

Wolfeboro Zoning Board of Adjustment

Regular Meeting

August 22, 2016

Minutes

RECEIVED AND RECORDED

9/6, 2016 1:12 PM

Book No. Page No.

WOLFEBORO, N.H. TOWN CLERK

**Members Present:** Fred Tedeschi, Chairman, Mike Hodder, Vice- Chairman, Chris Franson, Clerk, Hank Why and Suzanne Ryan, Members, David Senecal, Susan Raser and Sarah Silk, Alternates

**Staff:** Rob Houseman, Director of Planning

Chairman Tedeschi called this meeting to order at 7:00 pm at the Wolfeboro Public Library Meeting Room. A quorum was present.

**TM# 241-36**

**Case # 15-V-16**

**Applicant: Goodhue Hawkins Navy Yard**

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

Public Hearing for a Variance from Article IX, Section 175-64A(1) of the Wolfeboro Planning & Zoning Ordinance to allow the road front setback to be increased from 1.7' to 9.9' and the roof overhang from 0.6' to 2.0' significantly improving sight distance but still in violation of the required 30' setback. This property is located at 244 Sewall Road.

Chris Franson read the public and abutter notices for the four variances requested. A site visit was held at approximately 6:30 pm and minutes were submitted for the record.

The history and request for the four variances requested is as follows.

The Navy Yard has existed since 1903. The lot is 1.4 acres in total.

In 2004 the applicant proposed the following:

- Remove an existing shorefront storage building (encroaches onto abutting property , 14 feet from lake)
- Eliminate the recently demolished winch building (on the road side property line, 16 feet from the lake)
- Construct two new buildings:
  - New service building (3,540 sq. ft., comply with the side setback, 5 ft. from the road side property line, 23 ft. from the lake)
  - Future show room (40' x 60,' 2,400 sq. ft.)

- Based on the above proposal, the applicant received a variance for the following:  
Construct two new buildings:
  - New service building (3,540 sq. ft., comply with the side setback, 5 ft. from the road side property line, 23 ft. from the lake)
  - Future show room (40' x 60,' 2,400 sq. ft.)

The applicant subsequently received Site Plan Review approval for the aforementioned variance. The applicant most recently sought and received an extension for the site plan approval. The purpose of the extension was to consider a new layout of the site that would improve safety, to the public and sight distance along Sewall Road.

The applicant notes that this proposal will:

- Enhance safety and aesthetics by combining two buildings into one
- Separate patron space from the work space
- Improve sight distance through increased building setback from Sewall Road
- There will be public restrooms in the facility for anyone to use

Jim Rines addressed the Board and reviewed the application and plans and presentation Boards five criteria required for a variance as submitted.

#### Public Comment:

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

#### Deliberations:

The Board reviewed and deliberated the 5 criteria required for the Variance as follows:

1. The variance will not be contrary to the public interest.  
*The Board agreed this is not contrary to the public interest and this will have no adverse effect for safety and will improve sight distance for traffic on Sewall Road.*
2. The spirit of the ordinance is observed.  
*This does not alter the character of the neighborhood.*
3. That substantial justice is done.  
*This improves the safety.*
4. The values of surrounding properties will not be diminished.  
*This enhances the view shed and improved the overall character and there is no testimony showing it would diminish values in the area.*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: The Special Conditions of this property that distinguish it from other properties.

(B) Owing to special conditions of the property, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

*This predates zoning and there is no other lot in the area that is similar.*

It was moved by Suzanne Ryan and seconded by Mike Hodder to grant the variance from Section 175-64A(1) of the Wolfeboro Planning & Zoning Ordinance for Goodhue Hawkins Navy Yard, TM# 241-36, Case # 15-V-16 for a allow the road front setback to be increased from 1.7' to 9.9' and the roof overhang from 0.6' to 2.0' with the following conditions:

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 all applicable requirements for Site Plan Review application.
3. This approval is subject to NHDES and Town Shoreland permits and any conditions attached thereto.
4. 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 and the motion passed.

**TM# 241-36**

**Case # 16-V-16**

**Applicant: Goodhue Hawkins Navy Yard**

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

Public Hearing for a Variance from Article IX, Section 175-64A(4) of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of the showroom building within the 50' waterfront setback, over an area that is already paved. This property is located at 244 Sewall Road. A site visit was held at approximately 6:30 pm.

Jim Rines addressed the Board and reviewed the application, five criteria required for a variance and plans as submitted.

**Public Comment:**

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

**Deliberations:**

The Board reviewed and deliberated the 5 criteria required for the Variance as follows:

1. The variance will not be contrary to the public interest.  
*The Board agreed this is not contrary to the public interest and this will have no adverse effect for safety and will improve sight distance for traffic on Sewall Road.*
2. The spirit of the ordinance is observed.  
*This does not alter the character of the neighborhood.*
3. That substantial justice is done.  
*This improves the safety.*
4. The values of surrounding properties will not be diminished.  
*This enhances the view shed and improved the overall character and there is no testimony showing it would diminish values in the area.*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: The Special Conditions of this property that distinguish it from other properties.  
(B) Owing to special conditions of the property, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.  
*This predates zoning and there is no other lot in the area that is similar.*

It was moved by Mike Hodder and seconded by Suzanne Ryan to grant the variance for TM# 241-36, Case # 15-V-16, Goodhue Hawkins Nay Yard, from Section 175-64A(4) of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of the showroom building within the 50' waterfront setback, over an area that is already paved with the dimensions as indicated on the plan submitted and approved by the Board with the following conditions:

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 all applicable requirements for Site Plan Review application.
3. This approval is subject to NHDES and Town Shoreland permits and any conditions attached thereto.
4. 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 and the motion passed.

**TM# 241-36**

**Case # 17-V-16**

**Applicant: Goodhue Hawkins Navy Yard**

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

Public Hearing for a Variance from Article IX, Section 175-64D of the Wolfeboro Planning & Zoning Ordinance to allow for the increase in percentage of lot coverage from 65.85% to 70.85% in order to improve safety and aesthetics through use separation; improved site access and improved view shed. This property is located at 244 Sewall Road. A site visit was held at approximately 6:30 pm.

Jim Rines addressed the Board and reviewed the application and plans as submitted.

Suzanne Ryan and Sarah Silk noted concern of increasing the percentage of impervious lot coverage as they are well over the 30% allowed as this is more than doubled than what is allowed.

Jim Rines noted there are many factors and regulations in place today that did not previously exist that protect the environment. These offset and improve the current conditions even with the modest increase requested.

Ron Houseman and Dave Senecal noted the uniqueness in this property it is a commercial property located in a residential neighborhood. The business has been located in its current location since 1903. Most other commercial businesses operate in commercial districts and the downtown commercial properties have a 100% lot coverage allowance.

#### Public Comment:

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

#### Deliberations:

The Board reviewed and deliberated the 5 criteria required for the Variance as follows:

1. The variance will not be contrary to the public interest.  
*The Board agreed this is not contrary to the public interest and this will have no adverse effect for safety and will improve sight distance for traffic on Sewall Road.*
2. The spirit of the ordinance is observed.  
*This does not alter the character of the neighborhood.*
3. That substantial justice is done.  
*This improves the safety.*
4. The values of surrounding properties will not be diminished.  
*This enhances the view shed and improved the overall character and there is no testimony showing it would diminish values in the area.*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: The Special Conditions of this property that distinguish it from other properties.  
(B) Owing to special conditions of the property, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.  
*This predates zoning and there is no other lot in the area that is similar.*

It was moved by Mike Hodder and seconded by Chris Franson to grant the variance for Goodhue Hawkins Navy Yard, TM# 241-36, Case # 15-V-16 from Section 175-64D of the Wolfeboro Planning & Zoning Ordinance to allow for the increase in percentage of lot coverage from 65.85% to 70.85% with the following conditions:

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 all applicable requirements for Site Plan Review application.
3. This approval is subject to NHDES and Town Shoreland permits and any conditions attached thereto.
4. 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 and the motion passed.

Mike Hodder, Chris Franson, Hank Why and Fred Tedeschi voted in favor of the motion. Suzanne Ryan voted in opposition. The motion passed.

**TM# 241-36**

**Case # 18-V-16**

**Applicant: Goodhue Hawkins Navy Yard**

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

Public Hearing for a Variance from Article IX, Section 175-43. A of the Wolfeboro Planning & Zoning Ordinance to allow for the expansion of an existing non-conforming building by more than 25% increase in order to enhance safety and improve aesthetics by consolidating two buildings into one and redeveloping the site. This property is located at 244 Sewall Road. A site visit was held at approximately 6:30 pm.

Jim Rines addressed the Board and reviewed the application and plans as submitted. The existing variance for expansion would no longer exist if this this variance were approved.

Suzann Ryan noted the expansion could be accomplished without increasing the percentage.

Jim Rines reviewed the increase and factors necessary as a different proposal would require other encroachments.

Dave Senecal noted no abutters were present or submitted concerns or comments in opposition.



Suzanne Ryan disagreed.

Public Comment:

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

Deliberations:

The Board reviewed and deliberated the 5 criteria required for the Variance as follows:

1. The variance will not be contrary to the public interest.  
*The Board agreed this is not contrary to the public interest and this will have no adverse effect for safety and will improve sight distance for traffic on Sewall Road.*
2. The spirit of the ordinance is observed.  
*This does not alter the character of the neighborhood.*
3. That substantial justice is done.  
*This improves the safety.*
4. The values of surrounding properties will not be diminished.  
*This enhances the view shed and improved the overall character and there is no testimony showing it would diminish values in the area.*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: The Special Conditions of this property that distinguish it from other properties.  
(B) Owing to special conditions of the property, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.  
*This predates zoning and there is no other lot in the area that is similar.*

It was moved by Mike Hodder and seconded by Hank Why to grant the variance from Article IX, Section 175-43.A of the Wolfeboro Planning & Zoning Ordinance for Goodhue Hawkins Navy Yard, TM# # 241-36, Case # 15-V- 16 to allow for the expansion of an existing non-conforming building by more than 25% increase in order to enhance safety and improve aesthetics with the following conditions:

1. This Variance supersedes the 2004 Variance granted to the applicant as it relates to the approved but yet built retail facility specifically.
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 all applicable requirements for Site Plan Review application.
4. This approval is subject to NHDES and Town Shoreland permits and any conditions attached thereto.
5. The applicant shall pay all recording fees.

6. 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

Mike Hodder, Chris Franson, Hank Why and Fred Tedeschi voted in favor of the motion. Suzanne Ryan voted in opposition. The motion passed.

Consideration of Minutes:

**1 August 2016**

**Corrections:**

Page 1

Remove Sarah Silk from being present and add (excused) next to Sarah Silk, Alternate  
5<sup>th</sup> line from bottom remove the word "email" after July 28  
2<sup>nd</sup> line from bottom remove the word "by"

Page 2

2<sup>nd</sup> to the last paragraph; rewrite the last sentence to read:

"The information was not pointed out and if Mr. Norton had the expertise he claimed he would not have made the presentation or would have pointed out the time of purchase of the properties by FIT.

Page 3

1<sup>st</sup> paragraph, last sentence should read "Discussion also occurred that Board members' use their personal knowledge and sales of the area, weighing evidence and not blindly accepting it."

Page 4

3<sup>rd</sup> line from the bottom add the word "there" at the end

Page 5

5<sup>th</sup> line from the bottom – add an "s" at the end of aspect

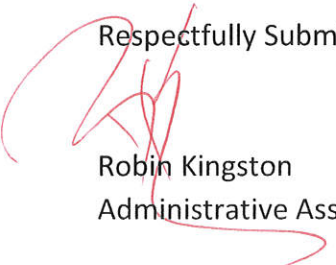
Page 7

Under page 14 – Suzanne Ryan stated it should read "applicants cover letter".

It was moved by Mike Hodder and seconded by Hank Why to approve the minutes of August 1, 2016 as amended. All members voted in favor and the motion passed.

There being no further business, this meeting was adjourned.

Respectfully Submitted,

  
Robin Kingston  
Administrative Assistant

\* These minutes were transcribed from video supplied by Wolfeboro Community TV\*