

Wolfeboro Zoning Board of Adjustment

Regular Meeting

Town Hall Annex

20 May 2019

Minutes

RECEIVED AND RECORDED

May 29, 2019 7:30 M

Book No.

Page No.

WOLFEBORO, N.H. TOWN CLERK

Members Present: Fred Tedeschi, Chairman, Sarah Silk, Vice-Chairman, Tim Cronin, Clerk, Peter Colcord and Luke Freudenberg, Members

Members Absent: David Senecal, Alternate (excused)

Staff Present: Matt Sullivan, Director of Planning & Development and Robin Kingston, Administrative Assistant

Fred Tedeschi called this meeting to order at 7:02 pm. A quorum was present.

Public Hearings:

TM# 220-10

Case # 05-SE-19

Applicant: Richard & Margaret Skarinka

Special Exception

Agent: Mr. Croteau

Public Hearing for a Special Exception under Article 175, Section 43 of the Wolfeboro Planning & Zoning Ordinance to permit expansion vertically within the setback above existing non-conforming footprint beyond 25%. This property is located at 75 Heath Trail. A site visit was held at approximately 6:20 pm prior to the public hearing.

Luke Freudenberg stepped down from the application.

The applicant seeks to construct a vertical addition to an existing single-family dwelling unit within a setback area. No further encroachment is proposed by the non-conforming structure; therefore a special exception is the appropriate relief. Per the application materials, the applicant is reconfiguring the home in a way that is more conforming in the context of the zoning ordinance, though a Special Exception is still necessary for vertical expansion.

The proposed project is to replace the existing single family seasonal-structure with a year-round single-family structure while maintaining the integrity of the site and being consistent with the spirit of the zoning ordinances and the intent of the Master Plan. Site plans showing

both the existing conditions of the site and the proposed configuration of the replacement dwelling have been submitted as well as schematic interior layouts of the proposed dwelling along with exterior profiles from all sides of the structure. The Special Exception requested is as provided in Article 175, Section 43 of the Zoning Ordinance to permit expansion vertically within the setback above existing non-conforming footprint beyond 25%.

Sarah silk asked if the berm is sufficient to contain the bark mulch planned to help with runoff during torrential rain.

Matt Sullivan responded there would be a shoreland permit required by the State and that area would be addressed.

Mr. Croteau showed the proposed berm on the plan and the berm acts as a barrier to runoff.

Fred Tedeschi asked how many square feet the second story is.

Mr. Croteau responded the 2nd floor is 956 sq. ft.

A letter from Rich Thornton was submitted in favor of the application.

No person spoke in opposition to the application and the public hearing was closed.

The Board deliberated on the application and noted the proposal reduces the impact to the shorefront, contains a new septic system and reduces the non-conformity.

MOTION by Tim Cronin, Sarah Silk 2nd to accept and approve the Special Exception requested based on the fact the applicant is reducing the pre-existing non-conformity and the applicant has met the 8 points required for a special exception. The approval also includes the six Planner's conditions in his memo of 2 May 2019. All in favor. *Motion passed*

Conditions:

- 1. All plans included as part of this application are hereby incorporated as part of this approval.*
- 2. All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro Building Permit and Shoreland Permit approval.*
- 3. 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.*

4. *The application, as submitted to the ZBA, does not satisfy the submission requirements for a Building Permit or Shoreland Permit*

5. *The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay all recording fees.*

6. *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.*

TM# 244-63

Case # 06-V-19

Applicant: T-Mobile Northeast, LLC

Variance

Agent: Adam Brillard

Public Hearing for a Variance under Article 175, Section 80 (a) (c) & (d) of the Wolfeboro Planning & Zoning Ordinance to permit the installation of telecommunications cabinets to be located within 6 feet of the rear yard lot line and within 18 feet of the side yard lot line. This property is located at 16 McManus Road. A site visit was held at approximately 6:40 pm prior to the public hearing.

Application Summary:

The applicant proposes to construct a 6' x 20' equipment shelter within the current fenced equipment enclosure. The proposed cabinet requires relief from the Zoning Ordinance under sections 175-80 (A), (C), and (D), for setbacks, lot coverage, and structural separation. The proposed cabinet will be:

- * 6' from rear lot line (25' required)
- * 18' from side lot line (20' required)
- * 1,749 sq. ft. of lot coverage where only 1,558 sq. ft. is allowed
- * Within 20' of other provider structural equipment

The variances are for a proposed installation of a wireless communications facility on the Property. The Applicant proposes to modify the existing telecommunications facilities on the existing Town water tank (the "Water Tank") by adding its panel antennas, a dish antenna and remote radio heads (RRH) on the Water Tank at a centerline height of 65-feet, and by including the installation of an equipment platform at the base of the Water Tank consisting of radio and equipment cabinets (the "Equipment Platform"). The Applicant's proposal is illustrated on the plans submitted.

The time spent on site is minimal usually for modifications, an alarm or a monthly check.

The Board reviewed the application as submitted.

No persons spoke in favor or against the application and the public hearing was closed.

The Board deliberated on the application.

The site is an ideal and instruction will be minimal. An additional cell carrier in town is good for the residents. The special conditions on the property is to the left side of the tank and there is no room any other place as this is a restriction on the property.

MOTION by Sarah Silk; 2nd Tim Cronin to grant the variances requested for Case # 06-V-19, TM# 244-63, Applicant: T-Mobile with the conditions one through five of the Planner Review dated 2 May 2019. Sarah Silk, Tim Cronin, Fred Tedeschi and Peter Colcord voted in favor of the motion. Luke Freudenberg voted in opposition. *Motion passed.*

Conditions:

1. The following plans, as amended to the date of this approval are incorporated into the approval:

Plan 1.T-1 Title Sheet, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019

Plan 2.GN-1 General Notes, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019

Plan 3.C-1 Plot Plan, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019

Plan 4.C-2 Enlarged Plot Plan, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019

Plan 5.A-1 Compound Plan, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019

- Plan 6.A-2** Equipment Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 7.A-3** Ground Equipment Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 8.SN-1** Special Inspection Notes, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 9.S-1** Structural Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 10.S-2** Equipment Platform Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 11.S-3** Equipment Platform Ice Canopy Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 12.E-1** Electrical Details and Notes, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 13.G-1** Grounding Schematic, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
- Plan 14.G-2** Ground Details, T—Mobile Northeast , Owner: Town of Wolfeboro, 84 South Main St., Wolfeboro, NH; Applicant: T-Mobile Northeast, L.L.C., 15 Commerce Way, Norton, MA Tax Map 244 Lot 063 Sub TWR prepared by Hudson Design Group, L.L.C., 45 Beechwood Drive, North Andover, MA 01845. Dated 03/25/2019
2. The applicant shall be responsible for the payment of all recording fees.
 3. The project, as submitted to the ZBA, does not satisfy all applicable requirements for building permit or site plan approval.
 4. The ZBA's action on this application does not pre-empt any of the applicable Zoning and Site Plan requirements necessitated for Planning Board Consideration or Building Permit Approval.
 5. 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.

Consideration of Minutes

4 February 2019

Amendments:

Page 1 & 2 clarification:

The following parking standards control multi-family uses: Multifamily dwelling: CBD, LSA, WF, all other districts where permitted 1 per unit, plus 1 visitor per three units or portion thereof; Three-unit building 5; Four-unit building 7. Although these regulations could be interpreted to require additional parking based on the four (4) unit requirement, the interpretation of the ordinance by the Planning Director is that the requirement for six (6) units is six (6) parking spaces; 2 parking spaces in addition to two (2) visitor spaces. . It is not believed that one applies the four (4) unit, seven (7) space requirement, and require additional parking based on the alternative standard. There is also a concern that the proposal violates Section 175-70 relating to a maximum building separation of 20' exists.

The existing owner has been granted a permit to lift the structure to repair the foundation only.

Page 3:

~~Further, Parking~~ An easement for parking had previously been granted ~~an easement~~ on the abutting lot because at the time they were jointly owned.

Page 4 & 5:

Change council references to **Counsel**.

MOTION by Sarah Silk; 2nd Tim Cronin to approve the minutes of 4 February 2019 as amended. All in favor. *Motion passed.*

4 March 2019

Tabled for clarification.

1 April 2019

MOTION by Sarah Silk; 2nd Tim Cronin to approve the minutes of 1 April 2019 . All in favor.
Motion passed.

Other Business:

Alternate Appointments:
Procedure.

Letters have been received from two candidates plus a third and will be placed on the 3 June 2019 agenda.

MOTION Sarah Silk; 2nd Time Cronin to adjourn the meeting at 7:50 pm. All members voted in favor. The motion passed.

Respectfully Submitted,

A square image containing a handwritten signature in dark ink. The signature is stylized, with a large 'R' and 'K' being the most prominent features.

Robin Kingston
Administrative Assistant