



**Wolfeboro Zoning Board of Adjustment
Regular Meeting
7 May 2018
Minutes**

Members Present: Fred Tedeschi, Chairman, Tim Cronin, Member, Luke Freudenberg, Member, Sarah Silk, Member, Member and David Senecal, Alternate.

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

Chairman Tedeschi called this meeting to order at 7:05 pm in the Great Hall at the Wolfeboro Town Hall. A quorum was present.

Appointments:

- a. Appointment of Officers

The Board postponed the Appointments until the current vacancy on the Board is filled.

TM# 203-75

Case # 10-SE-18

Applicant: Thomas Shaughnessy

Special Exception

Public Hearing for a Special Exception under Article VI, Section 175-107 of the Wolfeboro Planning & Zoning Ordinance to allow for the operation for auto parts sales on the second floor utilizing 3,350.74 sq.ft. where only 3,000 sq.ft. is permitted. This property is located at 1 Bay Street.

Sarah Silk read the public and abutter notification for the record. A site visit was held at approximately 6:35 pm, prior to the meeting. All members present for the meeting were present for the site visit. Additionally, Thomas Shaughnessy, applicant and Fay Moore, Real Estate Agent were also present.

Summary of the Application:

The applicant seeks to convert the second level of the existing structure at 1 Bay Street to a retail auto parts use. The proposed square footage of this use would be 3550.74'. (The public notice incorrectly state 3,350.74 sq. ft.) The maximum permitted in this zone is 3,000 sq. ft., with uses between 3,000 sq. ft. and 6,000 sq. ft. requiring a special exception. Please note that there will be no public retail sales. All sales are conducted via the internet and shipped via carriers only. There will be no publicly posted business hours. There will be no exterior modifications as part of the proposed plan. It appears that the entirety of the second floor will be utilized for this use. The first floor of the structure will be used by the owner for the storage of private vehicles.

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 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. The first floor may be used in the future and if it is a non-permitted use request a variance would be applied for.

Matt Sullivan explained any egress issues would be handled during a Code Review and Fire Review process as the 2nd floor will require code compliance.

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

The Board deliberated on the following criteria:

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 site is appropriate and there is adequate space. Any change of entrance to the second floor will require a permit.

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.*

There will be no foot traffic, signs or auto traffic, only deliveries and pick-ups. Further there has always been a business in this location

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.*

There is a large parking area with plenty of room for vehicles and trucks and again no foot traffic to the business.

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.*

This has always been retail space and the public services are available, exist and have no further impact.

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.*

There are no changes to the property, adequate parking exists and there will be no sign for this use.

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

G. *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, the fact it will no longer be vacant and will have a positive impact.

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

The Master plan deems this a commercial space and the 500+ square foot addition will not have any impact. The building is not being enlarged.

It was moved by David Senecal to approve TM# 203-75, Case # 10-SE-18 for the operation of an auto parts sales operation on the second floor utilizing 3550.74 sq. ft. subject to the six conditions listed in the Planners Review dated May 1, 2018. Sarah Silk seconded the motion.

Matt Sullivan asked for the public hearing to be reopened to allow the applicant to review the 6 conditions.

It was moved by Sarah Silk and seconded by Dave Senecal to reopen the public hearing. All members voted in favor. The motion passed.

The applicant reviewed the conditions as follows:

1. The following plans are incorporated as part of this approval: Plan 1. Second Floor Plan – East Coast Fitness – 1 Bay Street Wolfeboro, NH – Prepared by Gleason Architects – Dated 03/01/2013 Second Floor Plan – East Coast Fitness – 1 Bay Street Wolfeboro, NH – Prepared by Gleason Architects – Dated 03/01/2013
2. All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro 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 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.

The applicant had no questions and the public hearing was closed.

A vote was called for on the motion. All members voted in favor. The motion passed.

Consideration of Minutes.

2 April 2018

Corrections

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Members Absent: Mike Hodder, Vice Chairman (excused)

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The Board agreed the statements Attorney Morgan Spector made were nothing other than legal advice ~~or on~~ how legal advice on how things would be interpreted and further agreed their votes would have all remained the same.

Sarah Silk responded she located a document from a training session with the Office of ~~s~~ State Planning regarding the Master Plan. The Master plan is a Planning document which serves to guide the overall character, physical form, and development of community and describes how, why, where and when to build or rebuild. It provides guidance to local officials making decisions zoning and subdivision matters and other issues. It is not a legal document, **but** it does provide the legal basis for zoning and other land use regulations. The Master plan does state, "Do not issue building permits for development on Class VI Roads". This was her reason for voting no and the Board should have listened to that.

It was moved by Fred Tedeschi and seconded by Susan Raser ~~to deny~~ that the Motion for Rehearing in the matter of ZBA Case # 01-AAD-18 involving the lot on Stoneham Road be denied. Hank Why, Susan Raser, and Tim Cronin voted in favor of the motion. Sarah Silk voted in opposition. The motion passed with four members in favor and one member against.

Hank Why disconnected **by phone** from his attendance ~~at~~ **from** the meeting.

Suzanne Ryan and Tim Cronin, **Alternates** were seated for the hearing.

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This variance request is to exceed the allowable 1 sq. ft. per sign for freestanding/ground signs allowed **per business** in the General Residential District.

The Board discussed the lettering potentially being considered a sign; concern that the lettering is not seen until a driver is at the property giving no time to slow and enter the property safely; and the setback from the road.

At the Stop sign on Trotting Track Road, you are beyond where this sign sits on the lawn and have ample ~~site~~ **sight** distance.

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The Building File does not include a clear approval ~~from~~ **for** the 1810 house sign.

Add before the close of the public hearing:

Sarah Silk noted the lettering size is more appropriate for Route 16 and not in an area where vehicles are slowing down coming into town.

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The majority of the Board agreed this criterion has been met as the sign, although larger than allowed is still smaller than the recommended letter size of 21" and overall sign size of 36 sq.ft. is need to be able to read in the location and posted speed limits a that location.

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It was moved by Suzanne Ryan to approve the plan dated 3.29.2018 as the criteria for a Special Exception for under Article VI, Section 175-43 A.1 of the Wolfeboro Planning & Zoning Ordinance for Pine Hill Road Realty Trust LLC, 18 Pine Hill Road , TM# 190-20, Bay Street Limited Business District to allow for the addition of a 35' x 96' storage building (3,360 sq. ft.), and the expansion of the existing storage office facility by 271 sq. ft. by the enclosure of an open portico area to hold a self-storage kiosk. The total non-conforming use expansion is 3,631 sq. ft. The proposed expansion is complaint with the 25% expansion threshold. Also, conditions 1-6 shall be part of the approval listed in the Planner's Review dated 3.28.2018. **The motion was seconded by Sarah Silk.** All members voted in favor. The motion passed unanimously.

It was moved by Fred Tedeschi and seconded by Tim Cronin to approve the minutes of April 2, 2018 as amended. Fred Tedeschi, Tim Cronin, David Senecal, and Sarah Silk voted in favor of the motion. Luke Freudenberg abstained. The motion passed.

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

Respectfully Submitted,

RK

Robin Kingston
Administrative Assistant