

Wolfeboro Zoning Board of Adjustment
April 5, 2021 7:00 PM
The Great Hall at Wolfeboro Town Hall
Meeting Minutes

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order #2020-04, this Board is authorized to meet electronically. **The Zoning Board of Adjustment has jointly decided to proceed with a hybrid virtual meeting format allowing for members of the public and Board to attend remotely.**

In accordance with RSA 91-A: 2, III, some of the Board members are attending the meeting remotely, which a public body has the authorization to allow.

Introduction:

Members Present/Roll call: Luke Freudenberg, Chairman; Sarah Silk (attending virtually and alone), Vice Chairman; Tim Cronin, Clerk (attending virtually, and alone); Audrey Cline, Member (attending virtually, and alone); Suzanne Ryan (attending virtually, and alone).

Staff Present: Tavis Austin, Director of Planning & Development; Mary Jane Shelton, Recording Assistant

Votes taken during this meeting will be via roll call vote for all members.

In accordance with Emergency Order #12, for members of the public, this is to confirm that we are:

1. Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means through GoToMeeting. All members of the public and Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #+1 (646) 749-3122 followed by the audio access code 918-242-429, or by video following the directions on the Town of Wolfeboro Website posted on the home page under the Virtual Town Meeting Login Information page.

2. Providing public notice of the necessary information for accessing the meeting; we previously gave notice to the public of how to access the meeting in-person or using GoToMeeting and in, and instructions are provided on the Town of Wolfeboro website at wolfeboronh.us on the Virtual

Town Meeting Login Information page.

3. Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem accessing the meeting via phone or computer, please immediately call 603-569-5970 OR email planningdirector@wolfeboronh.us In the event that the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Thank you.

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

II. By-Laws and Election of Officers:

This will be scheduled for the first meeting in May, 2021.

III. Public Hearings:

Tax Map #203-5,

Case #01-V-21

Applicant: Geno Ranaldi

Variance

The applicant has asked to withdraw the variance submitted from February 1, 2021.

Tax Map #203-5,

Case #02-SE-21

Applicant: Geno Ranaldi

Special Exception

Applicant: Geno Ranaldi, Public Hearing for a Special Exception under Article IV, Chapter 175, Section 43 (c) (j) of the Wolfeboro Planning & Zoning Ordinance to increase height of existing non-conforming structure more than 25% in the Residential District.

Audrey Cline raised the following points regarding whether the application can be considered complete.

1. A survey is required under 175- 43 A1(b)
2. A wetlands delineation survey by a licensed wetlands scientist is required under 175-6 A(c)1

Suzanne Ryan made a motion, which was seconded for discussion by Sarah Silk that the application is incomplete and be returned to the applicant. Sarah Silk would prefer to see the application continued so that the applicant is not required to pay the application fees, etc. a second time. Suzanne Ryan withdrew her motion, and Sarah Silk withdrew her second.

Suzanne Ryan made a motion, which was seconded by Audrey Cline, to accept the application as complete for the purpose of continuing to a date specific, with the

understanding that the survey and wetlands scientist delineation are completed, or a written statement/opinion from Town counsel indicating such are not required, be submitted to the Board in advance of the next available meeting. Roll call vote: Audrey Cline - yes; Sarah Silk - yes; Tim Cronin - yes; Suzanne Ryan - yes; Luke Freudenberg. Motion passes 5-0.

Tax Map #242-016

Case #03-SE-21

Applicant: Gregory R. Why 2017 Rvcbl Trust

Special Exception

Agent: Jim Rines, White Mountain Survey

Applicant: Gregory R. Why, Trustee, Gregory R. Why 2017 Revocable Trust - Public Hearing for a Special Exception under Article VI 175-43 A (1) (j) to expand a structure vertically within any setback above existing nonconforming footprint beyond 25%. Property is located at 19 Lewando Lane, which is in the Shorefront Residential District.

A poll of members conducting a site visit: Sarah Silk - yes; Audrey Cline - yes; Tim Cronin - yes; Suzanne - yes; Luke Freudenberg - yes.

Jim Rines from White Mountain Survey & Engineering gave an overview of the proposed project, pointing out the change in setbacks as well as the elimination of the current on-site sewage system. The proposed home will be tied into municipal water and sewer. A discussion of the degree of slope and the overall change in square footage.

Suzanne Ryan questioned the number of trees that will need to be removed and the extent of blasting required due ledge in the area.

Jim Rines stated the project will comply with the Shoreland Protection Act and the concerns of both the Town and the State as they relate to site disturbance, erosion control and stormwater mitigation. The project will reduce the amount of impervious lot coverage as well as improving the setbacks. Jim Rines then addressed the five criteria for the Special Exception being requested.

The public hearing was opened.

Sarah Silk inquired as to the long term maintenance of the pervious surface area being created. Jim Rines responded by addressing the methods of maintaining such porous woodland pathways, etc.

Luke Freudenberg confirmed with Jim Rines the change in total lot coverage is being reduced from 35.5 to 26.3.

Tavis Austin stated that the applicant has received a Shoreland Permit from the State and the Town as well as a Building Permit and comports with all of the regulations except for the increase in height which is the reason for the Special Exception application being heard this evening.

Jim Rines clarified that the applicant does not have the State approvals at this time. It is ready to

be submitted but the applicant was waiting to see if the proposed footprint was acceptable. The proposed structure has been designed to satisfy the Shoreland Water Protection Act and the shoreland requirements of the Town of Wolfeboro.

Audrey Cline made the point that the ZBA cannot condition their approval on any other State or agency approval. Audrey also commented that although she was concerned about the number of trees which will be removed for this project and the runoff due to the steepness of the lot, the ZBA's authority is only to address the request for a Special Exception related to the height of the structure.

Suzanne Ryan asked Tavis Austin if he could verify that the existing structure had followed the proper building approval process and was legally approved in its present state at the time of construction.

Tavis Austin responded that it is the Town's position that the applicant is entering this process with a legally approved structure.

Audrey Cline inquired about the stairs on the northern side of the property and was advised the subject stairway will be created through landscaping.

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

The Planner recommended the following conditions of approval:

1. All plans included as part of this application are hereby incorporated as part of this approval, as amended to the date of this 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 submission requirements for a 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.

Audrey Cline made a motion, which Luke Freudenberg seconded, to approve the subject application for a Special Exception. Suzanne Ryan suggested that the approval include the recommended conditions of the Planner. Audrey Cline made a motion, which Luke Freudenberg seconded, to amend the motion to include the recommended Planner conditions. Roll call vote: Roll call vote: Audrey Cline - yes; Sarah Silk - yes; Tim Cronin - yes; Suzanne Ryan - no; Luke Freudenberg. Motion passes 4-1.

Tax Map #259-049

Case #04-SE-21

Applicant: William P. Douglas 2005 Rvcbl Trust

Special Exception

Agent: Jim Rines, White Mountain Survey & Eng.

Applicant: William P. Douglas 2005 Revocable Trust - Public Hearing for a Special Exception under Article VI 175-43 A (1) (j) to expand vertically more than 25% within the setbacks of an existing nonconforming structure. Property is located at 130 Oakwood Road, which is in the Shorefront Residential District.

A poll of members conducting a site visit: Sarah Silk - yes; Audrey Cline - yes; Tim Cronin - yes; Suzanne - yes; Luke Freudenberg - yes.

Jim Rines of White Mountain Survey & Engineering presented an overview of the project. The proposal is to replace the single story dwelling with an attached garage with a two story dwelling with an attached garage. A new sewage disposal system and a stormwater mitigation system will be installed. Jim then outlined the manner in which the required criteria will be met.

The public hearing was opened

Suzanne Ryan asked Tavis Austin if he could verify that the existing structure had followed the proper building approval process and was legally approved in its present state at the time of construction. Tavis confirmed such.

There being no further questions or discussions, the public hearing was closed.

The Planner recommended the following conditions of approval:

1. All plans included as part of this application are hereby incorporated as part of this approval, as amended to the date of this 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 submission requirements for a 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.

Suzanne Ryan made a motion, which was seconded by Sarah Silk, to approve the Special

Exception requested under Case #04-SE-21 for Tax Map #259-049 located at 130 Oakwood Road, subject to the four conditions for approval as per the Planner's memorandum of March 19, 2021. Roll call vote: Audrey Cline - yes; Tim Cronin - yes; Suzanne Ryan - yes; Sarah Silk - yes; Luke Freudenberg - yes. Motion passes by a vote of 5-0.

Tax Map #262-010

Case #05-V-21

Applicant: Elizabeth & Trevor Peard

Variance

Applicant: Elizabeth & Trevor Peard - Public Hearing for a Variance under Article IX 175-64 a (1) and 175-64 A (2) d for front and side setbacks for a detached garage. Property is located at 130 Oakwood Road, which is in the Shorefront Residential District.

A poll of members conducting a site visit: Sarah Silk - yes; Audrey Cline - yes; Tim Cronin - yes; Suzanne - yes; Luke Freudenberg - yes.

Mr. and Mrs. Peard, who were attending remotely, provided an overview of the project and their rationale for proposing it. They also presented their responses to the required criteria.

Luke Freudenberg opened the public hearing.

There being no further questions or comments, the public hearing was closed. The Board then reviewed the required criteria.

The Planner recommended the following conditions of approval:

1. 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.
2. The application, as submitted to the ZBA, does not satisfy the submission requirements for a Building Permit.
3. **Construction shall be completed in accordance with the dimensions shown on the approved plan set referenced in the Planner Review, as amended to the date of this approval, as well as adherence to the specifications given by the applicant for no more than a 20' x 20' garage with a roof pitch of 5/12. A foundation certification, stamped by surveyor shall be required.**
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.

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

Suzanne Ryan made a motion, which was seconded by Sarah Silk, to approve a Variance from Article 175-64 A (1) and (2) on 289 Camp Road, Tax Map 262-010, Case #05-V-21 to include the six conditions for approval as outlined by the Planner with special attention to be given to Condition 4 including the specifications given by the applicant for no more than a 20' x 20' garage with a roof pitch of 5 12.

Audrey Cline amended the motion to remove Planner's Condition #3 as per RSA 674 -33 (6). Tim Cronin seconded the amendment to the motion. Roll call vote: Sarah Silk - no; Audrey Cline - yes; Tim Cronin - yes; Suzanne Ryan - no; Luke Freudenberg - yes. The motion passes by a vote of 3-2.

A motion was made by Luke Freudenberg, and seconded by Audrey Cline, to approve a Variance from Article 175-64A (1) and (2) on 289 Camp Road, Tax Map 262-010 Case #05-V-21 to include five of the conditions for approval (eliminating #3) as outlined by the Planner with special attention to be given to Condition 4 including the specifications given by the applicant for no more than a 20' x 20' garage with a roof pitch of 5 12. Roll call vote: Sarah Silk - yes; Audrey Cline - yes; Tim Cronin - yes; Suzanne Ryan - yes; Luke Freudenberg - yes. The motion passes by a vote of 5-0.

IV. Consideration of Minutes:

Sarah Silk made a motion, which was seconded by Suzanne Ryan, to approve the minutes of the February 1, 2021 meeting of the Zoning Board of Adjustment as written. Roll call vote: Tim Cronin - yes; Sarah Silk - yes, Audrey Cline - yes; Suzanne Ryan - yes; Luke Freudenberg - yes. Motion was approved by a vote of 5-0 in favor.

V. Informational Item:

Rules of Procedure will be included on the next meeting agenda as well as election of officers and by-laws.

V. Adjournment:

Tim Cronin made a motion, which was seconded by Sarah Silk, to adjourn the meeting. Roll call vote: Tim Cronin - yes; Sarah Silk - yes, Suzanne Ryan - yes; Audrey Cline - yes; Luke Freudenberg - yes. Motion passes unanimously with a vote of 5-0.

Meeting was adjourned at 8:40 pm.

Respectfully submitted,

Mary Jane Shelton, Recording Assistant