

Wolfeboro Zoning Board of Adjustment
6 January 2020
7:00 pm
The Great Hall at Wolfeboro Town Hall
Meeting Minutes

Members Present: Fred Tedeschi, Chairman, Sarah Silk, Vice Chairman, Tim Cronin, Clerk, Peter Colcord, Member Luke Freudenberg, Member, Audrey Cline, Alternate and Dave Senecal, Alternate

Members Absent (Excused): Peter Colcord, Clerk and Suzanne Ryan, Alternate

Staff Present: Matthew Sullivan, Director of Planning & Zoning, Robin Kingston, Administrative Assistant

Call to Order:

This meeting was called to order at 7:00 pm. A quorum was present.

Appointments:

David Senecal stepped down from this hearing. Audrey Cline was seated for the hearing.

TM# 130-8

Case # 01-V-20

Applicant: Peter & Carol Llewellyn

Variance

Tim Cronin read the public and abutter notification for the record. A site visit was held at approximately 4:10 pm prior to the public hearing. In attendance were: Fred Tedeschi and Sarah Silk. Tim Cronin, Luke Freudenberg and Audrey Cline viewed the property within the past 48 hours.

Public Hearing for a Variance under Article 175, Section 85 A-2 of the Wolfeboro Planning & Zoning Ordinance to allow for the addition of a 7'x10' farmers porch on the left front of the dwelling that will encroach into the 25' side setback. This property is located at 6 Ronald Road.

Application Summary:

The applicant proposes to construct a 7' x 10' (70 sq. ft.) farmers-style porch within the side setback of this property within the General Residential (GR) District. The Zoning Board should confirm that this includes the overhang as indicated on the plan. The proposed addition, based on the drawings and applicant's narrative information, will encroach into the setback by 14'9", therefore being located 10'3" from the abutting property line

Peter Llewellyn addressed the Board, reviewed the application and plans as submitted for the requested variance. The applicant noted the side entry door is what is used for the main entrance and ice accumulates on the steps. They are proposing the porch to prevent this from happening and aid in making the entry safer. The steps would be inset and under the roofline and not extend any further into the setback. The property was built in 1995 when the side setbacks were 10' and have since changed to 25'. The overhang will not encroach any further into the setback.

Matt Sullivan confirmed the proposed addition including the overhang will be flush with the existing wall.

Public Comment:

Williard Galbreath, 4 Ronald Road, abutter spoke in favor of the application.

Deliberations:

The Board deliberated on the five criteria required for a variance.

(1) The variance will not be contrary to the public interest;

(2) The spirit of the ordinance is observed;

This will allow a more weather proof covering and not extend into the side setback any further than the existing house. There is also a treed buffer between the neighbors and the applicants dwelling.

(3) Substantial justice is done;

There seems to be no harm to the public and the neighbor abutting the property is in favor of the application. The lot is 2.17 acres and it was a 10' setback when the dwelling was constructed.

(4) The values of surrounding properties are not diminished;

There is no testimony that the surrounding property values would be diminished.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in

the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and 2 1998 Land Use Law Update, Timothy Bates, Esq., NH OSP Annual Planning and Zoning Conference, May 30, 1998. II-8 THE BOARD OF ADJUSTMENT IN NH NOVEMBER 2014 - NH OEP
- (ii) The proposed use is a reasonable one.

The setbacks were changed after construction of the dwelling and was in conformance with the existing zoning laws at the time. The neighborhood does not appear to have any reason to enforce (i). The applicant also is placing the steps under to porch roofline.

MOTION by Fred Tedeschi; 2nd Audrey Cline to grant approval for TM#130-8 to permit the construction of a 7' x 10' (70 sq. ft.) farmers-style porch within the side setback of this property within the General Residential Zoning District encroaching 14'9" into the setback with the recommended conditions in the Planner Review as well as removing the stairs as shown on the site plan.

All members voted in favor. *The motion passed.*

Consideration of Minutes:

4 November 2019

Amendments:

Page 2:

It was expressed by the applicant's agent **during the May Technical Review Committee Meeting** that the facility will not be open to the public ~~during the May Technical Review Committee meeting~~ and within the agent's narrative letter. The users will be Museum staff and volunteers ONLY. To reiterate, this facility will not be open to the public.

Audrey Cline asked if the property is being used for something right now; if there is a time limit on the easement access from Rt. 28; how many vehicles will be stored and serviced at any time and how they get to this location; why is there a large area unrestricted as it is a prime wetland; why is 75' for the access road; has the right Museum considered placing the balance of land into protection conservation permanently ~~conservation~~; will they be rebuilding and adding plumbing or new buildings; and Is the property taxable or is it coming off the tax rolls.

Page 3:

Jim Rines gave a history of the property. The Town never placed in writing what needed to be done to bring the property into compliance. The Town did hire ~~Albee~~ and purchased gravel there. This current application is an opportunity to bring this property into compliance.

Concern from Sarah Silk and Audrey Cline the ~~repose~~ **response** to criteria #5 Hardship is not met in the applicant's rationale.

Luke Freudenberg noted his company placed an offer on the property and was discouraged.

These are illegal structures and no compliance letter ~~has had~~ been sent by the Town **stating**, this would bring the property into compliance.

Page 4:

The application addresses concerns and is a public benefit and will not diminish property values. They property could have 15 homes and septic systems; this would be a much larger concern; with this application the use is limited.

Page 5:

Members in favor: This application and parcel does meet the Special Conditions as the application was prefaced and bring the property legally into compliance. Appears distinguished from other properties in the area, meets the criteria and will be well screened ~~property~~.

MOITON by Audrey Cline; 2nd Sarah Silk to disapprove the variance in that it does not meet all five criteria. ~~Sarah Silk 2nd~~. Sarah Silk and Audrey Cline vote in favor. Luke Freudenberg, Peter Colcord and Fred Tedeschi voted in opposition. *Motion fails*.

MOTION by Fred Tedeschi; 2nd Luke Freudenberg to approve ~~based~~ the application based on discussions and subject to conditions listed in the Planner Review with an additional condition there be a note on the plan clearly delineating acreage to be used and acreage not to be used. 12.3 acres of the 33-acre parcel being used. **Fred Tedeschi, Luke Freudenberg and Peter Colcord** voted in favor; Audrey Cline voted in opposition; Sarah Silk abstained. *Motion passed*.

Page 6:

The applicant proposes to increase the size of the eave of the existing garage, thereby increasing the encroachment into the side setback. This modification is in the of interest **of** architectural harmony with the proposed home on the lot (to be reconstructed). Please note that this application has been granted a Special Use Permit for wetlands impacts by the Planning Board in 2019.

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(1) The variance will not be contrary to the public interest;

The Board agreed there is no threat, and this will not be injurious to the public. The abutter is the golf club and encroaching 1' further into the setback will have no impact.

Page 9:

A NH DES permit has been received for the construction of the porch, ~~it is the~~ ~~and~~ only property on ~~eth~~ ~~the~~ island ~~that~~ does not have a porch and all of ~~them~~ ~~the~~ other dwellings are closer to the shoreline.

*Members in favor: Does not destroy the character, is not contrary **to the public**; property is restricted and would **not** be visible from the lake as it is wooded. There is no health or safety issue and no detriment to the neighbors as well as not out of character*

Page 10:


Members in favor: The change would only impact this property. The use is reasonable. Requiring the porch to be located elsewhere would place an undue burden on the applicant.

Audrey Cline stated she believes the porch addition would be ~~viable~~ **visible** from the lake and this is against one of the criteria and the spirit of the ordinance is not met. There is a large area available to build porch on the cottage that is not within the setback. Further all the dwellings are non-conforming so that is not a special condition.

MOTION by Sarah Silk; 2nd Tim Cronin to approve the minutes of 4 November 2019 as amended. All in favor. *Motion passed.*

There being no further business this meeting was adjourned at 7:28 pm.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'RK' or similar initials, on a light-colored background.

Robin Kingston
Administrative Assistant