

RECEIVED AND RECORDED

June 11, 2012 M

Wolfeboro Zoning Board of Adjustment Page No. _____
Regular Meeting
June 4, 2012
Minutes

[Signature]
WOLFEBORO, N.H. CLERK

Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice Chairman, Kathy Barnard, Member, David Senecal, Alternate, Mike Hodder, Alternate, and Fred Tedischi, Alternate

Members Absent: Steve McGuire, Clerk (excused) and David Booth, Member

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

Alan Harding called this meeting to order at 7:00 PM in the Wolfeboro Public Library Meeting Room. A quorum was present.

Due to David Booth's absence, David Senecal was seated for the fist two hearings. Mike Hodder was seated in place of Steve McGuire. The Board was introduced. The Rules of Conduct for the meeting and hearings were reviewed.

TM # 189-12

Case # 07-SE-12

Cedar Crest Trust of NH, James A. Walgreen, Trustee

Bay Street

Special Exception

Agent: Jim Rines, White Mountain Survey, Inc.

Suzanne Ryan read the abutter and public notification for the record. A site visit was held at 6:30 pm prior to the hearing.

Public Hearing for a Special Exception from Article I, Section 175-2 of the Wolfeboro Planning & Zoning Ordinance to allow the applicant to shift the Zoning District boundary between 25' to 100'. This property is located on the Bay Street.

The applicant owns a lot on Bay Street and in December 1999, the applicant filed for a Special Exception for extension of the zoning boundary in order to allow a proposed storage building on site. On January 4, 2000, the ZBA approved the application. The structure was never built and subsequently the zoning changed to include the elimination of storage as a permitted use or use by Special Exception. The applicant's agent has redesigned the plan to comply with the current setback requirements.

Jim Rines addressed the Board and reviewed the application, plan and eight points required for the Special Exception as submitted.

Alan Harding asked about employees accessing the unit.

Jim Rines responded the Trustee has employees that will access the building; this will be for his personal use.

Suzanne Ryan asked the maximum number of RV's that could be stored.

Jim Rines stated that it is a 16,000 sq. ft. building, 8,000 sq. ft. on each floor. He cannot estimate the number of vehicles. The access is suitable for a fire truck.

Mike Hodder asked how big a Class "A" RV.

Jim Rines responded it looks like a Trailways Bus.

Mike Hodder asked if there would be any tie up on Bay Street.

Jim Rines responded that he would not anticipate any and traffic would not be tied up as the RV has been stored up there before.

Mike Hodder noted the snow disposal area in the front of the property as this intersects the 25' setback from wetlands.

Jim Rines stated the ordinance shows this is a zoning requirement that it is shown 5 feet from parking area. Bay Street is closer to the wetland and it is plowed right into the wetlands.

Mike Hodder asked of the front was going to be planted.

Jim Rines noted on the plan what would remain in place along Bay Street.

Suzanne Ryan asked how much growth will be removed (how many feet in from Bay Street will be undisturbed?)

Jim Rines noted there is no anticipated disturbance for approximately 30' from the property line and 40' from the pavement.

Suzanne Ryan asked why the Planning Board eliminated Storage in that zone.

Rob Houseman explained in 1996 the zoning was C2, which is the most intensive use. It was changed into a transitional zone. The C2 zone included storage units. The Board thought that was inconsistent with the new transitional zone of the downtown area.

Suzanne Ryan asked if the zoning map is updated every time a Special Exception is given.

Rob Houseman noted Special Exception's run with the land. In this case, it lapsed because it never was built and then the zoning changed.

Suzanne Ryan asked what the lot coverage would be.

Jim Rines noted the footprint is 8,000 sq. ft. and the lot is 81,451 sq. ft. = 9.8% lot coverage.

Suzanne Ryan asked about RV Maintenance inside.

Jim Rines explained they would be changing oil, grease the RV, changing tires, and the like; similar to what you would be doing in your own garage.

David Senecal noted the buildings abutting this property are used in the same manner.

Public Comments:

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

David Senecal noted he feels all the points have been met. The building meets setbacks, there will be no additional trip generation than presently occurs, the buildings are enclosed, there will be no undue nuisance and no extra curb cut, the building has water and sewer, sufficient space to maneuver an RV, it is an appropriate site and protected 30' to the property line with a buffer. This application will need to go to the Planning Board for review, there will be no negative impact on the property values, this use was permitted previously in this location.

Suzanne Ryan asked to discuss the following conditions:

1. Allow as a private storage facility for a single individual with limited RV maintenance to take place inside.
2. To retain approx 30' of landscape, buffer screening from property line or 40' screening buffer from the pavement.

Kathy Barnard and Mike Hodder noted the condition of buffering should be left to the Planning Board and the condition of the use should be discussed with the Variance application. Additionally the conditions have been met and this is an appropriate request.

Alan Harding noted he believes the 8 requirements have been met. This fits with the neighborhood and it is hard to find (visually set back from the road). The restrictions will be covered with the Variance application.

It was moved by Suzanne Ryan to approve the request for Case # 07-SE-12, Cedar Crest Trust of NH, James A. Walgreen, Trustee a Special Exception for the purposes of construction of a storage building.

Kathy Barnard seconded the motion.

Mike Hodder amended the motion to eliminate the wording for the construction of a storage building and added the wording to read: To approve the Special Exception to move the zoning boundary in accordance with Article 175.2 (b2) as shown in the plan presented, moving the boundary 40'.

Kathy Barnard seconded the amendment. All members voted in favor of the amendment and motion. The motion passed.

TM # 189-12

Case # 08-V-12

Cedar Crest Trust of NH, James A. Walgreen, Trustee

Bay Street

Variance

Agent: Jim Rines, White Mountain Survey, Inc.

Suzanne Ryan read the abutter and public notification for the record. A site visit was held at 6:30 pm prior to the hearing.

Public Hearing for a Variance from Article XVII, Section 175-106 of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a storage building which will have some private RV maintenance performed inside within the Bay Street Limited Business District. This property is located on the Bay Street. A site visit was held at approximately 6:30 pm prior to the hearing.

The applicant owns a lot on Bay Street and in December 1999, the applicant filed for a Special Exception for extension of the zoning boundary in order to allow a proposed storage building on site. On January 4, 2000, the ZBA approved the application. The structure was never built and subsequently the zoning changed to include the elimination of storage as a permitted use or use by Special Exception. The applicant's agent has redesigned the plan to comply with the current setback requirements.

Jim Rines addressed the Board and reviewed the application, plan, and five points required for the variance submitted. It was noted that the dimension previously given previously for the buffer, contains a good portion of grass and there is not 30' of additional vegetation. There is no plan to disturb what currently exists.

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

The board discussed this application.

It was moved by Suzanne Ryan to approve the Variance for James Walgreen, Cedar Crest Trust NH, TM# 189-12, Case # 08-V-12 to allow for a structure to serve as a private storage facility for a single individual and it will not have a commercial purpose.

David Senecal seconded the motion.

Mike Hodder asked for discussion on the motion and suggested the wording be taken from the application itself, "The construction of a private storage building which will have some incidental private RV maintenance performed onsite.

Kathy Barnard noted the applicant notes "indoor personal storage."

Mike Hodder modified the amendment to read, "The construction of an indoor personal storage building which will have some incidental private RV maintenance performed onsite.

Mike Hodder asked Chairman Harding if the applicant could be asked if he is comfortable with the motion.

The Chairman allowed this and Jim Rines responded he has no problems with the conditions stated or the ones on the Planner Review. They anticipated needing to obtain Site Plan Approval if they were successful at the ZBA.

Alan Harding asked staff to reread the motion.

Robin Kingston read the motion and amendments as follows:

It was moved by Suzanne Ryan and amended by Mike Hodder, with both the motion and the amendment seconded by David Senecal to approve the Variance for James Walgreen, Cedar Crest Trust NH, TM# 189-12, Case # 08-V-12 to allow for the construction of an indoor personal storage building which will have some incidental private RV maintenance performed onsite. 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. The project as submitted to the ZBA does not satisfy all applicable requirements for a site plan review application.

All members voted in favor the motion

TM# 172-3

Case # 09-RSA-12

Applicant: James C. & Christine Zampell

Appeal from NH RSA 674.41

Off Keewaydin Road

Agent: Jim Rines, White Mountain Survey Inc.

David Senecal stepped down from this hearing and Fred Tedeschi was seated.

Suzanne Ryan read the abutter and publication notification for the record. A site visit was held at approximately 6:15 pm.

Public Hearing for an Appeal from NH RSA 674:41 to allow the applicant to change the footprint of the approved structure as the original application did not anticipate that the exact size and location of the building would be part of the approval on December 5, 2011. This property is located off Keewaydin Road.

Alan Harding asked that the minutes of the December 5, 2011 Public hearing Meeting hearing and the January 13, 2012 Motion for Rehearing Meeting be incorporated into this record by reference. The Board is only considering condition number one of the previous approval.

Jim Rines reviewed the application and plan with the Board as submitted.

Public Comments:

Cynthia Johnson asked the original size of the footprint of the cabin prior to being razed, the size of the proposed house and the waterfront footage of the lot.

Jim Rines responded this is a back lot that has no access to the water. The original structure was 30' x 40' and the new building is 30' x 40' with a few bump outs and the may be 50, 60 70 sq. ft. more. The deck is not included in the square footage.

The applicant's builder noted the building excluding the deck is approximately 1,190 sq. ft. On the original proposal, the structure was a 1,200 sq. ft. footprint.

There were no further questions from the public and Alan Harding closed the public hearing.

The Board discussed the application.

It was moved by Alan Harding to approve the request of the applicant for Case 09-RSA-12, TM# 172-3, James C. & Christine Zampell as requested in the letter of May 17 2012 to modify the original condition number one in the original approval dated December 7, 2011, all other conditions remain the same as originally approved. Kathy Barnard seconded the motion.

Alan Harding, Kathy Barnard, Mike Hodder and Fred Tedeschi vote in favor of the motion. Suzanne Ryan abstained. The motion passed.

Consideration of Minutes

May 7, 2012

Changes & Corrections:

Page 2, next to the last paragraph, 3rd sentence - change image to imagine.

Page 3 - 2nd paragraph, first sentence remove amend the first sentence to read, "Alan Harding noted that the zoning district was altered during the application process and the applicant would have been allowed a 24 sq. ft. sign.

Page 4, 3rd paragraph from the bottom remove the second set "knew about"

Page 5 4th paragraph. Add Chapter 7 of the book "a Hard Road to Travel" should be read in its entirety pertaining to lots on a private road.
3rd paragraph from the bottom, second line change V to VI

Page 6, 2nd paragraph, add: the applicants replied no.

Page 7 - 2nd paragraph - 5th line remove "can"
3rd paragraph - 5th line down add the word "property after subject"
5th line change Ron to Rob
4th paragraph -change of to or
6th paragraph - last sentence - change going to talking
Page 8 - 1st paragraph change particular to practical, capitalize Acknowledgement and add the word Form after. Last sentence change to word look to review.
Under Motion Discussion - 1st line - change has to had.

Page 9 - 2nd paragraph from the bottom add Ryan, giving the pending case

It was moved by Kathy Barnard and seconded by Alan Harding to approve the minutes of May 7, 2012 with the changes noted. All members voted in favor. The motion passed.

Member List

The 2012 ZBA Member List was updated. Staff will distribute the list via email to Board members.

Discussion Eastman/Dohertey Case

The Chairman and Rob Houseman will both be attending the court hearing at 9 am on Tuesday, June 5, 2012. Chairman Harding noted he would report to Board members on the outcome.

Other Business

Suzanne Ryan commented that when she tried to make a condition on the previous Special Exception and was interrupted by Mike Hodder she specifically quoted section 175.2 of Zoning Ordinance and it was the appropriate time to make it, not during the Variance.

Rob Houseman explained that because there was a June meeting he would look into rescheduling the Workshop for Area Land Use Board's. This would most likely take place in the fall.

Suzanne Ryan commented that if an additional meeting night needs to be added to hold this meeting, it is part of the requirements of the Town Planner attending meetings.

It was moved by David Senecal and seconded by Alan Harding to adjourn at 8:28 pm. All members voted in favor. The motion passed.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to be 'RK' with a large loop on the left side.

Robin Kingston
Administrative Assistant

Reference: Wolfeboro ZBA Minutes 12/5/2011 & 1/13/2012 (in file TM # 172-3, Case # 09-RSA-12)

E&OE