

**Wolfeboro Zoning Board of Adjustment**  
**February 7, 2022**  
**The Great Hall at Wolfeboro Town Hall**  
**Meeting Minutes**

**Members Present/Roll call:** Audrey Cline, Luke Freudenberg, Sarah Silk, Suzanne Ryan, and Tim Cronin

**Remote:** Nancy (Sabat) Strotman, Alternate

**Absent:** Dave Senecal

**Recused:** Luke Freudenberg

**Staff Present:** Tavis Austin, AICP, Director of Planning and Development

I. **Call to Order:** The meeting was called to order at 7:00pm

II. **New Business:**

(a) Audrey said the ZBA have a couple of residents that would like to be considered as Alternates on the ZBA. Audrey invited Katherine McMahon (last name was not clear by candidate nor chairman). Kate read letter she wrote to ZBA, Planning Director and Town. Letter on file.

Audrey asked Kate if she would like to fill a vacancy that will be up in 2024. Kate accepted.

Tim asked if a motion of approval needed to be made, Audrey said it did not

Charles Sumner also presented himself asking to be considered as an alternate member of the ZBA, he feels he has the knowledge and capabilities to help the ZBA.

Audrey asked if he would be interested serving on the Board when a vacancy becomes available in 2023, Charles accepted. He was assigned to seat number 3.

Tim asked Audrey to remind candidates that they need to go to Town Hall to be sworn in. Audrey said both are aware.

Luke Freudenberg stated he would be stepping down for the rest of the evening.

Audrey then wanted to appoint alternate Sabat to sit in on the meeting, and asked Sara to read the rules on sitting in remotely.

Audrey asked Sabat to state on why she was attending remotely.

Sabat, stated that she is out of town, and has a health issue and would provide a Dr's note.

Audrey said they didn't require her to give personal information, and confirmed that she was out of town, and asked if anyone was in the room with her.

Sabat said no there wasn't.

**a. Tim Cronin read first case to be presented - Nicholas Kanakis-South Main Street – Tax Map & Lot #260-90 – Case # 02SE-22 – Special Exception – Construction of Single – Family Dwelling on lot with no frontage – Formal Submission/Public Hearing -**

Sara Silk read the synopsis of Site visit was that was held concluded 2-7-22 at 4:00pm. Board members in attendance – Suzanne Ryan, Sara Silk, Tim Cronin, newly appointed alternate Charles Sumner, excused from site visit were Audrey Cline, and Dave Senecal, Site representatives present, Nicholas Kanakis, Alden Moore, Bob Flannery. Shared driveway since 1959, town water and septic plan existed but expired.

Audrey addressed Mr. Kanakis with an explanation of why the Board needs to address Special exceptions and what the Board are looking for to consider request from applicant. There are 7 special criteria that need to be addressed before a decision is made. Mr. Kanakis will be able to speak on the case and comments will be invited to be made. Once this process is complete the Board may be able to decide tonight if everything is in order.

Suzanne asked the Town Planner if the application has the necessary document presented to proceed.

Tavis Austin, stated that he addressed Mr. Kanakis regarding some items missing on the application, site plan and the deeded right of way. The statement of purpose is RSA 674:41, the town adopted §175-55.1 Lots with no frontage this is a way for the town to deal with lots with no frontage but having deeded rights to move forward.

Suzanne asked if #6 was addressed

Tavis stated #5 was addressed

Suzanne stated she didn't have a copy of it. She was given a copy.

Tavis read the response to #5

Suzanne said the state statute supersedes over the town ordinance. She feels this special exception needs to meet the 3 bullets she read and the town's original ordinance.

Tavis said 674:41 is a driveway, not a street, and that is why the town voted in 2014 to adopt 175:55.1, because the town has many lots without frontage.

Audrey asked if deeded right of way is not a lot and if it's a driveway. Tavis stated yes.

Tavis said you can revisit if you would like to speak with counsel on 175.5.1

Audrey felt that would be a good idea.

Audrey addressed Mr. Kanakis, for him to speak.

He feels there is adequate amount of space for building, and driveway is usable. He referred to his packet to the right of way, and title policy. Right of way already in use and no negative affect on neighborhood. Developer in process of getting septic renewal. Mr. Kanakis continued to read how the lot was conveyed and when. This information has been presented to the ZBA and is on file.

Audrey Questioned the renewal of the septic, she didn't understand the drawing, Mr. Kanakis said it is a rough sketch of the septic area.

Sara Silk asked about the drawings and asked if it is one or two structures, and Mr. Kanakis said it is only one structure,

Suzanne Ryan said the plan is confusing, and Mr. Kanakis stated that is all they have now.

Sara Silk asked if the Planning Board has reviewed this application and if any recommendations.

Tavis said they met, and minutes aren't complete yet, but did receive a memo regarding application and were reviewing.

The Board had discussion about the rules of 175-55.1 and 674:41 and wanted more clarification. The Board would like to consult with Counsel before deciding on the application. Application will be revisited at next ZBA meetings.

Audrey asked if there were any public comments either for or against project. No one came forward.

Mr. Kanakis, read a statement that he hoped would help in clarifying their concerns.

Susanne Ryan said they don't have a clear understating of the rules.

Suzanne Ryan made a motion to continue this application at next meeting March 14, 2022, based on counsel advice. Sara Silk 2<sup>nd</sup> the motion, members voting in favor of the motion Suzanne, Sara, Audrey, Sabat for the motion, Tim voted against, motion passed.

**b. Luke Freudenberg/Millwood Place, LLC: 14 Willow Street, TM#204-017 and 204-015 case# 03-V-22 – Public Hearing for a Variance under Article XXIII §175-145 A&B of the Wolfeboro Planning and Zoning Ordinance for unit density per acre and number of units per building for workforce Housing Development – Formal Submission/Public Hearing.**

Audrey asked Tim Cronin to read next case. Mentioned site visit at 4:00pm, Board Members present, Suzanne Ryan, Sara Silk, Tim Cronin, and newly appointed alternate member Charles Sumner, Dave Senecal excused, Audrey Cline visited site prior to 4:00pm meeting.

Sara Silk read the minutes of the site visit, which are on file.

Audrey stated that this was a variance appeal, They Board judges a variance by very narrow regulations that are dictated by the state. Audrey read the criteria that need to be considered before making a legal decision.

Suzanne read the criteria to be met on this application, and what has been met along with other criteria that needs to be met.

Suzanne requested to not approve blanket waiver at this time and move to Open Public Hearing for discussion on the topic.

Audrey agreed and Opened for Public Comments, beginning with Luke Freudenberg.

Luke Freudenberg began his statement with thoughts the ZBA Board is subverting the project and making it more about the applicants themselves and not the project, he stated that secret meetings have been held, and a member was appointed who is against the project at the last meeting, and how the chairperson of the board has had text messages with Nate Drouin regarding the Planning Director in saying he wasn't handling his job correctly. Luke feels this is all in effort to undermine the project from moving forward. Luke went on to address the five criteria to be met. Luke feels the variance fits in with the town's Master Plan, and the spirit of the ordinance is observed. Luke also stated that Substantial Justice is met, by the project's affordability for renters. Luke's full statement is on file.

Audrey Cline asked the audience if anyone had comments on the variance. The following List of people spoke.

Tell Hartford

John Sandeen

Roget Murray

Mary Langer

Edith Desmairais

Lenore Clark

Brnda Jorett

Maggie Steir

James D. (last name not legible)

Matt Blodgett

Katherine Burke

Trell Hartford, spoke to new alternate member Nancy (Sabat) Stroman who was attending the meeting remotely, of making negative comments on the project on social media. Sabat responded that she asked questions and was trying to gather information.

Other Residents got up to speak in opposition of the project.

John Sadeen spoke to the lack of specificity describing the application as meager. He questioned the density issue of the project.

Roger Murray believed there were critical pieces missing from the the site plan.

Gregory and Mary Langer asked if the application should be adjusted since the number of units had changed from 70 to 50.

Edie Desmarais a supporter of workforce housing spoke stating the issue isn't about providing workforce housing but more of a concern of the density of the project.

Lenore Clark stated her concerns about increased contaminants and increased level of phosphorous in Back Bay.

Brenda Jorett spoke on behalf of abutters concerns of increased traffic, and deliveries such as oil, and increased pavement which coul increase pollutants in Back Bay.

Maggie Stier of the Historic Preservation Committee feels that Wolfeboro's Mill Heritage needs to be preserved.

Matt Blodgett from the Wolfeboro/Tuftonboro Land Bank has supported workforce housing for 20 years and doesn't believe this project is reasonable or responsible.

Abutter Kathryn Burke said she was informed of the project and her career is civil construction/deep foundation work and environmental health and safety, she believes workforce housing is critical, but the project is not.

All written comments were handed in to the Board to be put on file.

Luke was given the opportunity to speak further, his remarks touched on the 22 units, and no zoning changes, he stated that the area is an attractive nuisance, with graffiti on the building and police called to the area regarding questionable activity. He believes the project is vital to the community. And he and his group stand for the workers.

Suzanne Ryan asked Luke if they have filed or have been in communication with the NH Housing Authority, Sean Cooper answered that they have.

Suzanne had further questions on #5, and asked about a liability analysis, Sean doesn't feel that question is a concern for the ZBA.

Audrey said we have a lot of information to sort through.

Tavis said that there was someone related to the project that wanted to speak and asked the Board's permission to allow him, to make a statement.

Audrey said she allowed a fellow Board member to attend meeting due to 91A but didn't deem it necessary for others who are online.

Sean felt that some of the questions from the Board were for the Planning Board and thought these would be answered later down the road.

Audrey respectfully disagreed stating the 2 of the questions had to do with Variances.

Tim Cronin expressed an interest in having the applicant have another Technical Review of the now modified plan. Tavis indicated he didn't think that would allow, and it was up to the applicant to ask for it.

### **Motion to Adjourn**

Suzanne Ryan moved to keep the public Hearing open until next meeting March 14, 2022, at 7:00pm. Sara Silk 2<sup>nd</sup> the motion, all in favor, motion passed.

Audrey asked for a roll call, all members Yes.

Meeting adjourned.

Respectfully Submitted,

***Jennifer Baraldi***

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