



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

TM# 148-12

Case # 11-SE-16

**Applicant: Heidi Von Gotz Cogean
Special Exception**

Public Hearing for a Special Exception from XII, Section 175-87A of the Wolfeboro Planning & Zoning Ordinance to allow for Agriculture, in the form of a vineyard for the purposes of growing grapes to manufacture wine in a family run, small production winery. This property is located at 458 Center Street. A site visit will be held at approximately 5:40 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
- Von Gotz Cogean
 - O'Brien
 - Albee, II
 - Wolfeboro Masonic Association
 - Leipold
 - Downer
 - Toussaint
 - The Lake Wentworth Foundation
 - Wolfeboro
 - Quentin David Bowers Rev. Trust
 - Cogean
- White Mountain Survey & Engineering, Inc.

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

Posted: 30 June 2016: Wolfeboro Town Hall & Public Library: Granite State News



25 June 2016

Dear Applicant;

The Wolfeboro Zoning Board of Adjustment has scheduled a joint meeting on Tuesday, July 11, 2016 at 7 pm in the Wolfeboro Public Library Meeting Room relative to your submitted application. A site visit has been scheduled at approximately 5:40 pm the day of the meeting. It is advisable that either you or a representative be present at the time of the site visit to answer questions the Board may have. As a site visit is not a public hearing and no additional comments will be accepted,

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

Sincerely,

Robin Kingston
Administrative Assistant

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

SPECIAL EXCEPTION

Section II -- (To be prepared by Applicant)

Date: 6-16-16

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

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

1. Having been denied a permit by the Wolfeboro Building Official for the reason specified in Section I: NOTICE OF ZONING DECISION (Copy Attached). I hereby appeal the decision and request the Board of Adjustment to schedule a public hearing to consider this appeal.
2. I realize that providing the complete information requested below is the responsibility of the undersigned applicant and must be provided before a public hearing can be scheduled by the Board. I understand that it is my responsibility to present this appeal to the Board.
 - a. Type of Appeal: Special Exception X
 - b. Basis for Appeal is Article XII, Section 175-87A of the Wolfeboro Planning and Zoning Ordinance
 - c. Location of property in question: 458 CENTER STREET
 - d. Tax Map number: 148 Lot Number: 12 Sub Lot: _____
 - e. Zoning District: GENERAL RESIDENTIAL
 - f. Name of Applicant: HEIDI VON GÖTZ COGEEAN &

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

- g. Mailing Address of Applicant: 567 WEST SHORE ROAD
BRISTOL, NH 03222
- h. Phone Number of Applicant: 603-455-0182
- i. E-mail Address: heidi@newfoundlakevineyards.com
- j. Name of Company (if applicable): N/A
- k. Legal Owner of the Property: CONSTANCE L. O'BRIEN
- l. Mailing Address of Property Owner: 458 CENTER ST.
WOLFEBORO, NH 03894
- m. Proposed use of property or modification of existing use: TO OPERATE
A FEDERALLY BONDED WINERY, FERMENTING WINE FROM GRAPES & FRUIT
GROWN ON-SITE AND/OR PURCHASED, OPERATING A TASTING ROOM PER NH
WINE MANUFACTURER LICENSE SELLING OUR BOTTLES OF N.H. MADE WINE &
MISCELLANEOUS WINERY related products (JELLY, CRACKERS & LOGO GLASSWARE).
- n. Directions to the property from the Wolfeboro Town Hall: HEAD SOUTH
ON MAIN ST TO CENTER ST. TAKE A LEFT ON CENTER STREET & FOLLOW
CENTER STREET APPROXIMATELY 2.2 MILES. 458 CENTER STREET IS ON THE
LEFT SIDE 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.

WHITE MTN. SURVEY & ENGINEERING, INC.
by: James F. Finne 6/16/16
Applicant's Signature Date
AGENT

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

EIGHT POINT SPECIAL EXCEPTION REQUEST:

A SPECIAL EXCEPTION is requested as provided in Article XIII, Section 175-87.A of the Zoning Ordinance to permit: AGRICULTURE IN THE FORM OF A VINEYARD FOR THE PURPOSES OF GROWING GRAPES TO MANUFACTURE WINE IN A FAMILY RUN, SMALL PRODUCTION WINERY,

FACTS SUPPORTING THIS REQUEST:

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

This includes:

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

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

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

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

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

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

WHITE MTN. SURVEY & ENGINEERING, INC.

Applicant's by: James J. Prince
AGENT

Date: 6/16/16

EIGHT POINT SPECIAL EXCEPTION REQUEST

A SPECIAL EXCEPTION is requested as provided in Article XII, Section 175-87.A. of the Zoning Ordinance to permit: An agricultural use associated with a small family owned winery to be added to the existing bed and breakfast and antique sales. Accompanying application for a special exception for the agricultural use for this small family owned winery is an variance application to permit the production of the wine.

FACTS SUPPORTING THE REQUEST:

1. **Site Suitability: 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 slope, etc.)

The site is adequate for the proposed use. Historically, this property was a dairy farm, so agriculture is the historic use. The position of the land on the landscape, the seasonal water table and the micro-climate associated with Lake Wentworth and Lake Winnepesaukee make this site ideally suited for growing cold hardy grape vines and the southeast orientation of the property is good for growing grapes.

The property is 7.74 acres in size which is more than adequate to add this relatively benign use to the property. There is adequate access and sight distance on Route 28, and adequate usable space on the property. There are some wetlands that have been delineated on the property but they are in areas removed from the proposed use.

Due to the micro climate, orientation and seasonal high water table, these grape vine will require virtually no supplemental fertilization, so there is no negative environmental impact from the proposed use.

There are no steep slopes or flood plains.

2. **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:**

- A. Excessive trip generation.
- B. Noise or vibration
- C. Dust, glare or heat.
- D. Smoke, fumes, gas or odors.
- E. Inappropriate hours of operation.

The proposed use is not detrimental, injurious, obnoxious, or offensive to the abutting properties. As indicated above, the addition of this agricultural use to the property will not, in and of itself, generate excessive trips. Since the sale of the wine produced will occupy the same amount of retail antique space, there should be no measurable change in trip generation since trip generation is computed based on square footage.

The agricultural use will not create noise or vibrations, dust, glare, heat, smoke, fumes, gas or odors.

This is a family owned winery and will be operated seasonally with "normal" business hours during their seasonal operation.

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.**

Because the requested additional agricultural use is so benign, there will be virtually no change in any of the pedestrian or vehicular traffic patterns and there will be no change in the design of the access way. There may be some additional off-street parking provided to demonstrate conformance with the site plan review regulations of the town of Wolfeboro when that site plan application is made, but only as needed.

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. **Police Protection**
- F. **Streets**
- G. **Parks**
- H. **Schools**

The property is served by on-lot sewer and water service and therefore, will not tax these public services. Stormwater drainage will be addressed at the site plan review level and with nearly eight acres of land I am certain we can contain the storm drainage for the minimal amount of increased parking if any is necessary. The growing of grapes does not require fire protection. Police protection should not need to be increased as a result of this proposed use, nor should the streets, parks, or schools be negatively impacted by the proposed use.

5. Appropriateness of Site Plan. Consideration shall include:

- A. Parking Scheme**
- B. Traffic Circulation**
- C. Open Space**
- D. Fencing/Screening**
- E. Landscaping**
- F. Signage**
- G. Commercial Vehicles**
- H. Lighting Impact**

The only proposed change for this project will be the addition of sufficient parking to show compliance with the various uses on the lot. Our hope is that no additional spaces will be needed, but if they are, there is adequate area. As I indicated above, given the fact that the property has nearly 8 acres of land available and the fact that we would need to adhere with site plan review regulations, the addition of this agricultural use to the other uses will be readily addressed through the site plan application.

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

The most recent change in the neighborhood is the opening of Bradley's Power Equipment and less recently, the opening of "The Nick" and I do not see that this proposed use will alter any of the patterns or recent changes in the neighborhood. The neighborhood integrity shall remain intact as a result of this proposal.

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

Due to the benign nature of this request for this agricultural use, I anticipate that there will be no decline in property values as a result of this project. If there were any change, however, I would assume that it would be positive since the property will now have more vegetative growth from the grape vines which is better for the stormwater run off than open lawn.

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

Since an agricultural use is allowed by special exception in the General Residential District zone, this request is consistent with the spirit and intent of the ordinance, as well as the master plan.

Applicant's Agent:

WHITE MTN. SURVEY & ENGINEERING, INC.
By: James J. [Signature]

Date: 6/16/16

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: Heidi Von Grotz Cogan
Address: 567 West shore road Bristol, NH
03222

Your request for a permit to (specify use): To operate
a Federally Bonded Winery, Fermenting
wine from grapes & fruit grown on site
operate a tasting room/selling wine.
on property located at: HSE Center Street.

is DENIED for the following reason: The use needs a
special exception per Article ~~XII~~ section
175-87A

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.



Building Official

6/17/16

Date



WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440

OSSIPEE, NH 03864-0440

TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912

WEB ADDRESS: www.whitemountainsurvey.com

June 14, 2016

Advance Copy via email (rhouseman@wolfeboro.us)

Robert T. Houseman, Director of Planning and Development
Town of Wolfeboro
PO Box 629
Wolfeboro, NH 03894-0629

Re: Proposed Winery Narrative - 458 Center Street
Wolfeboro, New Hampshire
Tax Map 148, Lot 12

Dear Rob:

Please accept this letter as an explanatory narrative of the proposed winery at 458 Center Street, known locally as the 1810 House.

As you know, the present use of the property is a Bed and Breakfast, a retail antiques business in the adjacent barn and accessory apartment buildings in the rear of the property. Approvals for the B & B were granted by Special Exception in June of 2006 and Site Plan Approval in August of 2006.

The prospective buyer of the property wishes to maintain the B & B; and convert a small portion of the retail space in the barn from antique sales to wine tasting/sales, with wine production to occur in the small out building just west of the barn. The portion to be converted from antique sales to wine sales is in the back of the barn, approximately 40 feet in from the entrance, and will be approximately 20' by 30' in size. There will be a 15 foot tasting bar where individuals interested in purchasing the wine produced on the property may have a small taste before they decide on their purchase. The tasting bar is a typical offering for the wine production/sales license, but this is **not** a bar. You can't purchase the wine by the glass and expect to be served here. No water service or sewage disposal is required due to the limited amount of time prospective buyers are on site. Wine related sales will also occur, such as jelly, crackers and logo glassware.

The prospective buyer plans to grow grapes for the wine produced on site; but on-site grape growth will not be the only source of grapes due to the type of wines produced and the variability of the crop production. To that end, the winery will take delivery two times per year of up to four pallets of grapes that are delivered in a box truck and not a tractor trailer style vehicle.



Robert T. Houseman, Dir. of Planning and Dev.
June 14, 2016
Page 2 of 2

The winery also purchases locally grown fruit for wine production such as blueberries (early August) and rhubarb (June). Again because of the nature of these deliveries, they are minimal and delivered generally in the owner's pickup truck.

One time per year, the winery takes delivery of bottles for bottling the wine and that delivery is by tractor trailer, but only one time per year.

This is a family run business, but they will have an(some) employee(s) to help with the B & B and winery at various times throughout the year. The retail sales will be limited to seasonal hours of operation and will not be year around.

This winery's license is for a "small production" winery, meaning they are limited to producing no more than 1,000 cases of wine per year.

Production will occur in the small out building just west of the existing barn. The only water needed is a hose.

This winery production and sales is in line with the definition of "agritourism" as defined in RSA 21:34-a, VI.

It is anticipated that the grapes in the this vineyard will not require manure or irrigation due to the favorable site conditions and micro-climate associated with Lake Wentworth and Lake Winnepesaukee.

It is the hope of the prospective buyers that they can go through the permitting necessary to make this vision a reality. The hope is that the retail sales will be seen as retail sales and the production will fall under the Agriculture use allowed by Special Exception.

If you have any questions or concerns regarding this matter, please feel free to contact me directly at (603) 439-4118, extension 315. In thanking you for your consideration and guidance on this matter, I remain

At your service,
White Mountain Survey & Engineering, Inc.

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

From: Robert Houseman
Sent: Wednesday, June 15, 2016 9:49 AM
To: 'Jim Rines'

Jim:

Special Exception for the Agricultural use and Variance for Winery (production). Conclusion based on the fact that only 10% of the crop comes from the premises and, therefore, hard to make the tie to agritourism. See state definition of Agriculture and Farmstand.



Robert T. Houseman

Director of Planning and Development
Town of Wolfeboro
PO Box 629
Wolfeboro, NH 03894

Wolfeboronh.us

603-569-5970

rhouseman@wolfeboronh.us

While the contents of this communication are intended to be confidential, email sent to and from this address is subject to NH RSA 91-A (the NH Right-To-Know Law) and may, subject to certain exemptions, be subject to disclosure to third parties. Any unauthorized disclosure, reproduction, the sender immediately and delete the message from your system.

From: Heidi Cogean [mailto:hcogean@giplastek.com]
Sent: Friday, June 10, 2016 10:43 AM
To: Robert Houseman
Cc: Jim Rines
Subject: FW: 1810 House
Importance: High

Attached are photos taken from our Facebook page of existing tasting room in Bristol taken from behind the 15 foot long bar, facing the customer entrance door. This is a 15' x 15' corner of our winery building. The tasting room and retail racks are all contained in this space. We plan to take the handmade pine slab bar with us and use it in the large barn at 458 Center St.

We are open Friday 5:30-8:30 pm and Saturday & Sunday noon to 5:00 pm in Bristol, May to November and weather permitting until New Year's Day.
If we are approved to move to Wolfeboro, we expect to add Thursdays 5:30 to 8:30 pm and possibly open at noon on Thursdays and Fridays during summer.

The highest occupancy in Bristol was on 4th July, 2015 and was 18 customers in the tasting room, with two of them in line at the register and the rest in the discussion of the wine with the wine consultant while tasting four different ½ ounce samples of our wine.

Private tasting events(as opposed to the walk ins) are booked in Bristol with a maximum of six people. Given the opportunity to have more space in Wolfeboro, it would be beneficial to have private tastings events with a larger number of people. 14 people is about maximum size per one wine consultant.

We have not been able to hold larger tastings or 501 (c) 3 fundraising events given our current tasting room size but this is a growth opportunity we would like to be able to consider in the new location. My family has strong feelings about giving back to the community and we support local events when possible. Please see Giving Back section of our website. www.newfoundlakevineyards.com for more information.

I will create a simple concept layout for the proposed tasting room.

Regards,
Heidi Cogean

TITLE XIII

ALCOHOLIC BEVERAGES

CHAPTER 178 LIQUOR LICENSES AND FEES

Section 178:8

178:8 Wine Manufacturer License. –

I. Wine manufacturer licensees may ferment fruit or other agricultural products containing sugar to produce table wine, and to produce from that wine fortified wine.

II. Each wine manufacturer in this state shall have the right to sell and to transport and deliver wines manufactured by it directly to the holders of on-premises or off-premises licenses issued by the commission. No wine manufactured in this state by any manufacturer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title.

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors of legal drinking age at said premises may be provided with samples of wine manufactured on the premises for tasting. Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person. Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

IV. Each wine manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under this section and shall pay to the commission monthly a fee equal to 5 percent of such sales on or before the tenth day of the month following the sale.

V. Each wine manufacturer shall have the right to transport wines manufactured by it to the state border for transportation and sale outside the state.

VI. Each wine manufacturer shall have the right to hire sales representatives subject to RSA 179:11 as it desires, and shall have the right to solicit sales of its wines directly to retail licensees.

VII. The holder of a wine manufacturer license, or designee, may be issued an on-premises license at the discretion of the commission. The annual fee each license issued under this section shall be as required under RSA 178:29.

Source. 2003, 231:13. 2011, 165:1. 2012, 142:2, eff. June 7, 2012. 2015, 9:3, eff. July 1, 2015.



ZONING BOARD OF ADJUSTMENT

*Town of
Wolfeboro*

WOLFEBORO ZONING BOARD OF ADJUSTMENT

Planning Board Review

TM# 149-12

Date: August 1, 2006

PB Case #200639

Applicant: Cindy Gunn

Site Plan Review – Convert Residence to Bed & Breakfast

Date: January 16, 2007

TM #148-12

Applicant: G. Burton Gunn Revocable Trust

PB Case #200703

Subdivision – 2 Lots

Date: April 5, 1988

TM #13-1-6 (149-12)

Applicant: Everett Albee & Jeffrey Badger

Boundary Line Adjustment

Zoning Board of Adjustment Review

No Files found

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

(603) 569-5970





WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440
OSSIPEE, NH 03864-0440
TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912
WEB ADDRESS: www.whitemountainsurvey.com

Via Hand Delivery

To: Town of Wolfeboro
Zoning Board

Date: June 16, 2016

Re: 458 Center Street, Tax Map 148, Lot 12
Special Exception Application/Variance Application (concurrent)

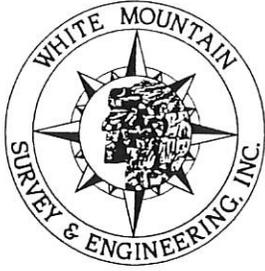
Enclosed, please find the following:

No. of Copies	Date	Description of Item
1	06/16/2016	Check for \$150 for Application Fees (Special Exception)
1	06/16/2016	Check for \$150 for Application Fees (Variance)
1	06/16/2016	Cover Letter
1	06/16/2016	Special Exception Application
1	06/16/2016	Variance Application
1	06/04/2016	O'Brien Appointment of Agent Form
1	05/25/2016	Cogean Appointment of Agent Form
1	06/15/2016	Abutters List
1 set	06/10/2016	Envelopes Addressed to Each Abutter, Postage Affixed, Certified Slips Prepared and Attached
1	Rev. 12/29/2006	Plan of Subdivision for G. Burton Gunn, Trustee of the G. Burton Gunn Revocable Trust (11" x 17" copies)
1	Rev. 12/29/2006	Plan of Subdivision for G. Burton Gunn, Trustee of the G. Burton Gunn Revocable Trust (Full Size)

The enclosed information has been submitted to you for your review and approval. Thank you.

Sincerely,
White Mountain Survey & Engineering, Inc.

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



WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440
OSSIPPEE, NH 03864-0440
TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912
WEB ADDRESS: www.whitemountainsurvey.com

June 16, 2016

Via Hand Delivery

Fred Tedeschi, Chairman
Zoning Board of Adjustment
Town of Wolfeboro
PO Box 629
Wolfeboro, NH 03894-0629

Re: Special Exception and Variance Application
458 Center Street – Wolfeboro, New Hampshire
Tax Map 148, Lot 12

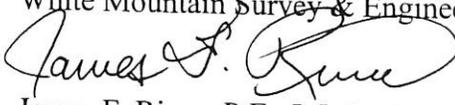
Dear Chairman Tedeschi and Members of the Board:

Enclosed please find what we believe to be a completed application package for special exception and variance applications to allow the an agricultural use on the above listed property by special exception and the production of wine from that agriculture, supplemented by off-site fruit.

The parcel is currently owned by Constance L. O'Brien with Heidi von Gotz Cogean having a purchase and sales agreement to acquire the property upon approval of the use.

Assuming we are successful in obtaining the requested use, we will of course move on to site plan approval with the Planning Board and obtaining any necessary state permits.

I look forward to presenting this application at your earliest convenience and remain

Sincerely,
White Mountain Survey & Engineering, Inc.

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





Heidi Cogean
Abutters List
June 15, 2016

T | A

Tax Map/Lot

Owner of Record

148-012 (subject parcel)

Constance L. O'Brien
Wallace A. O'Brien
458 Center Street
Wolfeboro, NH 03894

✓

✓

147-006

Everett S. Albee, II
PO Box 59
Wolfeboro Falls, NH 03896

✓

✓

147-008

Wolfeboro Masonic Association
PO Box 932
Wolfeboro, NH 03894

✓

✓

148-011

Patricia L. Leipold
PO Box 1147
Wolfeboro, NH 03896
Falls

Corrected

—

148-012-001

Ryan D. Downer
PO Box 1136
Wolfeboro Falls, NH 03896

✓

✓

163-001

Dana G. Toussaint
Patricia A. Toussaint
PO Box 1914
Wolfeboro, NH 03894

✓

✓

163-002

*The Lake Wentworth
Foundation Wolfeboro*

Single Rose Enterprises, LLC
c/o Roger Murray
PO Box 235
Wolfeboro, NH 03894

✓

✓

164-039

Quentin David Bowers Rev. Trust
Quentin David Bowers, Trustee
PO Box 539
Wolfeboro Falls, NH 03896

✓

✓

Applicant

Heidi Cogean
567 West Shore Road
Bristol, NH 03222

Agent

White Mountain Survey & Engineering, Inc.
PO Box 440
Ossipee, NH 03864-0440

Heidi Cogean
Abutters List
June 15, 2016

<u>Tax Map/Lot</u>	<u>Owner of Record</u>
148-012 (subject parcel)	Constance L. O'Brien Wallace A. O'Brien 458 Center Street Wolfeboro, NH 03894
147-006	Everett S. Albee, II PO Box 59 Wolfeboro Falls, NH 03896
147-008	Wolfeboro Masonic Association PO Box 932 Wolfeboro, NH 03894
148-011	Patricia L. Leipold PO Box 1147 Wolfeboro, NH 03896
148-012-001	Ryan D. Downer PO Box 1136 Wolfeboro Falls, NH 03896
163-001	Dana G. Toussaint Patricia A. Toussaint PO Box 1914 Wolfeboro, NH 03894
163-002	Single Rose Enterprises, LLC c/o Roger Murray PO Box 235 Wolfeboro, NH 03894
164-039	Quentin David Bowers Rev. Trust Quentin David Bowers, Trustee PO Box 539 Wolfeboro Falls, NH 03896
Applicant	Heidi Cogean 567 West Shore Road Bristol, NH 03222
Agent	White Mountain Survey & Engineering, Inc. PO Box 440 Ossipee, NH 03864-0440



*Town of
Wolfeboro*

MEMORANDUM

DATE: 7 July, 2016

TO: Zoning Board of Adjustment

FROM: Robert Houseman, Director of Planning and Development

SUBJECT: Special Exception

Subject: Special Exception for agricultural use associated with a proposed winery as an addition to the existing Bed and Breakfast and antique sales

Case #: 11-SE-16

Tax Map#: 148-12

Initiated by: Heide Von Giotz Cogean

Owner: Constance O'Brien

Agent: James Rines, PE, White Mountain Survey and Engineering.

Description: The applicant has a purchase and sales agreement on the 1810 Bed and Breakfast property and is seeking a special exception for the establishment of a vineyard associated with a proposed winery. Please see Mr. Rines June 14, 2016 letter of explanation of the proposed use. The vineyard is proposed to be a low impact operation producing approximately 10% of the fruit associated with its wine production.

The property is located in the Rural Residential District. Below please find applicable section of the Wolfeboro Zoning Ordinance:

Article XIII.A. Rural Residential District (RR)

§ 175-88.5. Special exception uses.

Uses which may be permitted by special exception shall be as follows:

A. Farm, agriculture, farming.

B. Veterinarian/hospital.

C. Recreational use.¹

D. Conversion of a dwelling unit into a bed-and-breakfast.¹

E. In-home day care.¹

F. Home occupation.¹

G. Horticultural establishments.¹

H. Churches on lots with frontage on a state-numbered highway.¹

I. Museum on lots with frontage on a state-numbered highway.¹

¹ NOTE: Requires Planning Board approval under the provisions of RSA 676:4.

Below please find the Special Exception standards:

ARTICLE XXI, Special Exception Criteria

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

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

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

- (1) Adequate usable space.*
- (2) Adequate access.*
- (3) Absence of environmental constraints (floodplain, steep slope, etc.).*

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

- (1) Excessive trip generation.*
- (2) Noise or vibration.*
- (3) Dust, glare or heat.*
- (4) Smoke, fumes, gas or odors.*
- (5) Inappropriate hours of operation.*

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

D. Availability of public services and facilities: that the following services and facilities are available and adequate to serve the needs of the use as designed and proposed:

- (1) Sewer.
- (2) Water.
- (3) Stormwater drainage.
- (4) Fire protection.
- (5) Police protection.
- (6) Streets.
- (7) Parks.
- (8) Schools.

E. Appropriateness of site plan. Consideration shall include:

- (1) Parking scheme.
- (2) Traffic circulation.
- (3) Open space.
- (4) Fencing/screening.
- (5) Landscaping.
- (6) Signage.
- (7) Commercial vehicles.
- (8) Lighting impact.

F. Immediate neighborhood integrity: that the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.

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

H. That the proposed use or structure is consistent with the spirit of Part 1 and the intent of the Master Plan.

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

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. The application, as submitted to the ZBA, does not satisfy all applicable requirements for a Site Plan Review.
3. The is approval is subject to the receipt of variance and any conditions attached thereto.

4. The applicant shall pay all recording fees.
5. This Special Exception shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause.

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