

Wolfeboro Zoning Board of Adjustment

Regular Meeting

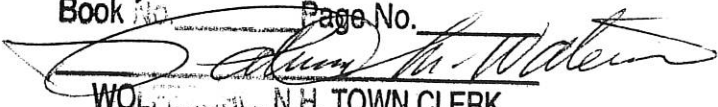
5 June 2017

RECEIVED AND RECORDED

6/12, 2017 11:00 AM

Minutes

Book No. Page No.


WOLFEBORO, N.H. TOWN CLERK

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

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

Chairman Tedeschi called this meeting to order at 7:02 pm in the Wolfeboro Public Library Meeting Room. A quorum was present.

Appointments

TM# 220-3

Case # 6-V-17

Applicant: Charles & Amanda Morrison

Variance

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

Public Hearing for a Variance from IX, Section 175-67 B (1) of the Wolfeboro Planning & Zoning Ordinance to add a garage and convert an existing drive to lawn & grassy pavers. **This property is located at 115 Heath Trail.** A site visit was held at approximately 6:30 pm.

The applicant seeks to add an attached garage (30' x 38' including overhang) to an existing single-family dwelling unit. Additionally, the application proposes the conversion of existing driveway to lawn and pavers. As the applicant's materials note, the project results in a reduction of 997 sq. ft. of impervious surface on the lot. Due to the Town of Wolfeboro's standards of unaltered area, which are more stringent than those of the State of New Hampshire's, the applicant is unable to meet the requirement for 50% of the lot between 50' and 150' from the reference line being covered unaltered area. As the applicant notes, this is complicated by the fact that, as a peninsular lot, the entirety of the area outside of 50' primary structure setback is between 50' and 150' of the reference line. Please note that conversion of existing impervious surfaces to lawn areas does not qualify as renewal of unaltered area per the definition of such in the ordinance.

Per the Shoreland Permit submitted and currently being held by the Town of Wolfeboro the required unaltered area for the development is 8,003 sq. ft. versus the proposed unaltered area of 6,430 sq. ft.

Jim Rines gave a summary of the project, reviewed the application with the five points required and plans for the variance as submitted.

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

Jim Rines responded it was purchased on 9.12.2016.

Suzanne Ryan asked about the unaltered site versus the proposed site and the rate or amount that will be deterred or slowed; what are the numbers?

Jim Rines responded they have not calculated as drainage calculations however there will be an overall reduction of approximately 10 %. All the conversion is closer to the prime wetlands and the proximity is an improvement.

Suzanne Ryan asked about fertilization and who monitors it and how is the homeowner made aware how important this is.

Jim Rines responded that he really is not sure who monitors except the neighbors. The current owners are aware of the Shoreland Protection Act.

Suzanne Ryan stated she would like to see a condition of approval that the homeowner shall comply with the rules for fertilization.

Matt Sullivan responded they are already in the zoning ordinance and a condition would be redundant.

Mike Hodder stated they are State Regulations.

Suzanne Ryan responded they should be stated somewhere.

Mike Hodder asked if there is a signoff from the Conservation Commission.

Matt Sullivan responded they have reviewed this application as part of the Shoreland Permit. Further, agents such as Jim Rines are responsible for educating their clients.

Sarah Silk noted that occasionally people do call and report things that are happening and this is on Lake Wentworth and there is an active association with watchful eyes.

Jim Rines noted that most of these properties are taken care of by Licensed Professionals.

Matt Sullivan reported the Conservation Commission has no objection to this application.

Dave Senecal agreed that a professional will not put their license in jeopardy.

Suzanne Ryan asked the size of the garage.

Jim Rines responded the overhang is to match the dwelling and the actual structure is 24' x 32' with the overhang it will be 30' by 38'.

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

The Board reviewed the five criteria as required. Matt Sullivan explained the Board should review each point and come to a consensus on the criteria,

Deliberations:

Requirements #1 & 2:

The applicant has done their best to mitigate the proposed structure and will be reducing storm water runoff. This does not have a negative impact and it does not appear to be overdevelopment.

Requirement #3:

Approval of the application benefits both the town and applicant as they are increasing the amount of pervious surface.

Requirement #4:

The property values do not appear to be diminished and other properties in the area have garages.

Requirement #5:

The special conditions of the property are that no fair and substantial relationship exists between the purposes of the ordinance applicable to the application and given the size and location of the lot, the entire lot is impacted by the 50' setback requirement. The hardship is there is no place they can place a garage that does not violate the setback and in another area it would impact the septic system.

It was moved by Mike Hodder and seconded by Hank Why to approve Case # 6-V-17, TM.# 220-3 to add a 30' x 38' garage, including the overhang and to convert an existing drive to lawn and grassy area with conditions 1 through 5 as outlined in the Planners Review dated May 30, 2017.

Note – Conditions:

1. All federal, state, and local permits to be received, including but not limited to Town of Wolfeboro Shoreland and Building Permit approval.
2. 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.
3. The application, as submitted to the ZBA, does not satisfy the submittal requirements for a Shoreland Permit or Building Permit.
4. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay all recording fees.
5. 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.

All members voted in favor. The motion passed.

Other Business:

Appointment of Clerk:

It was moved by Fred Tedeschi and seconded by Mike Hodder to nominate and appoint Susan Raser as Clerk. All members voted in favor and the motion passed.

FIT Update:

Mr. Lombard had filed a motion for reconsideration to Superior Court which was denied. There has now been an appeal filed in Supreme Court.

Cantwell Update:

The Cantwell case has been settled.

Case Paperwork:

The Board discussed that after an application is heard, a decision is made and the appeal period has passed all paperwork relating to an application may be disposed of.

Prior March Case

Suzanne Ryan asked about and applicant not following what was approved and what process is being followed

Matt stated he will not speak about enforcement as the ZBA meeting is inappropriate place. He would speak after the meeting individually if a member had questions.

Proposed Rules of Procedure Amendments:

Suzanne Ryan handed out two suggested amendments to the Rules of Procedure and noted this constitutes the "First Reading". The amendments deal with Alternates – voting and holding an Officer Position.

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.

Consideration of Minutes:

April 3, 2017

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Members Present: Fred Tedeschi, Chairman, Mike Hodder, Vice- Chairman, Hank Why and Suzanne Ryan, Members, ~~Susan Raser, Alternate~~, David Senecal, Alternate and Sarah Silk, Alternate; *Add:* **and Tim Cronin, Alternate**

Add: **Members Absent: Susan Raser, Member**

Fred Tedeschi appointed Sarah Silk to sit on this hearing. *Add:* **and David Senecal stepped down.**

Page 2:

Janet Bragg, 33 Robin Aeers **Acres Drive** spoke in ~~position~~**opposition**

Attorney Kalled rebutted and noted this building would be below the max height allowed by zoning and will sit lower ~~as~~ *than* the grade of the road and will sit well below the abutters across the street due to the natural grade of the property.

Page 3:

Mr. ~~Connelly~~ **Donnelly** noted

Mr. ~~Connelly~~ **Donnelly** responded

Sarah Silk asked if it was a 1' ~~overhand~~ **overhang** or an **18"**.

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Hank Why commented ~~he~~ **it**

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3 6 March 2017

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Hank Why informed the Board he would be stepping down ~~from~~ **from** the application.

It was moved by David Senecal and seconded by Mike Hodder that there being no further business this meeting be adjourned at 8:27 pm. All members voted in favor. The motion passed.

Respectfully Submitted,



Robin Kingston
Administrative Assistant