

RECEIVED AND RECORDED

10/9, 2012 2:15 PM

Book No. Page No.

Wolfeboro Zoning Board of Adjustment
Regular Meeting
October 1, 2012
Minutes

WOLFEBORO, N.H. TOWN CLERK

Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice Chairman, Steve McGuire, Clerk, Kathy Barnard, Member, Mike Hodder, Alternate, and Fred Tedeschi, Alternate

Members Absent: David Booth Member and David Senecal, Alternate

Staff Present: Rob Houseman, Director of Planning & Zoning

Alan Harding called this meeting to order at 7:00 PM in the Wolfeboro Public Library Meeting Room. A quorum was present. The procedures and rules for the public hearing were reviewed.

TM# 80-1

Case # 11-RSA-12

Applicant: Barry Caswell

Appeal of NH RSA 674:41

Fred Tedeschi was seated for this hearing.

Public Hearing for the Appeal from NH RSA 674:41 to allow for the construction of a dwelling on a lot having no road frontage. This property is located on off York Road.

Steve McGuire read the public and abutter notice for the record. A site visit was held at approximately 6:30 pm.

The applicant desires a building permit for the construction of a single-family dwelling. The lot has no road frontage on a street that complies with RSA 674:41.

The applicant addressed the Board and reviewed his application as submitted. In reviewing the application Mr. Caswell noted that the hardship for this application would be accessing the lot because it is accessed only through a right-of-way. Additionally, he reviewed prior applicant's applications for RSA 674:41 approvals on this same road.

Alan Harding asked the applicant to have the fire and police departments review the application to make sure there are no issues or problems accessing the road.

The Board discussed a continuance to allow Mr. Caswell time to address the Board's concerns relative to; confirmation of the easement, how many lots can access the easement, review from the Fire & Police (site visit), location of the easement on the map and location of the proposed dwelling and how much acreage will be removed from Current Use for the house site, and address the slope ordinance.

Suzanne Ryan Asked that the Police and Fire Department be requested to conduct a site visit in order to help make their determination.

The Board encouraged the applicant to work with the Town Planner regarding his application.

It was moved by Steve McGuire and seconded by Kathy Barnard to continue Case # 11-RSA-12 to November 6, 2012 with the stipulation that the applicant waive the 30-day clock period for us making a decision. All members voted in favor.

TM# 149-13

Case # 12-V-12

Applicant: John O'Connell

Variance

Mike Hodder was seated for this hearing.

Steve McGuire read the public and abutter notice for the record. A site visit was held at approximately 6:30 pm.

Public Hearing for a Variance from Article 175-IX, section 64, Paragraph of the Planning & Zoning Ordinance to permit the moving of the exact footprint of an old garage, that currently has a setback of approximately 3' from the road and move the identical footprint over 5' further from the road to abut the residence that is to be built. The property is located on Fernald Crossing. A site visit was held at approximately 6:15 PM prior to the hearing.

The applicant proposes to move the existing footprint of the existing garage, currently approximately 1' from the front property line, back from the property line 5' and attach it to a new dwelling.

John O'Connell addressed the Board and reviewed the application as submitted. The space will be used strictly as a garage with storage above.

The Board discussed the garage is preexisting in its location and the garage would be more conforming. Unique conditions to include the area and all special conditions. The garage's current location is what makes this property unique. The lots were always held as separate parcels.

Mr. O'Connell noted special conditions of the property are the size of the lot and the garage existing at the property line.

Suzanne Ryan commented she does not believe from that the applicant met the 5th criteria.

Chairman Harding opened the public hearing.

Marie August an abutter at 58 Fernald Crossing and President of Wentworth Park Shore Association spoke in favor of this application. She noted this would be an improvement to the area. This parcel has been in existence since 1903 but was split in half up until 4 or 5 years ago serving as a driveway to the Griffin property. The road is very narrow in the area and plows have almost hit the garage as it currently sits. This lot is unique compared to others in the area. By moving the garage it should also help the storm runoff in the area and this would benefit the public health and safety.

There being no further comments the public hearing was closed.

The Board reviewed the criteria for a variance as follows:

1. The variance will not be contrary to the public interest.

Alan Harding, Steve McGuire, Kathy Barnard, Mike Hodder and Suzanne Ryan agreed criteria was met.

2. *The spirit of the ordinance is observed.*

Alan Harding, Steve McGuire, Kathy Barnard, Mike Hodder and Suzanne Ryan agreed criteria was met.

3. *Substantial justice is done.*

Alan Harding, Steve McGuire, Kathy Barnard, Mike Hodder and Suzanne Ryan agreed criteria was met.

4. The values of surrounding properties are not diminished.

Alan Harding, Steve McGuire, Kathy Barnard, Mike Hodder and Suzanne Ryan agreed criteria was met.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Alan Harding, Steve McGuire, Kathy Barnard, Mike Hodder and Suzanne Ryan agreed criteria was met.

It was moved by Steve McGuire and seconded by Suzanne Ryan regarding Case 12-V-12, applicant John O'Connell that having met all of the five criteria that this application be approved. All members voted in favor. The motion passed.

Consideration of Minutes:

10 September 2012

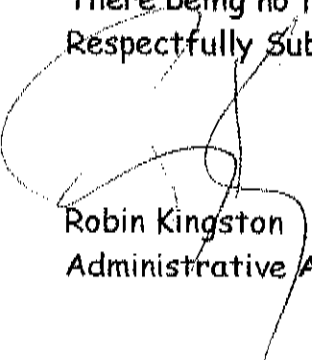
The Board tabled consideration of the 10 September 2012 Minutes until the November meeting.

Workshop - RSA 674:41

The Board held a workshop and discussed RSA 674:41.

There being no further business, this meeting was adjourned at 9:15 pm.

Respectfully Submitted,


Robin Kingston
Administrative Assistant