



ZONING BOARD OF ADJUSTMENT

*Town of
Wolfeboro*

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

Notice is hereby given that the Zoning Board of Adjustment will meet on **Monday, June 13, 2016** at **7:00 PM** in the Wolfeboro Public Library Meeting Room to conduct the following business:

TM# 148-6-1

Case # 08V-16

Applicant: MRNH Retreat, LLC

Public Hearing for a Variance from Article XIII A, Section 175-88.4 of the Wolfeboro Planning & Zoning Ordinance for the construction of a storage garage on a lot with no dwelling. This property is located on Center Street (north of Kingswood Youth Center). A site visit will be held at approximately 6:10 pm prior to the hearing.

If there is anyone with a disability needing modifications and/or auxiliary aid to access this meeting, please notify the Planning Department at 569-5970 at least 72 hours prior to this meeting.

Copies To:

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

MRNH Retreat, LLC
Allen Road Realty Trust
Kingswood Youth Center
C & S McLean Realty Trust LLC
Bergeron Technical Services

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 in or on 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 formally be received from the applicant or any other party or interested person. However, to avoid the appearance of impropriety, 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 sought for any 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*

27 May 2016

Dear Applicant(s);

The Wolfeboro Zoning Board of Adjustment has scheduled a meeting on **Monday, June 13, 2016 at 7 PM** in the **Wolfeboro Public Library Meeting Room** relative to your submitted application(s). A site visit has also been scheduled for approximately 6:10 pm the day of the meeting. It is advisable that either you or a representative be present at the site visit to answer questions the Board members may have. As a site visit is not a public hearing, no additional comments will be accepted.

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

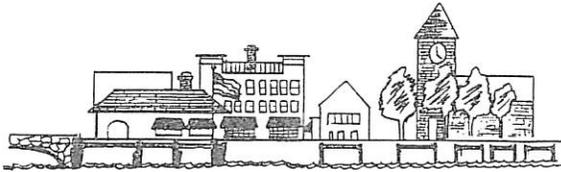
Sincerely,

Robin Kingston
Administration Assistant

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

(603) 569-5970





ZONING BOARD OF ADJUSTMENT

*Town of
Wolfeboro*

WOLFEBORO ZONING BOARD OF ADJUSTMENT

Planning Board Review

TM# 148-16-1

Date; July 7, 2009

PB Case #200922

Applicant: Kingswood Youth Center
Subdivision for a 2-lot subdivision

Date: July 1, 2008

PB Case #200829

Applicant: Kingswood Youth Center
Site Plan Review to demolish the current church & construct a free standing youth center building.

Date: June 27, 1989

PB Case #89008

Applicant: Wolfeboro Full Gospel Fellowship/Jim Lowry
Subdivision - 2 Lots

Date: September 26, 1983

Applicant Wolfeboro Full Gospel Fellowship
Site Plan Review to establish a church on property

Zoning Board of Adjustment Review

Date: September 19, 1983

ZBA Case #74-76

Applicant: Wolfeboro Full Gospel Fellowship Church
Special Exception- Construct a church and a parsonage on the property.

Date: May 2, 1988

ZBA Case #88-5E

Applicant: Wolfeboro Full Gospel Fellowship
Special Exception - Construct an addition to the church.

Date: September 1, 1989

ZBA Case #89-21V

Applicant: Wolfeboro Full Gospel Fellowship
Variance - to construct office building---Denied

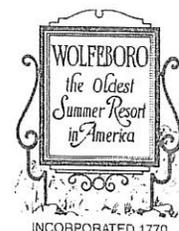
Date: December 10, 2007

ZBA Case #30-UV-07

Applicant: Kingswood Youth Center
Use Variance - Continued operation of the Kingswood Youth Center as a community based, not for profit youth center.

9 Union Street Post Office Box 629 Wolfeboro, New Hampshire 03894

(603) 569-5970



TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

RECEIVED

MAY 13 2016

VARIANCE

ZONING
BOARD OF ADJUSTMENT

Section II-- (To be prepared by Applicant)

Date: 09 May 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: Variance XXXX
 - b. Basis for Appeal is Article XIIIA, Section 175-88.4 of the Wolfeboro Planning and Zoning Ordinance
 - c. Location of property in question: Center Street, vacant parcel immediately north of Kingswood Youth Center
 - d. Tax Map number: 148 Lot Number: 016 Sub Lot: 001
 - e. Zoning District: Rural Residential
 - f. Name of Applicant: Shawn G. Bergeron
Bergeron Technical Services
 - g. Mailing Address of Applicant: P.O. Box 241, North Conway, NH 03860

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

VARIANCE REQUEST:

The undersigned hereby requests a Variance from Article XIIIA Section 175-88.4; and asks that said terms of the Zoning Ordinance be waived to permit The construction of a non-commercially occupied or operated garage/storage building without any other structure being present on the property.

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:

This structure is a permitted use if there were a more dominant use or a single family home present on the parcel. The structure and its use will be less noticable to surrounding properties than if a single-family home were present or a home occupation, the proposed condition is less intensive to the property and neighbors.

2. The spirit of the ordinance is observed because:

The structure is allowed as "accessory" which means subordinate to a greater use. It's to the benefit of the district if a lesser use is the use as this will better represent a rural use in the zoning district

3. Substantial justice is done because:

The proposed structure is an allowed use in the district as a subordinate use. Justice would be done to the owner and abutters by allowing this structure as it will be less noticeable to neighbors than a single-family home would be and less noticeable than the commerical occupancies to both the north and south.

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

The structure will be constructed using materials and methods that are compatible with those on nearby properties and adequate vegetative buffer will be left to keep the site attractive.

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 property is a residentially zoned lot sandwiched between two commercial occupancies and in a neighborhood that contains numerous commercially occupied structures.

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 intent of allowing accessory uses is to allow a use which is subordinate (of lesser rank or position) than a primary use. The intent is to keep the intensity of use on a parcel at an appropriate level. If the accessory use is the only use its affect on the neighborhood will be less than if a primary use were present

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

It is an allowed use in the district

OR, if the criteria is 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:

The proposed use is a reasonable use as it is an allowed use. The construction of a dwelling unit that is seldomly used would meet the strict letter of the ordinance and therefore allow this "accessory" structure to be built. Circumventing the ordinance in this manner is an unreasonable requirement and a detriment to the intent of Wolfeboro's zoning ordinance.

TOWN OF WOLFEBORO

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: Shirley B. Manappe Date: 10 May 2016
SBTSMC



100 foot Abutters List Report

Wolfeboro, NH
May 13, 2016

RECEIVED

MAY 13 2016

T A

Subject Property:

Parcel Number: 148-016-001
CAMA Number: 148-016-001
Property Address: CENTER STREET

ZONING
BOARD OF ADJUSTMENT
Mailing Address: MRNH RETREAT LLC
1430 WYNKOOP STREET SUITE 300
DENVER, CO 80202

N ✓

Abutters:

Parcel Number: 148-001-000
CAMA Number: 148-001-000
Property Address: 29 ALLEN ROAD

Mailing Address: ALLEN ROAD REALTY LLC
144 LAFAYETTE ROAD
NORTH HAMPTON, NH 03862

✓ ✓

Parcel Number: 148-016-000
CAMA Number: 148-016-00E
Property Address: 565 CENTER STREET

Mailing Address: KINGSWOOD YOUTH CENTER
PO BOX 697
WOLFEBORO FALLS, NH 03896

301 ✓ ✓

Parcel Number: 148-016-000
CAMA Number: 148-016-00T
Property Address: 565 CENTER STREET

Mailing Address: KINGSWOOD YOUTH CENTER
PO BOX 697
WOLFEBORO FALLS, NH 03896

✓ ✓

Parcel Number: 148-017-000
CAMA Number: 148-017-000
Property Address: 591 CENTER STREET

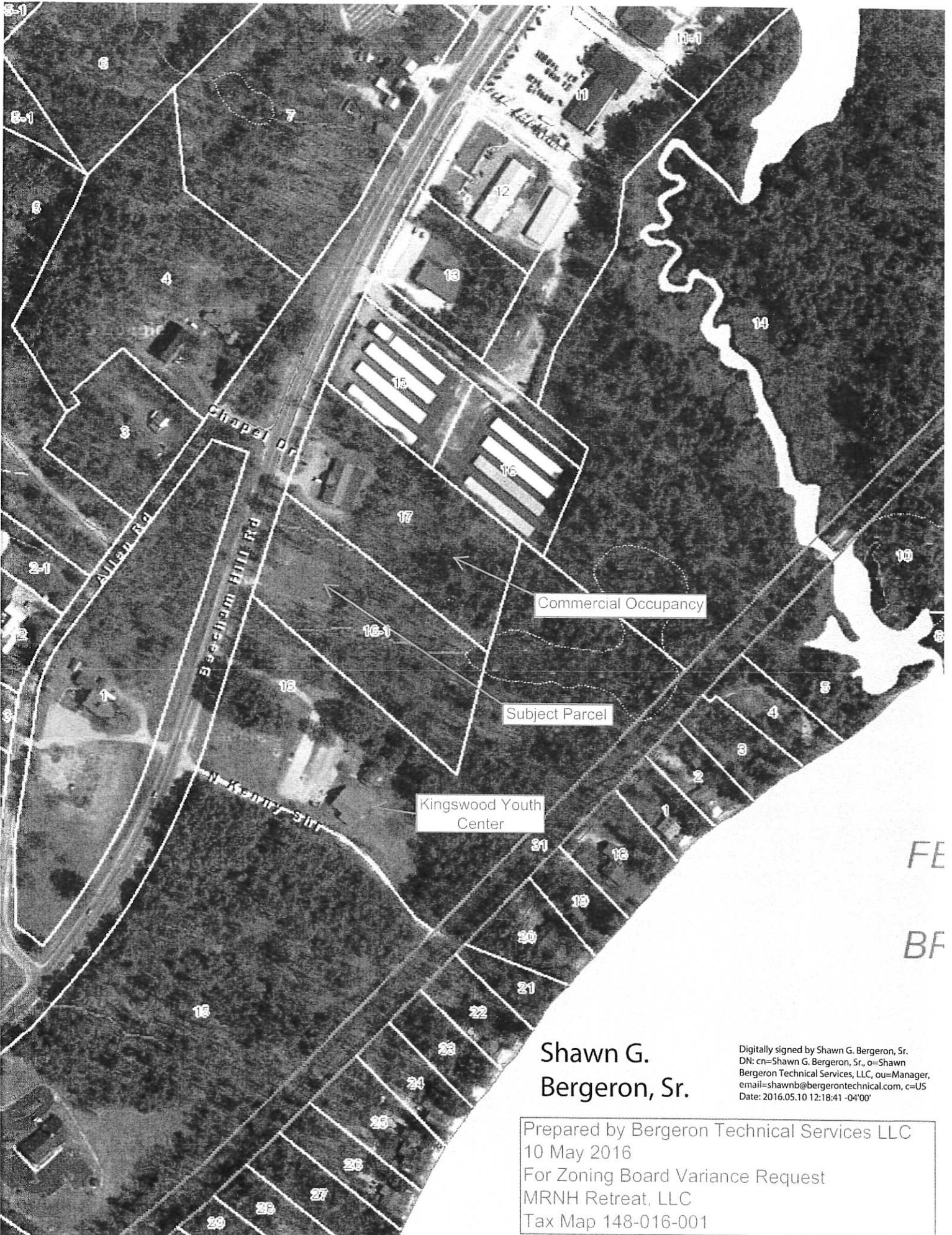
Mailing Address: C & S MCLEAN REALTY TRUST LLC
11 PARTRIDGE LANE
KENNEBUNK, ME 04043

✓ ✓



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.



Commercial Occupancy

Subject Parcel

Kingswood Youth Center

Shawn G.
Bergeron, Sr.

Digitally signed by Shawn G. Bergeron, Sr.
DN: cn=Shawn G. Bergeron, Sr., o=Shawn
Bergeron Technical Services, LLC, ou=Manager,
email=shawnb@bergerontechnical.com, c=US
Date: 2016.05.10 12:18:41 -04'00'

Prepared by Bergeron Technical Services LLC
10 May 2016
For Zoning Board Variance Request
MRNH Retreat, LLC
Tax Map 148-016-001

FE
BF

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: MRNH Retreat, LLC
Address: 1430 Wynkoop Street, suite 400
Denver, Colorado 8020

Your request for a permit to (specify use): Construct
a Residential garage/storage building on
a vacant lot.

on property located at: Tax Map 148-16-1 Center Street

is DENIED for the following reason: By definition of:
Accessory Structure Article 175-175 Terms
defined, it has to have a Principal Building on
the same lot that is incidental and subordinate to the principal Buildg

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 Ryden
Building Official

5/6/16
Date

RECEIVED

MRNH Retreat, LLC
1430 Wynkoop Street, Suite 400
Denver Colorado, 80202

MAY 13 2016

20 April 2016

ZONING
BOARD OF ADJUSTMENT

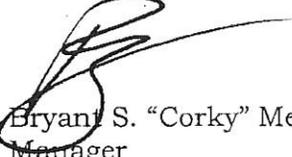
Town of Wolfeboro
84 South Main St., P.O. Box 629
Wolfeboro, New Hampshire 03894

Re: # Wolfeboro Tax Map No. 1418-016-001

To Whom it May Concern,

I am writing to you requesting that you allow Shawn Bergeron Technical Services LLC, a New Hampshire based Limited Liability Corporation, to represent me in the attempt to obtain all land use and building permits and approvals that are necessary to allow the construction of a garage/personal property storage building at my property referenced above.

Thank you.



Bryant S. "Corky" Messner
Manager

Shawn Bergeron Technical Services Contact Information:

PO Box 241
North Conway, NH 03860
(603)356-0022
Shawnb@bergerontechnical.com



*Town of
Wolfeboro*

Planning and Development

MEMORANDUM

DATE: June 9, 2016

To: Zoning Board of Adjustment

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

Subject: Variance, request for relief from ARTICLE X, § 175-81 of the Wolfeboro Planning and Zoning Ordinance

Owner: MRNH Retreat, LLC

Agent: Shawn Bergeron, Bergeron Technical Services, LLC

Tax Map: 148-16-1

Case #: 08-V-16

Planner's Remarks: The applicant is seeking a Variance to Section 175-88.4 of the Wolfeboro Zoning Ordinance in order to permit an accessory building (storage garage) on a lot without a dwelling unit.

The property is located in the Rural Residential. Below please find the applicable provisions of the Wolfeboro Planning and Zoning Ordinance:

Part 1. Planning and Zoning

Article XIII.A. Rural Residential District (RR)

[Added 3-9-2010 ATM by Art. 5]

§ 175-88.1. Purpose and intent.

The Rural Residential District has a district boundary based is the area between the two-and-one-half-mile arc from the center of the village and the Agricultural District and without services of public sewer and water. It is designed to provide low density in order to preserve open space,



reduce demand for services and reduce scattered and premature development.

Permitted uses shall be as follows:

§ 175-88.4. Permitted uses.

A. One of the following dwelling unit structures is permitted per lot:

(1) One single detached dwelling per lot.

(2) One single detached dwelling per lot with one accessory apartment.

(3) One duplex dwelling per lot.

B. Accessory structures.

C. Accessory uses.

D. The seasonal, outside storage of items of personal property on residential lots, provided that such items must be placed on the lot to the side or rear of the dwelling, but their use for living and/or business while so stored is prohibited.

E. Home occupation, occupying up to 500 square feet of the single-family dwelling (requires TRC approval).

F. The keeping or harboring of all livestock in accordance with New Hampshire Department of Agriculture's Best Management Practices.

§ 175-175. Terms defined.

As used in this Part 1, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR STRUCTURE

A structure containing no habitable space and detached from a principal building on the same lot and incidental and subordinate to the principal building. Accessory structures shall be limited to a maximum of two per lot plus one additional structure for each 80,000 square feet over the required minimum lot size. Swimming pools, tennis courts and like outdoor residential sports facilities, well houses, doghouses, septic systems, and parking areas shall be exempt from the number limitation of accessory structures.

[Amended 3-10-2009 ATM by Art. 3]

A garage is defined as an accessory structure and, by the Town's zoning definition, must be accompanied by **a principal building on the same lot and incidental and subordinate to the principal building.** The applicant is seeking a garage without a principal building associated with it.

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, may not satisfy the submittal requirements for a building permit.
3. No commercial use of the building shall be permitted.
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.

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