

Wolfeboro Zoning Board of Adjustment AND RECORDED

Regular Meeting 4/8, 2019 4:30 M

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Minutes
WOLFEBORO, N.H. TOWN CLERK

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

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

Fred Tedeschi called this meeting to order at 7:00 pm. A quorum was present.

Public Hearing:

TM# 188-63

Case # 04-V-19

Applicant: Sky Ridge Farm Condominiums
Variance

Agent: Dan Coons

Public Hearing for a Variance under Article XII, Section 175-80 of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a 2-car garage within the side setback. This property is located at Farm House Lane.

Tim Cronin read the public and abutter notification for the record and noted this was a continued Public Hearing from 4 March 2019. The Board met at 4:00 pm prior to the public hearing for a site visit.

Application Summary:

The applicant/owner seeks to construct a 25'x25' garage within the side setback. The proposed structure will encroach 15' into the side setback. The plan set indicates a 25' side yard setback. This is incorrect as the setback is 20' in the Residential District. It is recommended the Board request a rendering or building design to give some sense of scale or mass of the building due to the potential impact to the abutting property.

This project is subject to Special Use Permitting and Site Plan Review subsequent to this application.

Dan Coons reviewed the plan and application with the variance criteria as submitted with the application.

A waterline and mobility issue adds to the reasoning for the separation of the garages. The Barn Condominium units have never had garages. The Farmhouse Condominium each had a garage relating to each unit at the time the condominium was created.

Chairman Tedeschi opened the Public Hearing. A number of unit owners were present and urged approval of the application. No persons spoke in opposition to the application and the public hearing was closed.

Board deliberations:

a. *The variance will not be contrary to the public interest;*

The applicant has made a good presentation as to why the proposed garage is located where it is. The property next to it is owned by another party however it is noted the land near the proposed garage is not usable.

b. *The variance is consistent with the spirit of the ordinance;*

The site of the garage is limited because of unusable land due to wet areas. Placing the garage close to the unit owner's residence makes sense and does not have any adverse impact. There is also a water pipe located on the other side of the building.

c. *Substantial justice is done by granting the variance;*

There is no indication that there is an issue with the location of the garage.

d. *Granting the variance will not diminish the value of surrounding properties; and*

There is no testimony that this would have an adverse impact on neighbors or property values.

e. *Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.*

There are special conditions such as moist areas and a water pipe location which makes sense to place the proposed garage in the location chosen.

MOTION by Sarah Silk; 2nd Luke Freudenberg to approve Case # 04-V-19, TM 188-63, Sky Ridge Farm Condominiums with attached conditions recommended from the Town Planner. All members voted in favor. The motion passed.

Conditions:

1. All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro Building Permit and Site Plan Review approval.
2. 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.
3. The application, as submitted to the ZBA, does not satisfy the submittal requirements for a Building Permit nor Site Plan Review.

4. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay all recording fees.
5. The following plans, revised to the date of this approval, are incorporated as part of this approval:
 - a. Existing Features Plan, Owner/Applicant: Sky Ridge Condominium Association, Project Location: 2 Farmhouse Lane, Wolfeboro, NH, 03894, Tax Map 188 Lot 063 prepared by Norway Plains Associates, Inc., 2 Continental Boulevard, Rochester, NH, Dated October 2018
 - b. Post Construction Plan, Owner/Applicant: Sky Ridge Condominium Association, Project Location: 2 Farmhouse Lane, Wolfeboro, NH, 03894, Tax Map 188 Lot 063 prepared by Norway Plains Associates, Inc., 2 Continental Boulevard, Rochester, NH, Dated October 2018
6. A maximum encroachment of 15', with 5' remaining, into to the side setback shall be verified by a licensed land surveyor in accordance with the approved plans.
7. 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.

Consideration of Minutes

4 February 2019

4 March 2019

Both set of minutes were tabled to the next meeting.

Other Business:

- a. First Reading of Amended Rules of Procedure

Due to the vote by the Town of Wolfeboro in March 2018, changing ZBA Members to elected positions, the appointment of ZBA Alternates is now handled by the elected ZBA Members. The Rules of Procedure require an amendment to the process. The Board reviewed and discussed the proposed changes. The change in the Rules would not take place until the June 2019 Meeting.

MOITON by Sarah Silk; 2nd Tim Cronin to adjourn the meeting at 7:26 pm. All members voted in favor. The motion passed.

Respectfully Submitted,



Robin Kingston
Administrative Assistant