

Wolfeboro Zoning Board of Adjustment

Regular Meeting

4 June 2018

Minutes

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6/11, 2018 9:30 AM

Book No.

Page No.

WOLFEBORO, N.H. TOWN CLERK

Members Present: Fred Tedeschi, Chairman, Tim Cronin, Member, Luke Freudenberg, Member, and Peter Colcord, Member

Members Absent: Sarah Silk, Member and David Senecal, Alternate (Both Excused)

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

Chairman Tedeschi called this meeting to order at 7:00 pm in the Great Hall at the Wolfeboro Town Hall. A quorum was present.

a. Election of Officers:

The Board postponed the Appointments until the July Meeting due to the absence of Sarah Silk, a regular member.

b. Appointments:

1. TM# 149-20

Case 11-V-18

Applicant: Michael Southworth

Variance

Agent: Randy Walker, Esq.

Public Hearing for a Variance under Article IX, Section 175-64 (A) 1,2& 4 of the Wolfeboro Planning & Zoning Ordinance to remove a 207 sq. ft. shed which encroaches over eastern boundary line and is predominantly within the 50' waterfront setback, remove 806 sq. ft. of impervious driveway, and replace with a 384 sq. ft. garage setback more than 50' from Lake Wentworth, and construct a new 409 sq. ft. driveway with pervious pavers and remove 3 decks totaling 169 sq. ft. and replace with 3 decks totaling 114 sq. ft. This property is located at 75 Fernald Crossing. A site visit was held at approximately 6:30 pm

Summary of the Application:

The applicant proposes the removal of an existing shed (207 sq. ft.) which encroaches on an adjacent property and on the 50' waterfront buffer, remove 806 sq. ft. of driveway and replace with pervious pavers (489 sq. ft.), remove and construct a 384 sq. ft. garage in the side and front setback but outside of the 50' waterfront structure setback.

Please note that the application also includes the removal of three (3) decks (169 sq. ft.) and construction of three (3) decks (114 sq. ft.). The proposed deck on the eastern side of the structure will be more non-conforming moving from 9.3' from the side property line to 8'. This further encroachment is also included as part of this application. The project proposes a decrease in impervious surface coverage from 37.3% to 26%.

Randy Walker addressed the Board, reviewed the application, plans and five points as required for the requested variance.

Chairman Tedeschi opened the public hearing.

Seven letters from abutters were submitted in favor of the application and are part of the file.

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

The Board deliberated on the application. The end result will be a reduction in the impervious surface area and a reduction in the square footage in the 50' waterfront setback. The plan to replace the driveway with a pervious surface and the elimination of the encroachment on the neighbor are all positive impacts.

1. The variance will not be contrary to the public interest;
Removing the shed from waterfront setback is an improvement in coverage in the waterfront area and also reduces the pervious area at the site.
2. The variance is consistent with the spirit of the ordinance;
This is the smallest lot in the area. The new construction reduces the coverage area and makes it more conforming and beneficial to the town and the neighborhood..
3. Substantial justice is done by granting the variance;
There would be a loss to the individual if not approved as he is making the property much more conforming, reducing the deck area and moving the shed. There will be a positive impact.
4. Granting the variance will not diminish the value of surrounding properties.

There has been no testimony the values would be diminished and the letters seems to support the values will be increased.

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

This will help to remove the size of the decks in the setback area and the special conditions are this is a small lot and it is being made more conforming to the ordinance. There is no fair and substantial justice to deny this application. There is a less dense use in the 50' setback and this is a reasonable use with a one car garage and replacing 3 decks with 3 smaller decks.

The Board agreed all five points required for the variance have been met.

It was moved by Fred Tedeschi and seconded by Tim Cronin to grant the variance under Article IX, Section 175-64 (A) 1,2& 4 of the Wolfeboro Planning & Zoning Ordinance to remove a 207 sq. ft. shed which encroaches over eastern boundary line and is predominantly within the 50' waterfront setback, remove 806 sq. ft. of impervious driveway, and replace with a 384 sq. ft. garage setback more than 50' from Lake Wentworth, and construct a new 409 sq. ft. driveway with pervious pavers and remove 3 decks totaling 169 sq. ft, and replace with 3 decks totaling 114 sq. ft. Additionally, the following conditions apply to this approval:

1. *The following plans are incorporated as part of this approval:*

Plan 1.Existing Conditions Plan, Owner/Applicant: Michael Southworth, P.O. Box 902, Wolfeboro, NH, 03894, Tax Map 149 Lot 020, Fernald Crossing, prepared by Berry Surveying and Engineering, 335 Second Crown Point Road, Barrington, NH 03825. Dated June 1, 2018.

Plan 2.Proposed Conditions Plan, Owner/Applicant: Michael Southworth, P.O. Box 902, Wolfeboro, NH, 03894, Tax Map 149 Lot 020, Fernald Crossing, prepared by Berry Surveying and Engineering, 335 Second Crown Point Road, Barrington, NH 03825. Dated June 1, 2018.

2. *All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro Shoreland and Building 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 submittal requirements for a Building 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 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.*
7. *An as-built certification of the deck and structure encroachment by a Licensed Land Surveyor is required.*

All members voted in favor of the motion and the motion passed.

2. TM# 193-12

Case # 12-SE-18

Applicant: Frank Jr. Oliver

Special Exception

Agent: Randy Walker, Esq.

Public Hearing for a Special Exception under Article X, Section 175-43 of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of a 780 sq. ft. cabin by 25 % adding a 195 sq. ft. addition. This property is located at 2 Sister Island.

Summary of Application:

The applicant seeks to construct an addition of 195 sq. ft. for a bedroom on an existing 780 sq. ft. cabin within the side setback (2'8") and 50' structure setback on Lake Wentworth.

This application is subject to a Special Exception rather than a variance as no further dimension encroachment is proposed. The proposed use expansion is compliant with the 25% expansion threshold $[(195/780) * 100] = 25.00\%$. The proposal is subject to shoreland permitting and building permitting.

Randy Walker addressed the Board, reviewed the application, plans and eight points as required for the requested variance.

Tim Cronin and Peter Colcord viewed the site visit and the remainder of the Board has reviewed photos in the file depicting the entire area and proposed addition.

Chairman Tedeschi opened the public hearing.

Carol Steen abutter and has no objection and she is looking forward to the completion of the project.

Bill Durfee, abutter and supports plans and looks forward to their completion.

No person spoke against this application and the public hearing was closed.

The Board deliberated on the eight points required for the Special Exception.

- 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.).

The change is minor and will have not virtual impact. The addition is small and on the rear of the house. The one tree that will be removed was hit by lightening and requires removal.

- 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.

The majority of these criteria are not applicate to a residential property on an island.

- 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.

This criterion is not applicable and there are no cars on the island.

- 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

There are no available services applicable except Fire Protection and Police Protection.

- 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.

The neighbors are in agreement and there is no electricity on the island.

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

There will be no significant impact on the neighborhood and is consistent with the other houses on the island.

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

There has been no testimony there will be a negative impact, only improvement in the area.

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

The use of the property will not change, and it is consistent with the Master Plan.

The Board agreed all eight points required for the special exception have been met.

It was moved by Fred Tedeschi and seconded by Tim Cronin to approve for a Special Exception under Article X, Section 175-43 of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of a 780 sq. ft. cabin by 25 % adding a 195 sq. ft. addition.

1. *The following plans are incorporated as part of this approval:*

Plan 1.*Oliver/Day Camp Renovation and Addition, 2 Sister Island, Wolfeboro, NH, 03894, Tax Map 193 Lot 012 prepared by Anke Tremback, Architect, PLC, 29 E. Village Road, Burlington, VT 05401. Dated April 30th, 2018*

2. *All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro Building Permit approval 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 a Site Plan Review application.*
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.*

All members voted in favor of the motion and the motion passed.

c. Consideration of Minutes:

1. *7 May 2018*

Corrections:

Page 1 - **Members Present:** Fred Tedeschi, Chairman, Tim Cronin, Member, Luke Freudenberg, Member, Sarah Silk, Member, ~~Member~~ and David Senecal, Alternate.

Page 2 - Thomas Shaughnessy addressed the Board and reviewed the eight-points required for the Special Exception as submitted. Deliveries and shipments will be through USPS, Fed Ex, UPS or a freight company which would be the largest and possibly once per week. Most shipments are brought to the post office. There is a parking area in the parking lot which would accommodate any large trucks or delivery vehicles. There will be no on street parking. There will be no pedestrian traffic into the business and no sign on outside of the building. This is a national and international business without walk-in customers. The outside of the building and area will be improved and maintained. The elevator has been removed. There will be no employees. **There are no immediate plans to use the first floor however** ~~The first floor may be used in the future and~~ if a non-permitted use is requested, a variance would be applied for.

Page 3 - *Immediate neighborhood integrity: that the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.*

There will be no changes to the property, adequate parking exists and no signs **will be installed** for this use. This is a business area and there will be no employees.

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

Improvement of the appearance of the building, **and** the fact it will no longer be vacant and will have a positive impact.

Page 4 - The Master plan deems this a commercial space. The additional use of 500+- sq. ft. will not have any impact. There will be **no** addition to the building.

It was moved by Fred Tedeschi and seconded by Tim Cronin to approve the minutes of 7 May 2018 as amended. All members voted in favor and the motion passed.

There being no further business this meeting was adjourned at 7:52 pm.

Respectfully Submitted,

RK

Robin Kingston
Administrative Assistant

