

**Wolfeboro Zoning Board of Adjustment
Regular Meeting
4 March 2019
Minutes**

Members Present: Fred Tedeschi, Chairman, Sarah Silk, Vice-Chairman, Tim Cronin, Clerk, Peter Colcord and Luke Freudenberg, Members and David Senecal, Alternate

Members Absent: Peter Colcord, Member (Excused) and David Senecal, Alternate (Excused)

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

Fred Tedeschi called this meeting to order at 7:10 pm. A quorum was present.

Appointments:

TM# 217-196

Case 03-V-19

Applicant: Jared Burke & Wes Burke

2 Variances

Public Hearing for a Variance under Article XXIII, Section 175-144 (B) and Article X, Section 175-70 (c) of the Wolfeboro Planning & Zoning Ordinance to allow for the renovation of an existing barn to allow for two additional residential units. **This property is located at 112 North Main Street.**

Tim Cronin read the abutter and public notification for the record. A site visit was held at approximately 4:05 pm prior to the hearing.

Matt Sullivan informed the Board that the previous Case #01-V-19 has been withdrawn.

Application Summary:

The applicant/owner seeks to convert an existing garage/barn into two (2) multi-family units. The lot was approved via special exception in 1979 for four (4) multi-family units. Therefore, the proposed density is six (6) units on 0.264 acres. The permitted density in the Village Residential (VR) District is two (2) units per acre. The proposed density exceeds this threshold. There is no dimensional footprint expansion proposed per the provided plans.

The application replaces the previously submitted application. It was determined that in order to

address the inconsistencies between the appeal and denial, it was best to submit a new appeal and include the building separation issue identified by abutters and the Board.

A legal opinion from the ZBA Counsel is attached addressing the Special Exception requirements, parking, and other items.

Based on the opinion, it is interpreted that the ordinance is that the requirement for six (6) units is six (6) parking spaces in addition to two (2) visitor spaces. It is not believed that one applies the four (4) unit, seven (7) space requirement, and then requires additional parking based on the alternative standard. The eight (8) existing spaces are adequate.

The subject lot is 0.264 acres in size according to the recorded plan of land. Therefore a 30% lot coverage standard applies. Because no dimensional expansion is proposed, the lot coverage is exacerbated such that a variance is required. The existing owner has been granted a permit previously to lift the foundation only.

Attorney Marbury reviewed the application for the two requested variances as contained in the submitted variance application package.

Public Comments:

Jared Burke, owner spoke in favor of the variances. It is a unique property and they would like to keep the barn in good repair and the requested variances will not detract from values. Personally, he lives next to the building on the corner of North Main Street and Sewall Road that has several condo units and he has never experienced a burden from residents or parking issues. All residents are contributing members of society and there would be less cars parking in town if those living there can walk to work.

Wes Burke spoke in favor of the application. His children are all businessmen in town and employ people in town. They want to preserve the building and keep it up. There are really no other uses for the barn. Currently the roof has a hole in it. Barns fall apart unless they are maintained, they want to preserve it and its historic nature.

Benjamin Keyes spoke in favor and commented he looked for housing in Wolfeboro a year ago and could not find any so additional housing units would be a benefit. He would like to see the barn maintained.

Becky Swaffield, 7 Pleasant Street spoke in opposition, the character of the neighborhood has changed since they purchased. Just because you buy the property does not mean you are allowed to get the maximum amount from a property. There is not enough parking now, and there will be no parking for the additional units. There may be better uses for the barn as it has

a new foundation and could be used for storage and parking on the barn. The ZBA allowing uses other than residential uses would be changing the character of the neighborhood. Other barns in the area has an Art Studio and one was previously used for horses.

Matt Sullivan responded to a question raised and clarified the 4 allowed if per building, but the density overall on the property still applies.

Janet Vaughn, North Main Street asked how many cars can be parked there.

Matt Sullivan responded the parking standards are met with the 8 spaces that are provided on site. One space is required per unit with a visitor parking space required for each additional 3 units.

Becky Swaffield noted zoning used to require, two parking spaces per unit. Anyone renting an apartment usually has two cars.

Ann Blodget, 28 Pleasant Street stated that the need for rental properties should not be considered. The Town offers a barn easement reduction for barns so they can protect the barns. North Main Street is a gateway and if allowed the parking is going to have a severe negative impact.

Attorney Marbury rebutted it is important to note that the parking requirements are met. Rejection based on parking is not valid. Single family homes with barns do allow for other uses however this property and barn contain the special conditions required for the variances requested. Tearing down the barn to add parking is not an option.

Deliberation:

The Board questioned if the Board has the authority to reduce the number of units to 5 instead of 6 and Matt Sullivan responded it does not.

The Board discussed the application. The parking meets the regulations. The distance between the buildings is grandfathered although there are fire concerns. Density is a concern. Four units on ¼ acre is the highest you can go. There are other units in the area with a higher density however this property received a previous Special Exception to enable the 4 units. Having no other use for the barn is not a reasonable argument as the barn is not a special condition. Literal enforcement of the ordinance would not create a hardship to the applicant. The barn could be used for storage, parking and trash facilities.

It was moved by Sarah Silk and seconded by Tim Cronin to deny the variance from Section 175-144 (B) as requested. All members voted in favor and the motion passed.

It was moved by Sarah Silk and seconded by Tim Cronin to deny without prejudice for the variance from Section 175-70 (c) for the building being closer than 20'. All members voted in favor. The motion passed.

TM# 188-63

Case # 04-V-19

Applicant: Sky Ridge Farm Condominiums

Public Hearing for a Variance under Article XII, Section 175-80 of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a 2-car garage within the side setback. **This property is located at Farm House Lane.**

Peter Colcord read the public and abutter notification for the record. The Board met at 4:15 pm prior to the public hearing for a site visit however no person representing the applicant attended and the Board was not able to determine the location of the proposed structure on site.

Application Summary:

The applicant/owner seeks to construct a 25'x25' garage within the side setback. The proposed structure will encroach 15' into the side setback. The plan set indicates a 25' side yard setback. This is incorrect as the setback is 20' in the Residential District. It is recommended the Board request a rendering or building design to give some sense of scale or mass of the building due to the potential impact to the abutting property.

This project is subject to Special Use Permitting and Site Plan Review subsequent to this application.

Matt Sullivan recommended since no representative for the applicant was present at the site visit to review the proposed project and answer question, this public hearing be continued to 1 April 2019 in order to allow for a site visit to be held have a representative for the applicant present.

The Board, the applicant's representative and the applicants discussed the continuance.

It was moved by Fred Tedeschi and seconded Sarah Silk to continue the public hearing to Monday, April 1, 2019 at 7 pm in the Great Hall at Town Hall with a site visit to be held at 4:00 pm prior to the hearing. All members voted in favor. The motion passed.

Consideration of Minutes

4 February 2019

These minutes were tabled until 1 April 2019.

It was moved by Sarah Silk and seconded by Tim Cronin to adjourn the meeting at 8:09 pm. All members voted in favor. The motion passed.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Robin Kingston", is written over a rectangular area of the document that has been filled with a dense, light-colored dot pattern.

Robin Kingston
Administrative Assistant