running 59.65' to a rebar;
- N 59° 19' 32" W and running 91.73' to a drill hole;
- N 58° 12' 11" W and running 74.56' to a drill hole;
- N 59° 01' 00" W and running 56.70' to a drill hole;
- N 58° 06' 29" W and running 83.32' to a drill hole at the intersection of stone walls;

Thence turning N 47° 23' 54" W and running 1,864.27' by and now or formerly of the John J. Parker Trust, et al to a drill hole; thence continuing northwesterly and running 22' more or less, by said Trust, et al land to the shore of Lake Winnipegaucee; thence turning northeasterly and northerly and running 554', more or less, by shore of said lake to point; thence turning easterly and running 27', more or less, by Lot 8 to a rebar; thence turning N 88° 15' 06" E and running 290.28' by Lot 8 to an iron pin; thence turning N 00° 09' 57" W and running 260.99' by Lot 8 and Lot 7 to an iron pin; thence turning N 17° 06' 19" E and running 123.52' along Lot 6 to a rebar; thence turning S 53° 13' 59" E and running 1,617.23' by the Alton and Wolfboro town line and by Lot 1 to a drill hole set in the town line stone; thence turning S 54° 45' 22" E and running 1,253.79' by the Alton and Wolfboro town line and by Lot 1 to a rebar; thence turning S 00° 32' 33" E and running 444.72' by land now or formerly of the Lakes Region Conservation Trust to rebar set in a stone wall; thence turning and running by Route 28 along the following courses and distances:

- S 80° 36' 16" W and running 52.95' to a drill hole;
- S 57° 33' 20" W and running 34.02' to a drill hole;
- S 42° 38' 38" W and running 43.22' to a drill hole;
- S 44° 53' 46" W and running 74.86' to a drill hole;
- S 32° 09' 41" W and running 65.43' to a drill hole;
- S 29° 24' 44" W and running 31.74' to a point;
- S 52° 46' 18" W and running 222.32' to a concrete bound;
- S 56° 50' 21" W and running 284.64' to the point of beginning.

Images Available

Books 0001 - 2956

Plan Drawers: 00L0-001 - 0L75-019

Plan Books: 001-0002 - 148-0025

Document Book 2853 Document Page 775

Plan Drawer Plan Number

Plan Book Plan Page

Prior Document View Document Next Document

100 %

This is not homestead property.

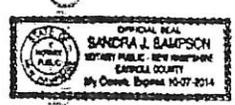
Executed this 10<sup>th</sup> day of June, 2013.

By: Sarah B. Fowler  
Sarah B. Fowler

State of New Hampshire  
County of Carroll

On this the 11<sup>th</sup> day of June, 2013, before me, personally appeared the above-subscribed, Sarah B. Fowler known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that the above-subscribed executed the same for the purposes therein contained.

Sandra J. Sampson  
Notary Public/Justice of the Peace  
My commission expires:



Images Available

Books 0001 - 2956

Plan Drawers: 001,0-001 - 01,75-019

Plan Books: 001-0002 - 148-0025

Document Book

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Plan Drawer

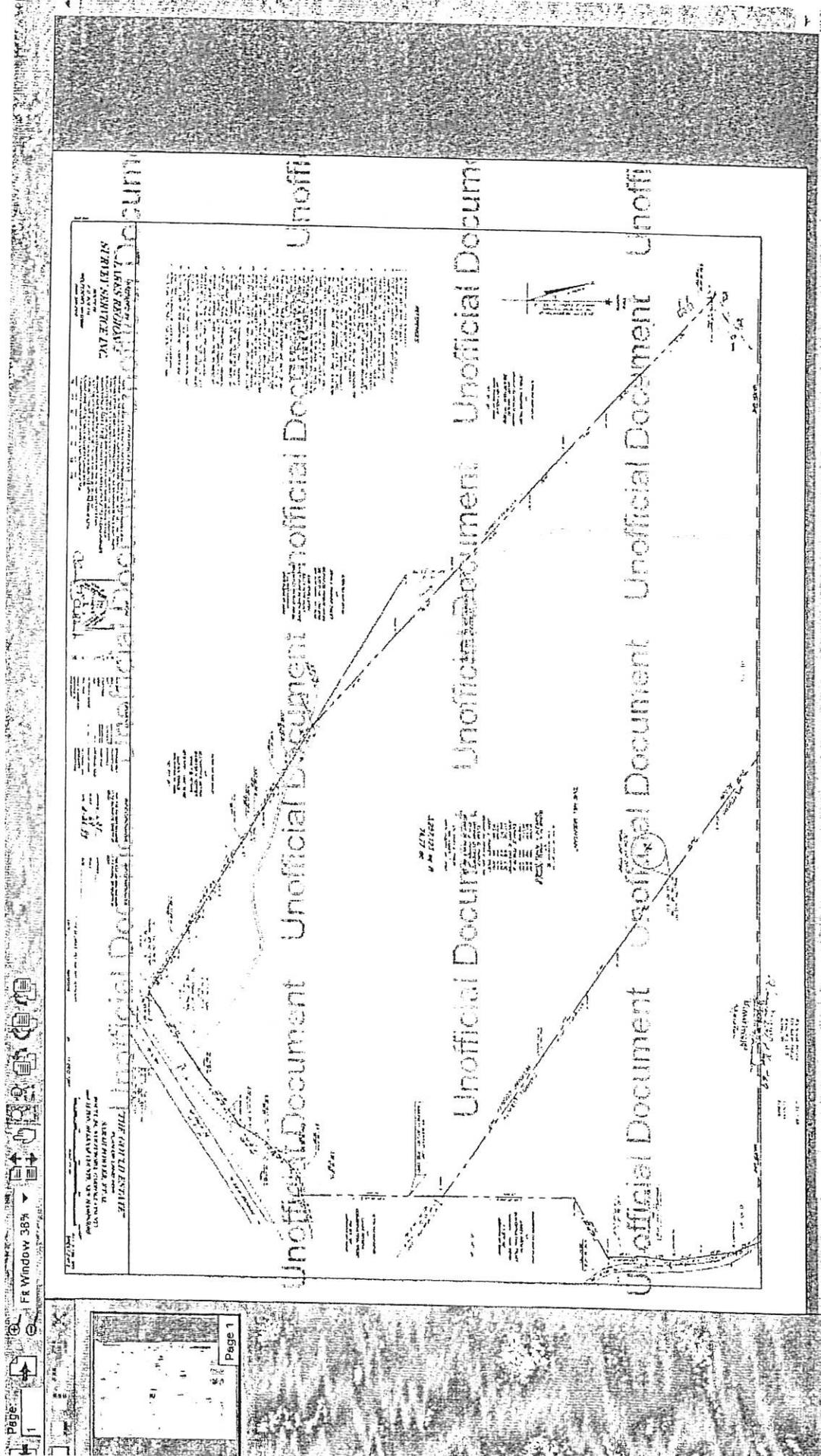
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Document Book

Plan Drawer

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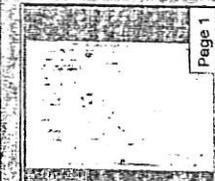
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Plan Book

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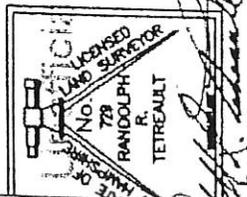


ALTON  
TAX MAP 21-LOT 33  
OWNER OF RECORDS  
ELIZABETH POWELL-GORAI  
150 GOULDS RD.  
ALTON, N.H.  
CCRD 1789/840

WOLFEBORO  
TAX MAP 266-LOT 1  
OWNER OF RECORDS  
ELIZABETH POWELL-GORAI  
150 GOULDS RD.  
ALTON, N.H.  
CCRD 1789/840

WOLFEBORO  
TAX MAP 266-LOT 2  
OWNER OF RECORDS  
ELIZABETH POWELL-GORAI  
150 GOULDS RD.  
ALTON, N.H.  
CCRD 384/534 CCRP #18751,  
BCRP #20-572  
SEE CCRD 1993/822

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**BOUNDARY LINE ADJUSTMENT PLAN**  
**150 GOULDS ROAD,**  
**WOLFEBORO, CARROLL CO. NH**  
**ALTON, BELKNAP CO. NH**  
**FOR**  
**ELIZABETH POWELL-GORAI**  
Unofficial Document Unofficial Document Unofficial Document



GRAPHIC SCALE



(IN FEET)

1 INCH = 40 FT.





Town of  
Wolfeboro

CHIEF OF FIRE/RESCUE  
Philip H. Merrill, Jr.

DEPUTY CHIEF  
Thomas J. Zotti

April 23, 2015

Mr. John Rourke  
Rourke Builders, LLC  
PO Box 361  
Wolfeboro, NH 03894

Dear John:

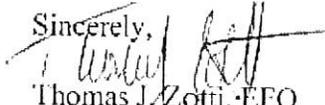
As you know, I have been asked to review the issues surrounding the condition of Gould Road as it relates to your parcel of land and future construction.

The NH State Fire Code (specifically NFPA 1 *Fire Code* 2009 edition) addresses access requirements for fire and emergency apparatus. In summary, the requirements are triggered by construction of a third single-family home on a road, and include a 20-foot wide travel area that will hold the weight of fire apparatus, with a minimum clear height of 13 and-a-half feet.

I have reviewed the April 22, 2015 letter from Alton Fire Chief Scott Williams and I concur with his assessment and guidelines. The attached diagram provides a good reference for improvement of the road. Improvement of the road in this manner would be considered by this office to be compliant with the NH State Fire Code.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

  
Thomas J. Zotti, EFO  
Deputy Chief  
Wolfeboro Fire-Rescue Department

Attachments: Alton 4/22/2015 letter  
NH Fire Code access requirements

Cc: Chief Scott Williams  
Corey Ryder, Building Official  
file

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

(603) 569-1100 Emergency 911 Fax (603) 569-8170





*"Desire to Serve - Committed to Protect"*

## **ALTON FIRE / RESCUE DEPARTMENT**

65 FRANK GILMAN HIGHWAY  
P.O. BOX 472 ALTON, NEW HAMPSHIRE 03809  
TEL: (603) 875-0222 FAX: (603) 875-0226

April 22, 2015

Rourke Building LLC  
John J. Rourke, President  
Fax 603.569.4806

Dear John:

RE: Gould Rd - Class 6 road

As a precursor to your application for development on a private road in Alton, the Fire Department will be looking for the following items:

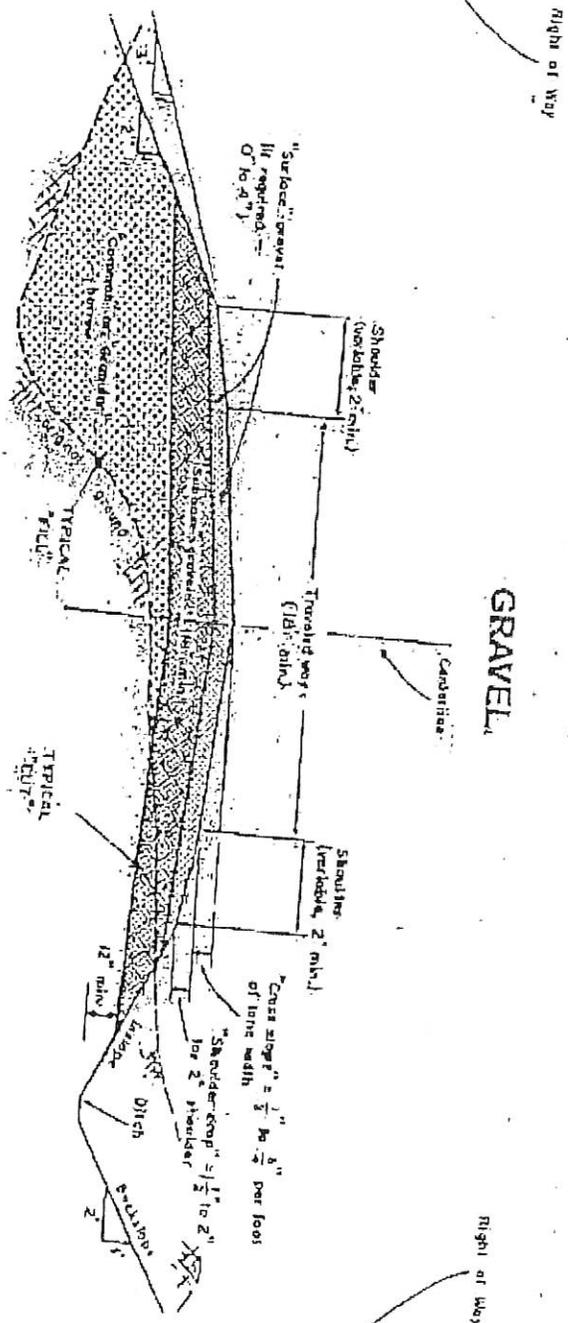
A roadway width of at least 18' with 2 shoulders (each side). This roadway will need to support loads of 70,000 - 80,000 lbs. with ample turnaround space to allow for a 40' straight truck to maneuver, plus proper drainage and shoulders sloping back to the original grade; following the attached plan with widths ranging between 40' & 50' of impacted area.

The Planning Department can assist with any additional questions you may have. Please call them, if needed, and follow the process that has been outlined for you.

Sincerely,

Scott I. Williams  
Fire Chief

cc: Planning Dept.



land adjacent to such buildings or structures, shall maintain an effective defensible space in accordance with NFPA 1144.

**17.3.5.2.2** Where required by the AHJ because of extra hazardous conditions, additional areas shall be maintained to include additional defensible space from buildings or structures, trees adjacent to or overhanging a building shall be maintained free of deadwood, and the roof of a structure shall be free of leaves, needles, or other dead vegetative growth.

**17.3.5.3 Roadways.** Areas within 10 ft (3 m) on each side of portions of highways and private streets shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.

**17.3.6 Unusual Circumstances.** The AHJ shall determine that difficult terrain, danger of erosion, or other unusual circumstances could require additional safeguards.

**17.3.7 Fire Roads, Firebreaks, and Emergency Access.**

**17.3.7.1** The provisions of 17.3.7 and NFPA 1141, *Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas*, shall be used to determine the design, clearances, and provisions for emergency access (ingress and egress).

**17.3.7.2** Unauthorized vehicles shall not be driven upon fire roads or firebreaks. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or firebreak.

**17.3.7.3** Radio and television aerials, guy wires, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless the vertical clearance is sufficient to allow the movement of fire and emergency apparatus.

**17.3.7.4** Motorcycles, motor scooters, and motor vehicles shall not be operated within hazardous fire areas, except upon clearly established public or private roads.

**17.3.8 Tampering with Fire Safety Equipment.** See Section 10.8 for requirements on tampering with fire safety equipment.

**17.3.9 Maintenance.** See Section 10.4 for requirements on maintenance.

## Chapter 18 Fire Department Access and Water Supply

**18.1 General.** Fire department access and water supplies shall comply with this chapter.

**18.1.1 Plans.**

**18.1.1.1 Fire Apparatus Access.** Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

**18.1.1.2 Fire Hydrant Systems.** Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

**18.2 Fire Department Access.**

**18.2.1** Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

**18.2.2\* Access to Structures or Areas.**

**18.2.2.1 Access Box(es).** The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

**18.2.2.2 Access to Gated Subdivisions or Developments.** The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

**18.2.2.3 Access Maintenance.** The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

**18.2.3 Fire Department Access Roads.**

**18.2.3.1 Required Access.**

**18.2.3.1.1** Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

**18.2.3.1.2** Fire department access roads shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof.

**18.2.3.1.3\*** When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400 ft<sup>2</sup> (37 m<sup>2</sup>) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

**18.2.3.1.4** When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

**18.2.3.2 Access to Building.**

**18.2.3.2.1** A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

**18.2.3.2.1.1** Where a one- or two-family dwelling is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D, the distance in 18.2.3.2.1 shall be permitted to be increased to 150 ft (46 m).

**18.2.3.2.2** Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

**18.2.3.2.2.1** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

**18.2.3.3 Multiple Access Roads.** More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

**18.2.3.4 Specifications.****18.2.3.4.1 Dimensions.**

**18.2.3.4.1.1** Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).

**18.2.3.4.1.2** Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in. (4.1 m).

**18.2.3.4.1.2.1** Vertical clearance shall be permitted to be reduced, provided such reduction does not impair access by fire apparatus, and approved signs are installed and maintained indicating the established vertical clearance when approved.

**18.2.3.4.1.2.2** Vertical clearances or widths shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

**18.2.3.4.2 Surface.** Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

**18.2.3.4.3 Turning Radius.**

**18.2.3.4.3.1** The turning radius of a fire department access road shall be as approved by the AHJ.

**18.2.3.4.3.2** Turns in fire department access roads shall maintain the minimum road width.

**18.2.3.4.4 Dead Ends.** Dead-end fire department access roads in excess of 150 ft (45 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

**18.2.3.4.5 Bridges.**

**18.2.3.4.5.1** When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.

**18.2.3.4.5.2** The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

**18.2.3.4.5.3** Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

**18.2.3.4.6 Grade.**

**18.2.3.4.6.1** The gradient for a fire department access road shall not exceed the maximum approved.

**18.2.3.4.6.2\*** The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

**18.2.3.4.6.3** Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.6 m) beyond each edge of the fire lane.

**18.2.3.4.7 Traffic Calming Devices.** The design and use of traffic calming devices shall be approved by the AHJ.

**18.2.3.5 Marking of Fire Apparatus Access Road.**

**18.2.3.5.1** Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof or both.

**18.2.3.5.2** A marked fire apparatus access road shall also be known as a fire lane.

**18.2.4\* Obstruction and Control of Fire Department Access Road.****18.2.4.1 General.**

**18.2.4.1.1** The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

**18.2.4.1.2** Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

**18.2.4.1.3\*** Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

**18.2.4.1.4** Entrances to fire department access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

**18.2.4.2 Closure of Accessways.**

**18.2.4.2.1** The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

**18.2.4.2.2** Where required, gates and barricades shall be secured in an approved manner.

**18.2.4.2.3** Roads, trails, and other accessways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

**18.2.4.2.4** Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

**18.2.4.2.5** Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

**18.2.4.2.6** When authorized by the AHJ, public officers acting within their scope of duty shall be permitted to obtain access through secured means identified in 18.2.4.2.1.

**18.3 Water Supplies and Fire Hydrants.**

**18.3.1\*** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

**18.3.2\*** Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

**18.3.3\*** The number and type of fire hydrants and connections to other approved water supplies shall be capable of delivering the required fire flow and shall be provided at approved locations.

**18.3.4** Fire hydrants and connections to other approved water supplies shall be accessible to the fire department.

**18.3.4.1 Clear Space Around Hydrants.** A 3 ft (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

## Terry Tavares

---

**From:** john@rourkebuilders.com  
**Sent:** Friday, April 22, 2016 3:26 PM  
**To:** Terry Tavares  
**Subject:** FW: Deeds, etc.  
**Attachments:** SKMBT\_42315030214560.pdf

Please place in my special exception file

---

**From:** Pat Phelps [mailto:pat@atlas-heritage.com]  
**Sent:** Monday, March 02, 2015 3:27 PM  
**To:** john@rourkebuilders.com  
**Subject:** Deeds, etc.

Hi John,

Attached please find copy of deed from Sarah B. Fowler to her Trust dated June 10, 2013. Note under LOT 9 that it was conveyed **subject to a right of way for customary residential purposes in favor of Lots 1, 2, 3, 4, 5, 6, 7, and 8 on Plan L 31-68 and 69.**

I have attached a copy of that plan in two parts and a blowup of Lots 2-8. I am thinking that your lot was Lot 4 and a portion of Lot 3 on Plan L31-68 prior to the boundary line adjustment plan L65-72 being recorded, on which your lot was shown as 21-33 in Alton and 266-1 in Wolfeboro.

Also attached is copy of Notes on Plan L65-72 with reference to a plan in Book 166, Pg 18 & 19.

Hope this information is helpful.

**Pat Phelps**  
**Atlas-Heritage Title, LLC**  
**903 Central Ave., Unit 5**  
**Dover, NH 03820**  
**P: 603-743-0900**  
**F: 603-743-1414**  
**Pat@atlas-heritage.com**  
**www.atlas-heritage.com**

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

**RECEIVED**

**NOTICE OF ZONING DECISION OF CODES OFFICER**

APR 7 2016

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

ZONING  
BOARD OF ADJUSTMENT

To: Name: Hingham Realty trust  
Address: P.O. Box 3610  
Wolfeboro NH 03894

Your request for a permit to (specify use): To build a single family home.

on property located at: M266 Lot 1 off of Gould Road in Alton

is DENIED for the following reason: a special exception is required by Article 175.55.1 lots with no frontage.

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.

Cory Ryan  
Building Official

4/7/16  
Date

**MEMO:**

To: Robert Houseman – Director of Planning & Development

Re: Hingham Realty Trust – Springfield Point Road Tax Map 266 Lot 1

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2007 Boundary Line Adjustment between Tax Map #266-1, 2, 3

Plan submitted to seek a boundary line adjustment for TM #266-1, 2 & 3.

Please note a portion of 266-1 falls within the Town of Alton.

Approved by Planning Board on August 14, 2007

2008 Boundary Line Adjustment between Tax Map #266-1 & 2.

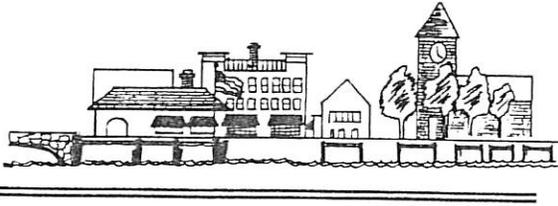
Plan submitted to seek a boundary line adjustment for Tax Map #266-1 & 2.

Please note a portion of Tax Map #266-1 falls within the Town of Alton.

Approved By Planning Board on November 4, 2008

Note: No ZBA applications found

*TR Tavares*



Planning and Development

*Town of  
Wolfboro*

**MEMORANDUM**

**DATE:** 15 May, 2016  
**TO:** Planning Board  
**FROM:** Robert Houseman, Director of Planning and Development  
**Subject:** § 175-55.1. Lots with no frontage.  
**Tax Map#:** 266-1

**Initiated by:** Hingham Realty Trust

The applicant is seeking to construct a new home on a vacant parcel. The parcel has access via Gould Road, a private easement accessway. It should be noted that this lot previously had a cottage on it but the owner razed the cottage more than 1 year ago, thus triggering the application of the requirements provided in Wolfboro Zoning Ordinance § 175-55.1. Lots with no frontage.

Below please find applicable section of the Wolfboro Zoning Ordinance:

§ 175-55.1. Lots with no frontage.

*[Added 3-11-2014 ATM by Art. 4]*

*A. Statement of purpose. In accordance with RSA 674:41, II-a, this section exempts from compliance with the other provisions of RSA 674:41 lots with no frontage and with deeded rights to a private way and lots with frontage only on a private way not shown on a*

subdivision plat approved by the Planning Board. (RSA 674:41 applies to all lots with frontage on or access to a Class VI road and lots that do not comply.)

B. By authority of RSA 674:41, II-a, lots compliant with the area requirements of the district and with no frontage or with frontage only on a private way not shown on a Planning-Board-approved subdivision are exempt from compliance with RSA 674:41. Prior to the issuance of a building permit, an owner of a lot exempted under this section must obtain a special exception. Lots eligible for relief under this section shall be deemed ineligible for subdivision under the lot's current configuration.

C. The owner(s) of any lot exempted under this section must obtain a special exception prior to the issuance of a building permit for that lot. Applications for a special exception under this section may be approved by the Zoning Board of Adjustment only if all of the following requirements and conditions are met:

(1) Review and comment by the Planning Board.

(2) The lot complies with all other zoning requirements and no application will be considered without a compliance determination issued by the Code Enforcement Officer. If not, the property owner(s) shall first obtain any necessary variance(s).

(3) The general special exception criteria of § **175-127A** through **H** are satisfied.

(4) Proof of the applicant's deeded right of access to the lot shall be made part of and included with the application submitted to the Zoning Board of Adjustment.

(5) Driveway access site plan approval by the appropriate public safety officer(s) shall be made part of and included with the application submitted to the Zoning Board of Adjustment. Any approval shall include a condition precedent, requiring the construction and approval of the driveway by the public safety officer(s) prior to the issuance of the certificate of occupancy.

(6) The applicant shall endorse the Town's "Acknowledgment Regarding Issuance of a Building Permit on a Private Way," which shall be made part of and be included with the application submitted to the Zoning Board of Adjustment. The endorsed document shall be recorded if the application is approved.

(7) The applicant shall endorse the Town's "Acknowledgment Regarding Ineligibility for Subdivision Approval," which shall be made part of and be included with the

*application submitted to the Zoning Board of Adjustment. The endorsed document shall be recorded if the application is approved.*

Prior to submittal to the ZBA for the required Special Exception process, the applicant must have the proposal reviewed and commented on by the Planning Board. With this understanding, I offer the following suggestions:

- This property previously contained a dwelling and its replacement will not create a new or increased impact to the Town.
- The applicant shall be improving the access over Gould Road for safety vehicle access.
- The applicant has demonstrated compliance with all other provisions of § 175-55.1. Lots with no frontage.

Given the above findings the Planning Board endorses this proposal for relief provided that the applicant satisfies the Special Exception criteria.

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



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*Town of  
Wolfeboro*

**MEMORANDUM**

**DATE:** 9 June, 2016

**TO:** Zoning Board of Adjustment

**FROM:** Robert Houseman, Director of Planning and Development

**SUBJECT:** Special Exception

**Subject:** Special Exception request for the construction of a lot with now frontage

**Case #:** 06-SE-16

**Tax Map#:** 266-1

**Initiated by:** Hingham Realty Trust

**Description:** The applicant is seeking to construct a new home a vacant parcel. The parcel has access via Gould Road, a private easement accessway. It should be noted that this lot previously had a cottage on it but the owner razed the cottage more than 1 year ago, thus triggering the application of the requirements provided in Wolfeboro Zoning Ordinance, § 175-55.1. Lots with no frontage.

In accordance with § 175-55.1. C, (1), attached please find the recommendations from the Planning Board.

Below please find applicable section of the Wolfeboro Zoning Ordinance:  
Below please find the Special Exception standards:

§ 175-55.1. Lots with no frontage.

[Added 3-11-2014 ATM by Art. 4]

A. Statement of purpose. In accordance with RSA 674:41, II-a, this section exempts from compliance with the other provisions of RSA 674:41 lots with no frontage and with deeded rights to a private way and lots with frontage only on a private way not shown on a subdivision plat approved by the Planning Board. (RSA 674:41 applies to all lots with frontage on or access to a Class VI road and lots that do not comply.)

B. By authority of RSA 674:41, II-a, lots compliant with the area requirements of the district and with no frontage or with frontage only on a private way not shown on a Planning-Board-approved subdivision are exempt from compliance with RSA 674:41. Prior to the issuance of a building permit, an owner of a lot exempted under this section must obtain a special exception. Lots eligible for relief under this section shall be deemed ineligible for subdivision under the lot's current configuration.

C. The owner(s) of any lot exempted under this section must obtain a special exception prior to the issuance of a building permit for that lot. Applications for a special exception under this section may be approved by the Zoning Board of Adjustment only if all of the following requirements and conditions are met:

(1) Review and comment by the Planning Board.

(2) The lot complies with all other zoning requirements and no application will be considered without a compliance determination issued by the Code Enforcement Officer. If not, the property owner(s) shall first obtain any necessary variance(s).

(3) The general special exception criteria of § **175-127A** through **H** are satisfied.

(4) Proof of the applicant's deeded right of access to the lot shall be made part of and included with the application submitted to the Zoning Board of Adjustment.

(5) Driveway access site plan approval by the appropriate public safety officer(s) shall be made part of and included with the application submitted to the Zoning Board of Adjustment. Any approval shall include a condition precedent, requiring the construction and approval of the driveway by the public safety officer(s) prior to the issuance of the certificate of occupancy.

(6) The applicant shall endorse the Town's "Acknowledgment Regarding Issuance of a Building Permit on a Private Way," which shall be made part of and be included with the application submitted to the Zoning Board of Adjustment. The endorsed document shall be recorded if the application is approved.

(7) The applicant shall endorse the Town's "Acknowledgment Regarding Ineligibility for Subdivision Approval," which shall be made part of and be included with the application submitted to the Zoning Board of Adjustment. The endorsed document shall be recorded if the application is approved.

### **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. The applicant shall pay all recording fees.
4. 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.

**TOWN OF Wolfeboro, NEW HAMPSHIRE**

**Agreement and Release Regarding  
Building Permit for Property Abutting a Private Road**

NOW COME Hingham Realty Trust

(hereinafter referred to jointly or severally as "owner") with a residential address of PO box 361 Wolfeboro NH 03894, and the Town of Wolfeboro, New Hampshire (hereinafter referred to as "town"), a municipal corporation existing under the laws of the State of New Hampshire with an address of 84 South Main Street, and agree as follows:

WHEREAS, owner owns certain real property (Tax Map 266, Lot 1) which abuts Gould Road, conveyed to said owner by a Deed recorded at Book 3032, Page 252 at the Carroll County Registry of Deeds; and

WHEREAS, the relevant portion of said Gould Road upon which owner's real property fronts is a private road that has not been approved by the Wolfeboro Planning Board, so that the owner's property is therefore subject to the building restrictions imposed under RSA 674:41;

NOW THEREFORE, the town and owner on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The town shall allow owner to construct a single family residence on the property identified above subject to the terms and conditions of a building permit to be issued by the town.

2. The parties understand and agree that town assumes no responsibility for maintenance, including but not limited to snowplowing, of said Gould Road, and no liability for any damages arising from the use of said road.

3. Owner agrees to be responsible for maintaining access to the subject property and does hereby forever release and discharge the town, its officers, agents and employees: (1) from the obligation of maintaining said Gould Road; and (2) from any loss, damage, claim or expense of any kind or nature whatsoever arising directly or indirectly from the condition of said road, including but not limited to any loss,

damage, claim or expense arising from failure to provide any municipal services such as police, fire and ambulance services.

4. Owner hereby assumes responsibility for transporting any children who may now or in the future reside on the property to the nearest regular school bus stop.

5. The parties understand and agree that this Agreement and Release shall be recorded at the Carrol \_\_\_\_\_ County Registry of Deeds before the building permit is issued, as required under RSA 674:41, I(c)(3).

IN WITNESS WHEREOF the parties have hereunder set their hands this  
\_\_\_\_ 3 \_\_\_\_\_ June \_\_\_\_\_, 20\_16\_.



Susan Dagostino  
Witness: Susan Dagostino, Notary

John J. Rowke Jr.  
(Owner) For Hingham Realty Trust

\_\_\_\_\_  
Witness:

\_\_\_\_\_  
(Owner)

TOWN OF Wolfeboro

\_\_\_\_\_  
Witness:

By: \_\_\_\_\_  
Chairman, Board of Selectmen  
Duly Authorized



*Town of*  
*Wolfboro*

*Planning Board*

## *Memorandum*

**Date:** June 5, 2016

**To:** Zoning Board of Adjustment

**From:** Robert T Houseman, Director of Planning and Development

**RE: Hingham Realty Trust**  
**§ 175-55.1. Lots With No Frontage**  
**Tax Map 266-1**

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The Planning Board reviewed the proposal to construct a single family dwelling on a vacant parcel as required by § 175-55.1. Lots With No Frontage on May 24, 2016.

The Planning Board voted to endorse the project provided the applicant satisfies the Special Exception criteria and given the the following;

1. The property previously contained a dwelling unit and its replacement will not create a new or increased impact to the Town.
2. The applicant shall be improving the access over Gould Road for safety vehicle access.
3. The applicant has demonstrated compliance with all other provisions of § 175-55.1. Lots With No Frontage.