

Town of Wolfeboro
Zoning Board
Minutes Of

Monday, May 02, 2022-- 7:00 PM

1. Roll Call:

Audrey Cline, Chairman; Luke Freudenberg, Member; Sarah Silk Member; Suzanne Ryan Member; Tim Cronin, Member; Cate McMahon, Alternate; Chuck Schumer Alternate; Nancy Stroman, Alternate (via GoToMeeting)

Staff present: Tavis Austin, AICP, Director of Planning and Development

2. Public Hearings

A. Cline discussed the order of the agenda. Board and Randy Walker, Attorney for the applicant, discussed re-ordering the agenda.

A. Cline mentioned Bartlett vs. Manchester. Discussion continued.

S. Ryan motioned that Case #05-V-22 doesn't meet the threshold for a variance. The motion was seconded by S. Silk. The vote was as follows: S. Ryan, yes; A. Cline, yes; S. Silk, no; L. Freudenberg, no; T. Cronin, no. Motion failed. A. Cline moved Case #05-V-22 to the end of the public hearing agenda items.

A. Cline motioned that Case #06-V-22 doesn't meet the threshold for a variance as the use was permitted by §175-144. The motion was seconded by S. Silk. The Board discussed the motion generally. The vote was as follows: S. Ryan, yes; A. Cline, yes; S. Silk, no; L. Freudenberg, yes; T. Cronin, yes. Motion failed. Case #06-V-22 removed from the agenda.

A. Cline re-ordered the agenda for public hearings, by case number as follows: 9, 10, 11, 7, 8, 5-V-22.

S. Silk read the site visit minutes into the record:

ZBA Site Visit Minutes 5-2-22:

Tax Map Lots: #161-15, #161-16, 175-11

Cases: 05-V-22, 06-V-22, 07-V-22, 08-V-22, 09-V-22, 10-V-22, 11-V-22

PRESENT: ZBA Members: Audrey Cline, chair; Suzanne Ryan, vice-chair; Tim Cronin, clerk; Sarah Silk, Luke Freudenberg

ZBA Alternates: Cate McMahon, Chuck Sumner

Applicants: Attny Randy Walker, Geordy Hutchinson, Michelle Hansen

Conservation Commission: Lenore Clark, chair; Brenda Jorett, Jim Nupp

Interested Parties: Mal Blodget, Fred Fernald

The Site Visit started at 4:30PM at the access point to lot #175-11 adjacent to 108 Pine Hill Rd. The applicant stated there were proposing on-site sewer managed by the town and town water.

Wetlands shown on the map in the packet were done by previous owner and the new wetlands delineation is nearly completed. It was unclear as to whether test pits had been dug in the area marked for septic/sewage. The group walked back to the rear corner of the lot. The locations of the 2 apartment buildings were indicated. An orange balloon was observed in the general location of the building to the right. Applicant indicated it was about 50' high.

#2 The group went to a parking area on 109A to observe the entrance to lot 161-15 opposite Beech Pond Road with applicant stating the NH DOT would determine the exact location. The 1st unit would be 320' from the street.

#3 The group parked opposite the Sugar Hill entrance. Applicant indicated the Fire Chief had asked for an emergency entrance in case 109A or the access road to 161-15 & 161-16 was blocked. It would be gated and locked with Knox Box access for the Fire Dept. Questions were asked about location due to the water at the edge of the road and observed steepness of the lot. The applicant responded the location would be determined based on the wetland survey.

*Respectfully submitted,
Sarah M Silk, ZBA Member*

T. Cronin read the notice for Case #09-V-22:

GEORDY HUTCHINSON/ MICHELLE HANSEN/RICHARD F. QUINBY JR RVCBL LIVING TRUST – Pine Hill Road – Tax Map #175-11 - Case # 09-V-22 - Public Hearing for a Variance under Article XV, § 175 -95 B of the Wolfeboro Planning & Zoning Ordinance to allow for variance for building height- Formal Submission/Public Hearing

R. Walker, Geordy Hutchinson, Michelle Hansen, and Chris Berry were announced as applicants. R. Walker presented a background for all of the requested variances and provided the Board with suggested four (4) conditions of approval for the Board's consideration. He proceeded to go through the 5 criteria as submitted in the application.

A. Cline asked if anyone wanted to speak in favor of the application.

Tony Fallon, Tony Fallon Architects, spoke in favor of the application.

Cody Gray, Goodhue Hawkins, spoke in favor of the application.

A. Cline if anyone wished to speak against the application. There were no comments.

A. Cline and R. Walker discussed the public comments received by T. Austin prior to the hearing and the 4 additional written comments of support provided by R. Walker at the meeting. The names of all written comment providers were read aloud.

S. Ryan motioned to close the public hearing at 08:10 PM. S. Silk seconded the motion which passed with a unanimous vote.

Board presented their individual thoughts on the 5 criteria. Discussion focused on protection of sensitive lands, ability to provide fire protection, lack of impact to industrial abutters, no opposition comments from abutters.

T. Cronin read public comment received from Adam Dow.

L. Freudenberg motioned to approve Case #09-V-22 as submitted to permit a building height of forty-feet (40'). T. Cronin seconded the motion.

A. Cline requested an amendment to request a drawing showing compliance with the 40' height. The applicant pointed to the submitted plans which include the drawing. A. Cline wanted drawing referenced in the motion. Amendment was acceptable to L. Freudenberg and T. Cronin.

A. Cline called for a roll call vote on the motion: L. Freudenberg, yes; S. Silk, yes; S. Ryan, no; A. Cline, yes; T. Cronin, yes. Motion carried (4-1-0).

T. Cronin read the notice to Case #10-V-22.

R. Walker moved straight to synopsis of the 5 criteria as submitted.

S. Silk questioned water and sewer.

C. Berry explained water and sewer.

T. Cronin read 05/02/2022 memo from Dave Ford, DPW Director, in to the record.

R. Walker provided some closing comments.

S. Ryan commented that manufactured homes depreciate, not appreciate in value. Board discussed reserving such comments for other agenda items.

S. Ryan motioned to close the public hearing at 9:10 PM. S. Silk seconded the motion which passed with a unanimous vote.

S. Silk preferred on -site septic to alleviate further burden on the tax payers. Board discussed.

A. Cline noted that a density increase not proposed with this variance and therefore water, sewer were not part of the Board's deliberation needs.

S. Ryan recalled RSA 674:14 *Purpose for Zoning*, and determined that water, sewer, and public health, safety and welfare are in fact the Board's concern.

A. Cline agreed to disagree with S. Ryan.

Board discussed their opinions on the 5 criteria. Discussion focused on protection of sensitive lands, ability to provide fire protection, lack of impact to industrial abutters, no opposition comments from abutters.

L. Freudenberg motioned to approve Case #10-V-22 as submitted with the condition the applicant must use Town water and onsite septic for the units. S. Silk seconded the motion. The roll call vote was as follows: L. Freudenberg, yes; S. Silk, yes; A. Cline, yes; T. Cronin, yes; S. Ryan, no. Motion carried (4-1-0).

Board and R. Walker generally discussed Case #11-V-22.

A. Cline motioned to open all remaining public hearing agenda items for the purpose of the continuing them all to the June 06, 2022, ZBA meeting at 7 PM in Great Hall, Wolfeboro Town Hall, 84 S. Main St., Wolfeboro, NH 03894. The motion was seconded by S. Ryan. There was a unanimous vote; motion carried.

No other business was discussed.

S. Ryan motioned to adjourn at 10:00PM. L. Freudenberg seconded the motion which passed with a unanimous vote.

Meeting Adjourned.

Submitted by T. Austin