

Wolfeboro Zoning Board of Adjustment

Regular Meeting

7 August 2017

Minutes

RECEIVED AND RECORDED

8/13, 2017 2:45 PM

Book No. Page No.

WOLFEBORO, N.H. TOWN CLERK

Members Present: Mike Hodder, Vice- Chairman, Susan Raser, Secretary, Hank Why and Sarah Silk, Members, David Senecal, Suzanne Ryan and Tim Cronin, Alternates

Members Absent: Fred Tedeschi, Chairman

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

Vice-Chairman Hodder called this meeting to order at 7:00 pm in the Wolfeboro Public Library Meeting Room. A quorum was present.

Hank Why recused himself from this hearing. Tim Cronin and Dave Senecal were seated for Fred Tedeschi and Hank Why.

Mike Hodder reviewed the procedures for the hearing and deliberations.

Appointments

TM# 203-62, 63, 64 & 65

Case # 7-SE-17

Applicant: The NH Boat Museum

Special Exception

Agent: Jim Rines, White Mountain Survey & Engineering, Inc.

Public Hearing for a Special Exception under XVII, Section 175-107E of the Wolfeboro Planning & Zoning Ordinance to allow for the construction and operation of a Boat Museum on property located in the Bay Street Limited Business District. This property is located at 57-59 Bay Street.

Susan Raser, Clerk read the Public and Abutter Notification for the record. A site visit was held at approximately 6:30 pm prior to the hearing and was attended by all members present at the meeting.

The New Hampshire Boat Museum currently owns parcels 203-062, 203-063, 203-064, and 203-065. Please see Mr. Jim Rines 07/20/2017 narrative and 07/19/2017 special exception criteria response letter for an explanation of the proposed use and impact

Jim Rines' materials indicate, several permits and approvals, including a voluntary merger, are necessary for this project to proceed. The resulting total lot area would be 4.0 acres.

Mr. Rines states:

Although this plan is conceptual and subject to changes triggered by application of other town and state regulations as the design proceeds further, it is a fair and accurate representation of the intent of the owners and compliant with the regulations as far as the design has progressed as depicted.

Assuming that the use is approved, the owner will then have to apply for Site Plan approval from the Planning Board; apply for a town and state Shoreland Impact Permit; apply for an Alteration of Terrain Permit; and obtain town permits to tie into municipal sewer and for driveway. Obviously, none of this should occur until the Museum understands that they have the right to have a museum on this site.

The subject properties are located in the Bay Street Limited Business District.

Jim Rines addressed the Board and reviewed the application including the eight points required, plans and photographic displays. A revised plan and consolidated the initial proposed two drive cuts to one. For the record, the plan on the pedestal referred to is the plan the applicant is seeking approval of. The plan displayed has had some alterations which the Board did not receive copies of but is the plan the applicant will use going forward.

Sarah Silk asked if there would be the Antique Boat Auction in the summer and questioned overflow parking for event parking.

Matt Sullivan stated that type of event would require a Temporary Event Permit from the town.

Tim Cronin asked if the Boat Museum will maintain the property they currently own.

Jim Rines confirmed the Boat Museum would maintain their current location. Residential property trip generation is calculated at 10 trip ins per unit which Taylor Home would fall under. The calculations for the museum are based on museum use and not special events.

Susan Raser asked about the possibility of bus trips in.

Jim Rines responded that as this will be The NH Boat Museum and they are hoping to attract tour bus traffic.

Susanne Ryan stated they are looking at 44 cars making multiple trips per day as this is the amount of parking spaces planned for and then questioned pedestrian safety.

Jim Rines explained there is suitable site distance for both vehicular and pedestrian traffic noting several hundred feet in each direction in a 30 mile an hour speed limit area.

Suzanne Ryan asked about the 12' wide drive and why there is no turn around.

Jim Rines noted it was designed in case of any type of emergency vehicle needed to access areas near the waterfront.

Mike Hodder asked about deliveries and how frequent they would be.

Jim Rines responded the only anticipated deliveries would be normal Fed-Ex and UPS trucks.

Richard Courian, Trustee of the Boat Museum stated there are no plans for a snack bar or restaurant on site.

Mike Hodder pointed out the basis behind the Limited Business District.

Jim Rines explained he had a conversation with the owner of TM # 203-61 noting his concern is his water view may be blocked. As the plan is conceptual there is a possibility the mirror image of the plan.

Mike Hodder opened the public hearing:

Speaking in favor of the application:

Jim Roullard noted the activity may reduce the speed on Bay Street. He noted a concern about parking of the buses and the smell created when left running.

Speaking in Opposition to the application:

Ken Gerber spoke in opposition of the application and noted concern about the scale of the plan. Buses, traffic, parking, pedestrian traffic and the size of the building are all concerns, as well as impairment of his view as this will have a declining impact on his property value. If this project is approved he would ask the scale of the project and location of the building on the site be considered as to not impact his view.

Mike Hodder noted this application is only for the use and not any zoning requirements.

Dave Senecal noted this is a single-story building by definition.

Matt Sullivan asked if the vegetative buffer will be maintained between the Museum and Mr. Gerber's property.

Jim Rines noted there is no plan to cut any vegetative buffer and the applicant would adhere to any site plan review regulations and the applicant would be willing to work with the abutter. Also noted there is no view easement for the Gerber property.

Mike Hodder closed the public hearing.

The Board deliberated on the application:

1. 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 majority of the Board felt this condition has been met.

2. 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.

Although a member was concerned with the excessive trip generation and pedestrian safety, the majority of the Board felt this condition was met. It was noted the hours of operation would help to alleviate congestion.

3. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access-ways and off-street parking.

Concern was raised about sidewalks, pedestrian traffic and off-street parking. It was noted that is there is a hazard it exists presently and this proposed use is not creating it. The majority of the Board felt this condition has been met.

4. 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 is town water and sewer as well as police and fire protection, there are no schools nearby and there will be stormwater drainage. The majority of the Board felt this condition has been met.

5. 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.

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

The majority of the Board felt this condition has been met.

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

There was concern raised over a possible obstruction of the abutters view. Noted was the applicant's willingness to work with the abutter as well as there being no view easements imposed by the town. The majority of the Board felt this would not contribute to diminishing property values and this condition has been met.

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

The majority of the Board felt this condition has been met.

It was moved by David Senecal to approve the Case # 05-SE-17 for the NH Boat Museum, TM# 203-62, 63, 64 & 65 as proposed on a plan dated July 19, 2017 and revised July 21, 2017. Sarah Silk seconded the motion for discussion.

Mike Hodder amended the motion with conditions 1-5 included in the Planner's Review dated August 3, 2017 and a 6th condition the ZBA will review its approval if conditions imposed upon the applicant by the Planning Board under the site plan review authority substantially after the plan for which this Special Exception has been approved.

Susan Raser seconded the amendment.

Staff read the Motion with the Amendment included as follows noting conditions 1-5 by reference and reading the 6th condition:

To approve the Case # 05-SE-17 for the NH Boat Museum, TM# 203-62, 63, 64 & 65 as proposed on a plan dated July 19, 2017 and revised July 21, 2017. Referencing condition 1-5 and reading condition 6: The ZBA will review its approval if conditions imposed upon the applicant by the Planning Board under the site plan review authority substantially alter the plan for which this Special Exception has been approved.

Susan Raser moved to approve condition 6, seconded by Mike Hodder. All members voted in favor.

It was moved by Susan Raser and seconded by Mike Hodder to approve the completed amended motion. All members voted in favor. The amended motion passed.

Consideration of Minutes:

5 June 2017

Amendments:

Page 2, 3rd paragraph from top:

Sarah Silk asked relative to #5 how long have the present owners ~~have~~ owned the property.

Page 5, 6th paragraph from the top:

Matt Sullivan disagreed this would constitute a first reading. The Board was just handed this information and has not had an opportunity to review. Further the he noted the ZBA should seek ~~and~~ Counsels opinion.

It was moved by Sarah Silk and seconded by Susan Raser to approve the amended minutes of 5 June 2017. All members voted in favor. The motion carries.

Other Business:

Susan Raser asked for confirmation the FIT Case has been filed in Supreme Court. Mike Hodder confirmed that it had been.

Sarah Silk distributed and read a flyer from the NH Dairy Farmers for a movie screening.

There being no further business this meeting was adjourned at 8:39 pm.

Respectfully Submitted,



Robin Kingston
Administrative Assistant