



**Wolfeboro Zoning Board of Adjustment
Regular Meeting
8 January 2018
Minutes**

Members Present: Fred Tedeschi, Chairman, Susan Raser, Clerk, David Senecal, Tim Cronin and Suzanne Ryan, Alternates

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.

Appointments:

TM# 104-11

Case # 01-AAD-18

Applicant: Kevin E. Green Revocable Trust

Appeal of Administrative Decision

Tim Cronin was seated for the hearing.

Public Hearing for an Appeal of Administrative Decision of an October 18, 2017 Board of Selectmen Decision to grant authorization of a Building Permit for property owned by Michael A. Simmons which fronts on a Class VI portion of Stoneham Road. **This property is located at TM# 104-11.** A site visit will be held at approximately 3:50 pm prior to the meeting.

Susan Raser read the abutter and public notification for the record. A site visit was held at approximately 3:30 prior to the meeting attended by Susan Raser and Time Cronin.

Matt Sullivan announced the appellant has requested a continuance to February 5, 2018 as the Board was only able to seat 3 members due to scheduling and requested recusals.

It was moved Susan Raser and seconded by Tim Cronin to continue the Public Hearing to 2.5.2018 in the Great Hall at 7:00 pm. All members voted in favor. The motion passed.

It was moved by Fred Tedeschi and seconded by Susan Raser to hold a site visit for Case #01-AAD-18 to 2.5.2018 at 4:00 pm. All members voted in favor. The motion passed.

TM# 203-32

Case # 02-V-18

Applicant: Randy Willette

Variance

Tim Cronin, Dave Senecal and Suzanne Ryan were seated for the hearing.

Public Hearing for a Variance under Section 175-80 (1,2 & 3) of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a single-family dwelling on an existing vacant lot in the Residential District. The proposed dwelling does not meet front, side or rear setbacks. **This property is located at 25 King Street.** A site visit was held at approximately 4:35 pm prior to the meeting.

Susan Raser read the abutter and public notice for the record. A site visit was held at approximately 4:35 om prior to the meeting and was attended by Tim Cronin, Suzanne Ryan and Fred Tedeschi and was previously viewed by Susan Raser and David Senecal.

The applicant seeks to construct a single-family dwelling unit with wraparound porch on an existing non-conforming lot in the Residential (R) District. Additionally, the applicant seeks to construct an attached carport and a driveway with turnaround area. It is important that per the Zoning Ordinance, a carport is considered to be a structure as it is permanently affixed to the ground. It is not considered a temporary structure simply because it can be removed. Detailed structural dimensions are shown on the house location plan included in the application package. The property was occupied by a non-conforming structure several years ago, but that structure was razed. The submitted drawing is not to scale in context of survey or on the plan itself. A scale is not presented and the dimensions appear to be incorrect when comparing measurements of 50' vs. 10'. Additionally, the lot shape shown on the building dimension plan does not match that shown on the plan from Lindon Design Associates. Generally surveyed plans are required for construction of new single family dwelling units with setback encroachments. A plan is provided from Lindon Design Associates, but is not stamped by a Licensed Land Surveyor and includes a property note regarding an approximately 20'x50' area to the rear of the lot. This plan was prepared in 2002 following the layout of King Street. This plan was not used as the basis for the house location plan. It should be noted that lots smaller than ¼ in acre in size are permitted a maximum impervious coverage of 40%. In this case, the carport, single-family dwelling unit, and driveway all qualify as impervious coverage. Without square footage measurements and a properly scaled drawing, it is difficult to ascertain the total lot coverage. Should impervious coverage exceed 40%, an additional variance from Section 175-80(0) would also be necessary.

Matt Sullivan noted an official letter of authorization has been received.

Randy Willette addressed the Board, review the application and plans as submitted and the 5 points required for a variance.

Matt Sullivan noted older tax map data and pictures of the home depicted it located up against TM# 203-31 and King Street and the original size was estimated at 20' x 30'.

Suzanne Ryan asked about the property line being in question and commented without exact measurements the ZBA should not move forward with the application.

Matt Sullivan noted there are concerns regarding the lack of a survey and there is a disputed area of the property line as well as the scale of the plans. The carport, drive and home exceed 40% lot coverage and an additional variance request would be required. The square footage calculations were distributed.

Tim Cronin asked if there was an existing 600 sq. ft. house could they build the same in that location.

Matt Sullivan noted there is a timeframe of up to 1 year to rebuild.

Fred Tedeschi asked if the applicant would like to continue or withdraw the application.

David Senecal agreed with Suzanne Ryan and the Board requested a survey.

Randy Willette responded he is not willing to pay for a survey and the current owner is not going to pay for a survey.

Chairman Tedeschi opened the public hearing.

A copy of an email was submitted by Shawn Snyder in opposition to the application which was read into the record and is part of the file.

Brandon Lambert, 19 King Street spoke in opposition and noted he believes he owns further into the subject lot than depicted by the applicant.

Matt Sullivan noted there are no exact measurements available without a survey.

Tom McCullough, 35 King Street spoke in opposition. Trying to place the house in a small area is unreasonable. He is worried if the applicant is allowed to expand the parameters of setbacks the abutters should be allowed to do the same. Originally what existed on the property was an old logging cabin built for workers at the mill. The lot is too small to place this size house and carport on. Everyone should have to follow the same rules.

Fred Tedeschi clarified Tom McCullough does not object to a house but the proposed is too large. Mr. McCullough agreed.

Cheryl McCullough, 35 King Street is opposed to taking down the pine trees and she does not want to be boxed in on three sides.

Claire Bjorkman, 37 King Street stated she feels a complete survey should be done on the property and the size of the home proposed is too large.

John Bjorkman, 37 King Street is concerned with the removal of the evergreen trees which the applicant stated he would be removing 90% of them. This would change the character of the neighborhood. He would like to see what trees would be removed first.

There being no further comment, the public hearing was closed.

It was moved by Suzanne Ryan to deny the application for Case 02-V-18, TM 203-032, Randy Willette due to the fact they do not have a survey and the drawings provided were not done by NH Licensed Surveyor and lack a surveyor's stamp and additionally the square footage is in question. Susan Raser 2nd the motion. All members voted in favor. The motion passed.

Other Business:

Matt Sullivan noted the ZBA and Planning Board have different plan criteria's and it is not the responsibility of staff to correct the deficiencies in plans for the ZBA.

Consideration of Minutes

1. 2 October 2017
2. 6 November 2017

Both sets of Minutes were tabled to the February 5, 2018 meeting.

Respectfully Submitted,

Robin Kingston
Administrative Assistant