

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 # 10-V-16

**Applicant: Heidi Von Gotz Cogean
Variance**

Public Hearing for a Variance from XIII, Section 175-86 of the Wolfeboro Planning & Zoning Ordinance to allow for the operation of a seasonal, family run, small production federally bonded winery, fermenting wine from grapes and fruit grown on-site and/or purchased as well as operating a tasting room per NH Wine Manufacturer Licensing and selling the bottles of the wine as well as miscellaneous winery related products (jelly, crackers and logo glassware). 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

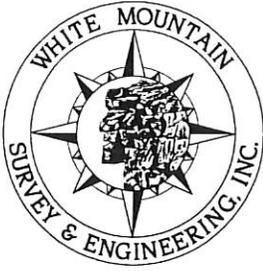
Dear Applicant;

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



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 Cogan 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

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

JUN 16 2016

ZONING
BOARD OF ADJUSTMENT

VARIANCE

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: Variance X
- b. Basis for Appeal is Article XIII, Section 175-86 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 COGEAN
- g. Mailing Address of Applicant: 567 WEST SHORE ROAD

TOWN OF WOLFEBORO

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ZONING BOARD OF ADJUSTMENT

JUN 16 2016

BRISTOL, NH 03222

ZONING BOARD OF ADJUSTMENT

- 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 STREET
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.

o. Are there any current Zoning Violations on the property other than those that may be listed on this Application? (If Yes, please fully describe below).

NONE TO MY KNOWLEDGE

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 J. Piner
Applicant's Signature
AGENT

6/16/16
Date

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

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VARIANCE REQUEST:

The undersigned hereby requests a Variance from Article XIII ^{ZONING} _{BOARD OF ADJUSTMENT} Section 175-86 : and asks that said terms of the Zoning Ordinance be waived to permit THE PRODUCTION OF WINE FROM FRUIT GROWN ON-SITE AND OFF-SITE IN A FEDERALLY BONDED WINERY. THIS WINERY WILL BE A SEASONAL, FAMILY RUN, SMALL PRODUCTION WINERY.

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:

(SEE ATTACHED SHEET)

2. The spirit of the ordinance is observed because:

(SEE ATTACHED SHEET)

3. Substantial justice is done because:

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

JUN 16 2016

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

ZONING BOARD OF ADJUSTMENT

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

(SEE ATTACHED SHEET)

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:

(SEE ATTACHED SHEET)

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

(SEE ATTACHED SHEET)

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

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

(N/A)

TOWN OF WOLFEBORO
ZONING BOARD OF ADJUSTMENT

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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.

WHITE MTN. SURVEY & ENGINEERING, INC.

Applicant's by: James F. River
AGENT

Date: 6/16/16

JUN 16 2016

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

ZONING
BOARD OF ADJUSTMENT

1. **The variance will not be contrary to the public interest because:** As is noted in the "Board of Adjustment in New Hampshire, a Handbook for Local Officials dated November 2015", for the variance to be contrary to the public interest, "it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance." To determine this, the Handbook suggests you ask yourself the question; "does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?"

The purpose of the General Residential District zone expressed in Section 175-83.1 states that it is "... designed to provide lower-density development outside the area of the area of central services in a manner that is typical in many New England villages. With adequate safeguards, certain other types of uses, such as home occupations, agricultural and bed-and-breakfast uses, will be permitted."

I submit that granting a variance to allow the applicant to operate a seasonal, family run, small production winery (defined as 1,000 cases of wine per year or less), from fruit both grown on site and from grapes imported only twice per year (once in June and once in August) will not alter the essential character of the neighborhood, nor will it jeopardize the health, safety or general welfare of the public.

Since the current property has retail sales which are antiques in the barn, and the sale of the wine will occur in the barn, replacing the retail sales of antiques in the portion of the barn it occupies, there is truly no change from exchanging one retail square footage, for equal square footage of a different retail. Additionally, the production will occur in the existing out-building (1 story woodframe garage in plan view) northwest of the barn so no new structures will be added.

Also, the general neighborhood has the Allen A Motel, the Nick, Bradley's Power Equipment, West Lake Restaurant, Eastern Topographics and the Flooring business, so this use is much less intensive.

For these reasons, the essential character of the neighborhood will not be altered and we will not threaten the health, safety, or general welfare of the public. Therefore, the requested variance will not be contrary to the public interest.

2. **The spirit of the ordinance is observed because:** As is noted in the "Board of Adjustment in New Hampshire, a Handbook for Local Officials dated November 2015", one way to ascertain whether granting a variance would violate the basic zoning objectives is to examine whether it would alter the essential character of the locality. As demonstrated above, it is clear that this variance request would not alter the essential character of the locality by granting the requested variance.

JUN 16 2016

Another approach this handbook suggests to determine whether granting the variance would violate the basic zoning objectives is to examine whether granting the variance would threaten the public health, safety, or welfare. Again as demonstrated above, it is clear that this granting this variance request would not threaten the public health, safety, or welfare of the citizens of Wolfeboro.

3. **Substantial justice is done because:** As the referenced handbook suggests, “perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” It is my position that the loss to this property owner, if they were not allowed to produce wine in this seasonal, small production winery, would most definitely be a greater loss the property applicant than any potential gain to the general public by not having this use. Therefore, by this measure, it is clear that granting of the variance would do substantial justice.
4. **The values of surrounding properties will not be diminished because:** Since a the visible portion of this use is all contained in existing buildings, and the outside will simply have grape vines in locations that are presently lawn, this use is rather benign. That fact, coupled with the fact that the "surrounding properties" are primarily non-residential or commercial suggests that the values of the surrounding properties will not be diminished by the seasonal production of wine on this property.
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 "Special Conditions" that distinguishes this property from other properties similarly zoned is its position on the landscape in terms of elevation and its proximity to Lake Wentworth and Lake Winnepesaukee. These special conditions provide ideal micro-climate for agriculture, in this instance growing grapes, that other properties in this district do not possess. The availability of groundwater, slightly more temperate temperatures due to proximity to the Lake Wentworth and Lake Winnepesaukee and presence of large pine trees providing shelter from the north side create this micro-climate.

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:**

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JUN 16 2016

- (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:** ZONING BOARD OF ADJUSTMENT

As is noted in the "Board of Adjustment in New Hampshire, a Handbook for Local Officials dated November 2015" to answer this question the board should ask themselves; is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Is the full application of the ordinance to this particular property necessary to promote a valid public purpose? Once the purposes of the ordinance provision have been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

As stated above, the purpose of the ordinance is "... *designed to provide lower-density development outside the area of the area of central services in a manner that is typical in many New England villages. With adequate safeguards, certain other types of uses, such as home occupations, agricultural and bed-and-breakfast uses, will be permitted.*" It is my opinion that there is no fair and substantial relationship that exists between the purpose of the ordinance applicable to this application and the specific application of that provision to the property. This is because, failure to permit the production of wine, which is a natural by-product of growing the grapes, would negate the reason to operate an agricultural based operation. Therefore, it follows that the simply delivery of supplemental grapes no more than twice per year to enhance that production is not unreasonable.

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

The proposed use of production of wine that is produced from on-site fruit, supplemented by off-site fruit, for this family run, small production winery, in the existing buildings, will not alter the essential character of the neighborhood. It would also be a natural extension of the agricultural business of growing the grapes allowed by special exception. For these reasons, the proposed use is a reasonable one.

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

Variance Application – Tax Map 148, Lot 12
Applicant: Heidi Cogean - 458 Center Street
June 16, 2016

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JUN 16 2016

- (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:**

This section is not applicable to this request.

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JUN 16 2016

ZONING
BOARD OF ADJUSTMENT

APPOINTMENT OF AGENT

I, Constance L. O'Brien, owner of property located at 458 Center Street, Tax Map 148, Lot 12, hereby authorize White Mountain Survey & Engineering, Inc., to represent me before such boards and agencies in the Town of Wolfeboro and State of New Hampshire as may be necessary to complete applications on my behalf in connection with seeking approvals. White Mountain Survey & Engineering, Inc. is further authorized to sign applications as may be required to complete such representations on my behalf.

Date: 6/4/16

By: Constance L. O'Brien
Constance L. O'Brien

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JUN 16 2016

ZONING
BOARD OF ADJUSTMENT

APPOINTMENT OF AGENT

I, Heidi Cogean, hereby authorize White Mountain Survey & Engineering, Inc., to represent me before such boards and agencies in the Town of Wolfeboro and State of New Hampshire as may be necessary to complete applications on my behalf in connection with seeking approvals. White Mountain Survey & Engineering, Inc. is further authorized to sign applications as may be required to complete such representations on my behalf.

Date: 5-25-16

By:


Heidi Cogean

WETLAND CERTIFICATION

THESE WETLAND DELINEATIONS ARE A COMPILATION OF FIELD DATA COLLECTED UNDER MY DIRECT SUPERVISION PER WETLAND EXEMPTION UNDER RSA 310-A:79, IV. THE DELINEATION WAS CONDUCTED BY PETER COOPERDOCK, CERTIFIED WETLAND SCIENTIST 00004, OF FERNSTONE ASSOCIATES IN 2006. EVERY SUCH ASPECT OF THIS PLAN IS CONSISTENT WITH MY DIRECT KNOWLEDGE OF THE CHARACTERISTICS OF THE LAND SHOWN HEREON.

THE DELINEATED WETLAND AREAS MEET THE CRITERIA FOR FRESHWATER WETLANDS AS NOTED IN THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES CHAPTER 1100, PART 101, SECTION 101.01 "FRESHWATER WETLANDS." THE WETLAND DELINEATIONS WERE CONDUCTED IN ACCORDANCE WITH NH CODE OF ADMINISTRATIVE RULES CHAPTER 1100, PART 101, SECTION 101.01 "DELINEATION OF WETLAND BOUNDARIES" EFFECTIVE APRIL 1, 1996, USING THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, JANUARY 1987, TECHNICAL REPORT Y-87-1.

DEC. 14, 2006
DATE

James F. Rines
JAMES F. RINES, P.E., C.P.E.S.C., D.S.D.S.

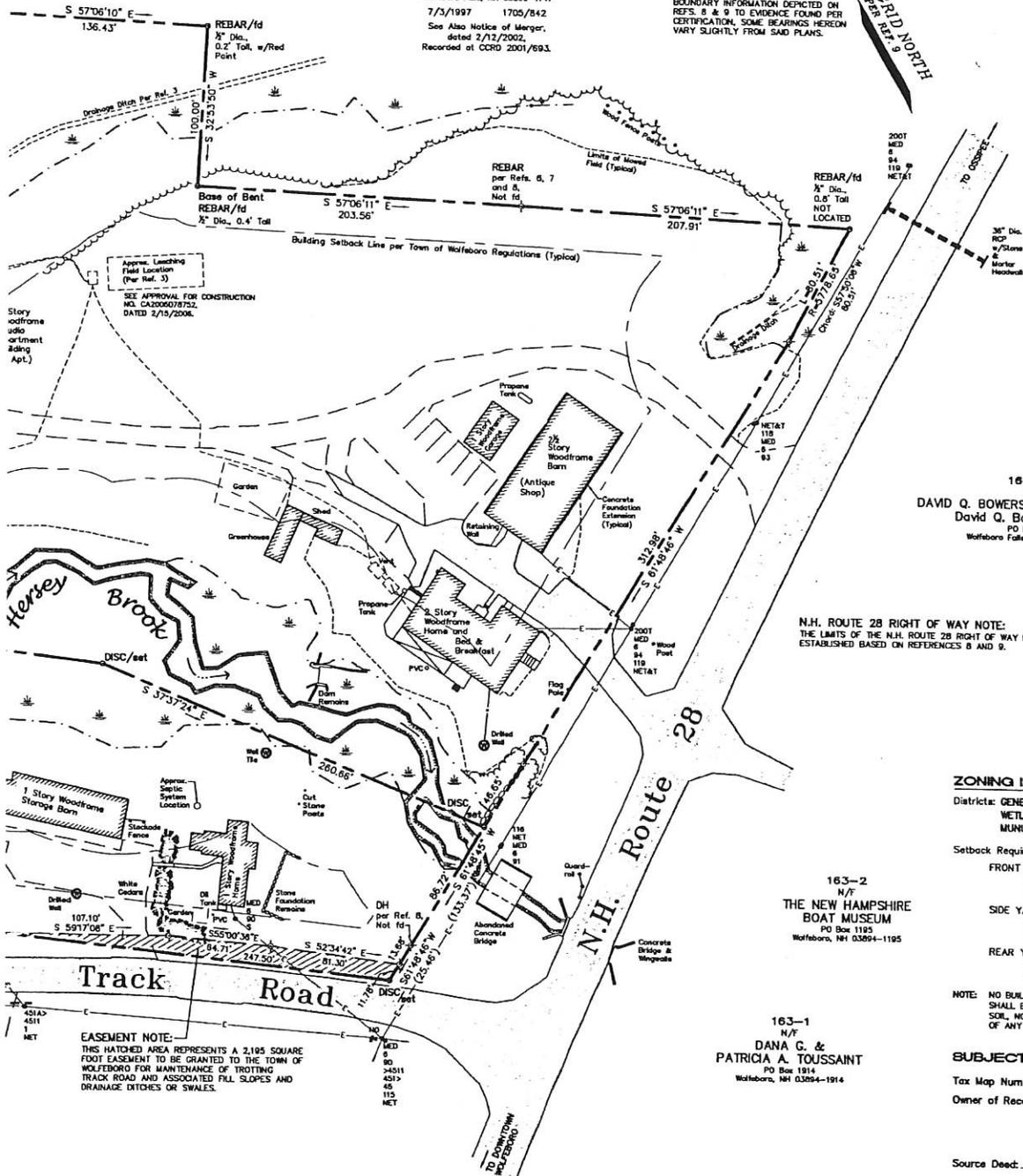
RECEIVED

JUN 16 2016

ZONING BOARD OF ADJUSTMENT

148-11
N/F
PATRICIA L. LEIPOLD
PO Box 1147
Wolfboro Falls, NH 03894-1147
7/3/1997 1705/842
See Also Notice of Waiver,
dated 2/12/2002,
Recorded at CCRD 2001/693.

NOTE:
DUE TO A BEST-FIT ADJUSTMENT OF
BOUNDARY INFORMATION DEPICTED ON
REFS. 8 & 9 TO EVIDENCE FOUND PER
CERTIFICATION, SOME BEARINGS HEREON
VARY SLIGHTLY FROM SAID PLANS.



164-39
N/F
DAVID Q. BOWERS REVOCABLE TRUST
David Q. Bowers, Trustee
PO Box 539
Wolfboro Falls, NH 03898-0539

N.H. ROUTE 28 RIGHT OF WAY NOTE:
THE LIMITS OF THE N.H. ROUTE 28 RIGHT OF WAY HAVE BEEN
ESTABLISHED BASED ON REFERENCES 8 AND 9.

ZONING INFORMATION

Districts: GENERAL RESIDENTIAL (GR1)
WETLANDS CONSERVATION OVERLAY
MANUFACTURED HOUSING OVERLAY

Setback Requirements:

FRONT YARD (Street)	30'
pre-March 1988	50'
all other lots	
SIDE YARD	10'
pre-March 1988	25'
all other lots	
REAR YARD	10'
pre-March 1988	25'
all other lots	

NOTE: NO BUILDINGS, STRUCTURES, ROADS AND PARKING AREAS SHALL BE PERMITTED WITHIN 50' OF ANY POORLY DRAINED SOIL, NOR SHALL BUILDING ACTIVITY BE PERMITTED WITHIN 75' OF ANY VERY POORLY DRAINED SOIL.

SUBJECT PARCEL INFORMATION:

Tax Map Number: 148-12
Owner of Record: G. BURTON GUNN
Trustee of the
G. Burton Gunn Revocable Trust
458 Center Street, Wolfboro, NH 03894
Source Deed: 12/31/2005 2497/73

Subdivision
for
nn, Trustee of the
n Revocable Trust
WOLFBORO, NEW HAMPSHIRE

IN SURVEY CO., INC.

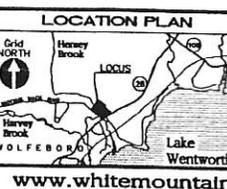
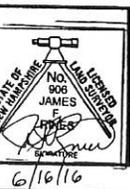
CERTIFICATION

THIS PLAN IS A REPRESENTATION OF A SUBDIVISION COMPUTED FROM REF. 8, AND FROM FIELD AND RECORD INFORMATION AS FOUND AND MONUMENTED WHEN SURVEYED DURING JUNE, NOV. AND DEC. 2006, USING THEODOLITE AND E.D.M. METHODS WITH A RESULTING TRAVERSE ACCURACY OF CLOSURE EXCEEDING 1:10,000. PERIMETER INFORMATION IS BASED SOLELY ON REF. 8, AND HAS NOT BEEN COMPLETELY RE-SURVEYED.

THIS PLAN HAS BEEN PREPARED BY ME AND THOSE UNDER MY DIRECT SUPERVISION; EVERY ASPECT OF THIS PLAN IS BASED ON MY BEST KNOWLEDGE AND OPINION THEREOF AS OF THE DATE OF SURVEY. THIS PLAN DOES NOT REPRESENT ANY GUARANTEES, TITLE OR OTHERWISE. DEED REFERENCES SHOWN ARE SOLELY FOR INTERNAL INFORMATION.

DECEMBER 14, 2006
DATE

James F. Rines
JAMES F. RINES, L.L.S.



FILE #
PH-6-110,150

RESEARCH	KMA
FIELD	SKJ/ALH
COMPS	RMA
CADD	KMA
MATH CHK	MWS
PLAN CHK	MWS





ZONING BOARD OF ADJUSTMENT

*Town of
Wolfboro*

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

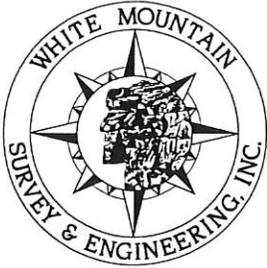
Zoning Board of Adjustment Review

No Files found

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

(603) 569-5970





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

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

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 Gotz Cogean
Address: 567 West shore road

Your request for a permit to (specify use): To operate
a federally bonded winery, fermenting wine
from grapes & fruit. operate a tasting
room/selling wine
on property located at: 458 Center Street

is DENIED for the following reason: The use suggested is
not permitted in the General Residential
District.

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.

Craig Ruhl
Building Official

6/17/16
Date

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

connected

—

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

✓

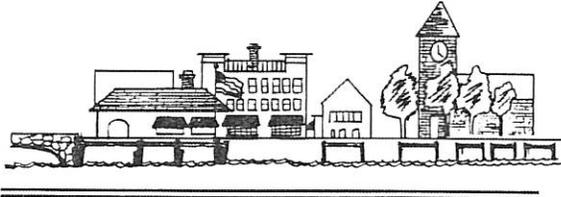
✓

Applicant

Heidi Cogean
567 West Shore Road
Bristol, NH 03222

Agent

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



Planning and Development

*Town of
Wolfboro*

MEMORANDUM

DATE: 7 July, 2016

TO: Zoning Board of Adjustment
FROM: Robert Houseman, Director of Planning and Development

Subject: Variance for a Winery associated with a proposed vineyard as an addition to the existing Bed and Breakfast and antique sales

Case #: 10-V-16

Tax Map#: 148-12

Initiated by: Heide Von Giotz Cogan

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 Variance for the establishment of a winery associated with a proposed vineyard. Please see Mr. Rines June 14, 2016 letter of explanation of the proposed use. As zoning administrator, I have concluded that the winery requires a variance since only 10% of the wine produced shall be made from grapes grown on the site.

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

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.

§ 175-88.2. Dimensional controls.

Dimensional controls shall be as follows:

A. Minimum lot area: 130,680 square feet.

B. Each additional dwelling unit: 21,780 square feet per unit.

C. Minimum lot frontage: 200 feet.

§ 175-88.3. Setback requirements; height requirements; coverage.

A. Setback requirements.

(1) Front yard (street): 30 feet.

(2) Side yard: 25 feet.

(3) Rear yard: 25 feet.

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

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

D. Percent coverage: 20%. [Note: Lots equal to or smaller than 0.25 acre: 40%.]
[Amended 3-12-2013 ATM by Art. 2]

§ 175-88.4. Permitted uses.

Permitted uses shall be as follows:

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.

§ 175-88.5. 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.

§ 175-88.6. Other requirements.

For other requirements, see:

A. Article **XXII**, Off-Street Parking and Loading Requirements.

B. Flood Hazard Ordinance.

C. Wetlands Ordinance.

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 applicant shall pay all recording fees.
4. 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.