

Wolfeboro Zoning Board of Adjustment
Regular Meeting
3 December 2018
Minutes

RECEIVED AND RECORDED

12/10, 2018 11:58 AM

Book No.

Page No.

WOLFEBORO, N.H. TOWN CLERK

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

Appointment:

TM# 175-9

Case 22-V-18

Applicant: Courtney Carrier / 108 Pine Hill Road LLC

108 Pine Hill Road

Variance

Public Hearing for a Variance under Article VX, Section 175-96 of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of the current permitted use from one on one classes to small group classes. This property is located at 108 Pine Hill Road. A site visit was held at approximately 4:05 pm prior to the public hearing.

Application Summary:

The applicant seeks to convert existing retail space of 576 sq. ft. of space for personal training/group class use on the first floor of the complex at 108 Pine Hill Road. Plans and a narrative letter have been provided in the application package.

Courtney Carrier addressed the Board, reviewed the application and plans for the requested variance as submitted.

Fr4d Tedeschi asked the maximum number of students in the classes.

Courtney Carrier stated they will be quite small, and maximum should be 12 total for the largest class.

Tim Cronin asked if there is parking reserved for the other businesses.

Courtney Carrier responded 2 have been reserved.

Sarah Silk asked about signage.

Courtney Carrier stated there would be 3 signs in total, all matching and placed on the building. The sign ordinance will be followed.

Chairman Tedeschi opened the public hearing. No person spoke in favor or against the application and the public hearing was closed.

Deliberations:

1. The variance will not be contrary to the public interest;
The Board agreed this is a mixed-use area and an appropriate for the area.
2. The variance is consistent with the spirit of the ordinance;
This is a commercial area and this is not an industrial use and may be deemed more desirable.
3. Substantial justice is done by granting the variance;
The Board agreed this criterion has been met and there will be no adverse impact on the area.
4. Granting the variance will not diminish the value of surrounding properties;
This is one of the nicer looking buildings in the area and better to have the units occupied. There are no changes being planned for exterior nor any parking changes.
5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.
The property is already set up for business and there are no parking changes planned. The structure lends itself to more of an office or class setting.

It was moved by Tim Cronin and seconded by Sarah Silk to accept and approve the application for TM# 175-9, Case 22-V-18, Applicant: Courtney Carrier / 108 Pine Hill Road LLC for property located at 108 Pine Hill Road for a Variance as presented inclusive of the comments and suggested conditions by Matt Sullivan in the Planner Review dated 11.29.2018. All members voted in favor of the motion and the motion passed.

Conditions as follows:

1. All federal, state, and local permits to be received, including but not limited to Building Permit 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 Notice of Decision shall be recorded at the Carroll County Registry of Deeds and 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.

Matt Sullivan suggested this type of application should be an eye opener to review the zoning in the area.

Consideration of Minutes:

5 November 2018

Corrections:

Page 1:

Members Absent: Peter Colcord, Member and David Senecal, Alternate **(both excused)**

Due to environmental conditions (wetlands) on the lot, the house is being placed to the rear corner of the lot and therefore cannot meet the maximum setback in the Village Residential (VR) zone of 30 feet. The project is subject to Special Use Permit review for wetlands impacts by the Planning Board.

Page 4:

Fred Tedeschi noted the house is 25' from the lot line and there is a vacant lot between the next dwelling and the subject property. The wall will be ~~4"~~ 4' from the existing structure and the drip line ~~5"~~ 5' from the existing structure.

Page 7:

The Superior Court, as part of the decision dated, 22 October 2018 ruled as follows: The court instead directs the board to review the statutory provision for telephonic participation with all members, alternates, and staff and be certain that each standard is met in future requests for telephonic participation. This includes the requirement that the reason a member or alternate finds it is not "reasonably practical" to participate in person be stated on the record and included in the minutes.

It was moved by Tim Cronin and seconded by Sarah Silk to approve the minutes of 5 November 2018 as amended. Tim Cronin, Sarah Silk, Fred Tedeschi and Luke Freudenberg voted in favor. Dave Senecal and Peter Colcord abstained. The motion passed.

ZBA Elections:

In what appears to be an error, the Board of Selectmen appointed both Tim Cronin and Luke Freudenberg to 1-year terms in 2018. The statute provides for 3-year terms (RSA 673:5, II, the terms of ZBA members shall be for three (3) years on a staggered basis with no more than two (2) members being appointed or elected in any given year.) These will expire in 2019.

Subsequently, the Board appointed Peter Colcord to fill Susan R.'s term for a period of 1-year. That will expire in 2019.

In 2017, the ZBA appointed Sarah to fill out the term of Christine Franson's term for 2- years. That will expire in 2019.

In 2017, the following regarding your appointment is reflected in the minutes. It appears to suggest that Fred Tedeschi requested a 2-year appointment. That would expire in 2019. Minutes excerpt as follows:

Frederick Tedeschi addressed the Board. He stated he has served on the Zoning Board of Adjustment as an alternate member for two years and as a regular member for three years. Mr. Tedeschi stated last year he had served as chairman and he would like to continue to serve on the Board for another two years.

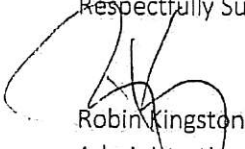
It was moved by Dave Senecal and seconded by Brad Harriman to have Fred Tedeschi continue to serve as a full time member on the Zoning Board of Adjustment. Linda Murray abstained. Members voted and being none opposed, the motion passed.

Sarah Silk asked how alternates will be addressed, Matt Sullivan noted the Board of Selectmen will still appoint alternates.

Staff will work with the Board of Selectmen to correct and amend the vote and terms. Members with their terms corrected will need to be sworn in for the full term and receive a new letter from the Town Clerk.

There being no further business a motion was made to adjourn 7:26 pm. All in favor. Motion passed.

Respectfully Submitted,



Robin Kingston
Administrative Assistant