

Wolfeboro Zoning Board of Adjustment

Regular Meeting

May 2, 2011

Minutes

RECEIVED AND RECORDED A
5/19 20 11 8:00 M
Book No. _____ Page No. _____
Stacy M. Water
WOLFEBORO, N.H. TOWN CLERK

Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice Chairman, Steve McGuire, Clerk, Kathy Barnard, Member, David Booth, Member, Mike Hodder, Alternate

Members Absent: David Senecal, Alternate

Staff Present: Rob Houseman, Director of Planning & Zoning and Robin Kingston, Administrative Assistant

Alan Harding called this meeting to order at 7:04 PM in the Wolfeboro Public Library Meeting Room. A quorum was present. The Board was introduced and the conduct of public hearing was reviewed.

TM# 122-1

Case # 04-SE-11

Applicant: John Pernokas

Agent: Randy Walker

Special Exception

Steve McGuire read the public and abutter notification for the record. A site visit was held at approximately 6:30 PM prior to the meeting.

Special Exception from Section 175-127 of the Wolfeboro Planning & Zoning Ordinance to allow for a small family cemetery for human beings which is intended to be a quiet place of remembrance. The subject property is in the Agricultural District and the proposed use is allowed by Special Exception under Section 175-126(F). This property is located at 55 North Wakefield Road.

Attorney Walker, representing John Pernokas addressed the Board and noted the proposed is for a 35' x 35' cemetery to be constructed on over a 100 acre parcel on the side of Cotton Mountain. The road sees virtually no traffic unless someone

is either lost or going to visit the Pernokas's. The eight criteria as submitted with this application were reviewed. The cemetery will be located in an existing walled location and there a number of cemeteries in the area on private land. The Cotton Cemetery is located on this parcel.

Rob Houseman had suggested in the Planner Review there be a recording at the Registry of Deeds defining the cemetery and its location. Attorney Walker noted there could be the recorded approval as well as the cemetery description as inked in on the survey plan but he is not sure the Registry of Deeds will accept that as it is not a specific plan. He suggested a brief description of the location be recorded with the approval and submitted a copy of the description he prepared, to the Board.

David Booth clarified that the cemetery is in existence and asked if it now meets any and all town, county and state regulations.

Randy Walker responded that it does. There are virtually no regulations for private cemeteries except; 1. they cannot be located within 100' of a residence and 2. or located within 50' from a town road. RSA 289 governs private cemeteries and this application meet the requirements.

Steve McGuire asked about a descendant's rights to trespass upon a private property to get to the cemetery.

Randy Walker explained in all deeds there should be a reservation and in this case to the Pernokas family and their decedents in perpetuity to visit the cemetery so there will be no trespassing. The buyer of this property would purchase the property subject to the rights of the Pernokas family to go to this particular property much like the Cotton Family visits the cemetery they saw tonight.

Steve McGuire asked for copy of the Pernokas deed which references the right to the Cotton Family.

Randy Walker responded that he does not have a copy of the Pernokas deed and he cannot say with complete certainty that it is in their deed but in doing title searches he often comes across this type of language. With the recommendation of the language previously submitted and the Board's approval, the right would be placed on record that the cemetery is there. RSA 289.14 - Right of Way to

Private Burial Grounds - is the mechanism that allows decedents can gain access to cemeteries in the event the right was not reserved in a deed.

Alan Harding asked if anyone from Cotton Cemetery comes to visit.

John Pernokas responded they come to visit the cemetery almost annually.

Public Comments:

Randy Walker spoke as an abutter and stated he is in favor of the application.

Jack Moore, North Wakefield Road, Cotton Mountain, spoke in favor of the application.

No person spoke in opposition of this application.

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

Deliberation:

The Board discussed the application and agreed the eight points required for the Special Exception have been met.

It was moved by Suzanne Ryan and seconded by Kathy Barnard to approve the Special Exception for Case 04-SE-2011, TM# 122-1, where as it meets all eight criteria for Mr. John Pernokas for an enclosed, approximate 35' x 35' private family cemetery for human beings. The Board attaches as a condition the cemetery location description prepared by Attorney Walker. All members voted in favor of the motion and the motion passed

Consideration of Minutes

4 April 2011

Corrections:

Page 2:

Paragraph starting with Bill Tanguay, last sentence remove the word "the" after the word property.

Next line should read - Kathy Barnard asked what the benefits to the community are.

Next line change the word an to "if".

Page 3:

3rd paragraph from the bottom, last sentence change the word if to "is".

Page 4:

3rd paragraph from the top, second sentence change htey to "They"

Page 9:

Second paragraph, first sentence change the word abutters to "alternates"

Fifth paragraph, first sentence change the word her to "he"

Sixth paragraph, first sentence, change the word a to "as"

It was moved by Kathy Barnard and seconded by Alan Harding to approve the minutes of April 4, 2011 as amended. All members voted in favor. The motion passed.

Other Business

Alan Harding announced George Hutchinson has resigned from his position as an Alternate with the Board. His letter of resignation was read.

Alan Harding ask all members and the audience if they know someone who is interested in serving on the Board have them submit a letter of interest to the Town Manager as the Board has opening for Alternates.

Suzanne Ryan asked for the minutes to be emailed instead of being included in the packets. The Board discussed this request and determined the minutes should remain in their packets.

Suzanne Ryan asked that when possible the packets be ready before the weekend like on Wednesday. The Board received their packets Thursday.

Suzanne Ryan asked about the Knapp application and noted it was poorly done, the application was continued and has not been before the Board since. The application should be scheduled for the next hearing so the Board can deal with it.

Rob Houseman responded the applicant will be formally withdrawing the application before the next meeting. The applicant has been communicating with him via email.

The Board discussed placing this item on the next agenda.

Election of Officers:

It was moved by Kathy Barnard and seconded by David Booth that Alan Harding continue to serve as Chairman as he has done a very good job. All members voted in favor. The motion passed.

It was moved by Steve McGuire and seconded by David Booth that Suzanne Ryan be nominated as Vice-Chairman. All members voted in favor and the motion passed.

It was moved by David Booth and seconded by Alan Harding that Steve McGuire serve as Clerk. All members voted in favor and the motion passed.

Second Reading of the Rules of Procedure

It was moved by David Booth and seconded by Kathy Barnard that after review of the changes which were discussed extensively at last meeting and properly inserted as an adjustment and modification in the previously amended Rules of Procedure the currently available Rules of Procedure we have in our hands today be accepted and noted as amended 2 May 2011.

Discussion:

Page 2: Second to the last sentence:

Should read: "The Chairman will announce who is participating in the deliberations and voting on each application at the beginning of the hearing and prior to entering the deliberations."

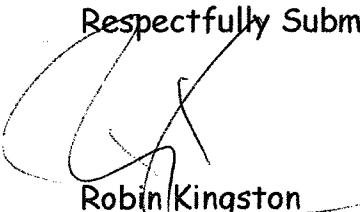
David Booth amended his motion as adjusted. Kathy Barnard seconded the amendment.

All members voted in favor of the amendment and the motion and the motion passed.

Alan Harding asked when these Rules should be amended again. The Board decided they would be amended as needed.

There being no further business before the Board, this meeting was adjourned.

Respectfully Submitted,



Robin Kingston
Administrative Assistant