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WOLFEBORO, N.H. TOWN CLERK

Wolfeboro Zoning Board of
Regular Meeting
August 6, 2012
Minutes

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

Members Absent: David Senecal, Alternate (Excused)

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. The procedures and rules for the public hearing were reviewed.

TM# 234-18

Case # 10-V-12

Applicant: David & Anne Corson

Variance

Steve McGuire read the abutter and public notification for the record. A site visit was held at 6:35 pm prior to the hearing.

Variance from Article XIII, Section 175-85, A (2) to permit the construction of an attached breezeway and a two vehicle garage closer than the 25' sideline setback. This property is located at 295 Pleasant Valley Road.

The applicant proposes to construct an attached breezeway and garage. The recent zoning setback changes interfere with this construction. The side setbacks were 10 feet and the proposed garage would be 16 feet from the side property line. It was noted the applicant has met with their abutter (letter in file) and discussed a boundary line adjustment, since the abutter's lot contains the minimum area for the district. A proposed boundary line adjustment would require

an equal exchange of area so as not to create a new nonconformity, thus requiring the reference's shaped boundary.

David and Ann Corson addressed the Board, reviewed the application, and plan to build the garage with the Board including the five points required for the variance as submitted. The property was purchased in 1983 when the setbacks were 10'. The sideline requirement increased and the neighbors had agreed to a boundary line adjustment. The boundary line adjustment was done but the garage was not built and the setback changed again. A land swap was discussed with their neighbors however, there was no way to feasibly do one and accomplish what they need for the garage.

Alan Harding discussed the diagram provided and noted the driveway would be compromised as well if a swap took place.

David Booth asked about Criteria #1 - Public Interest and noted he felt based on the applicant's testimony the public interest is not really met.

Mike Hodder noted the reason for the ordinance was to "provide lower density development in a manner that is typical of many New England Villages". Would a variance change the character of the New England Village?

David Booth asked about Criteria #3 and the water troubles the applicant noted would result.

David Corson explained the rooflines would be creating a problem in the driveway and the breezeway.

Alan Harding asked about the trench.

David Corson explained previously in the late winter/early spring, the back yard became a river and the water had nowhere to go. The trench was created and the water issues have been somewhat alleviated.

Alan Harding noted if the garage complied with setback, it would be in the middle of the wet area.

Suzanne Ryan commented if the garage was moved back 30' it still would not meet setbacks.

Mike Hodder asked what the town gains and what does the applicant gains if this variance is granted. The town gains nothing by denying the variance and the applicant gains a garage.

Steve McGuire asked how many lots in town became nonconforming with the change in the zoning.

Rob Houseman noted the Corson's lot was nonconforming before the latest change. In the old zoning, there was shorefront, GR1, GR2, & GR3 zones. Pre 1988 lots had a ten foot setback and post 1988 changed to 25'. There was a boundary line adjustment to help make this lot larger in 1989 but the garage was never built. About $\frac{1}{2}$ acre was added to the parcel.

David Martin, 287 Pleasant Valley Road, the Corson's neighbor, and abutter addressed the Board and stated he has no problem with the application.

There being no further public comment Alan Harding closed the public hearing.

Rob Houseman clarified lot contains 1.16 acres in total.

Kathy Barnard commented this is unique in area; the applicant has done a good job with justification and factors taken into account. The buffer should remain between the two houses. There are special circumstances where the zoning changed and became more restrictive.

Steve McGuire noted he has no issues and noted it seems the town created the issues making the lot nonconforming.

Suzanne Ryan noted she felt the conditions have also been met.

David Booth noted concern with # 5, and he does not think the applicant met this condition.

Alan Harding commented and agreed the applicant has met all the criteria.

It was moved by Kathy Barnard and seconded by Suzanne Ryan to approve application TM# 234-18, David & Ann Corson, Case # 10-V-12 given that all the criteria has been met as depicted in discussion and the application as written. This approval includes a condition that the existing buffer be retained/maintained. All members voted in favor. The motion passed.

Steve McGuire read the cancellation notice for Case # 07-RSA-11, Corey Eastman

Alan Harding noted he spoke with the attorney this afternoon and there is no time limit to rehear the case. The criteria of Relationship to the Street was discussed. The Supreme Court's Opinion was noted and is included in the Eastman file. The Board discussed the ruling and the rehearing of the case. The Board would like Attorney Spector to give her opinion. It was decided the Board would hear the case on September 10, 2012 and asked for a meeting with Attorney Spector prior to the public hearing.

Rob Housman clarified the Board is looking for the attorney's interpretation on the courts finding on practical difficulty and or hardship.

Consideration of Minutes

June 4, 2012

Page 7

1ST line- add "of" after favor

Last paragraph - after original structure "back lot".

I was moved by Kathy Barnard and seconded by Suzanne Ryan to approve the minutes as amended. David Booth, Kathy Barnard and Suzanne Ryan voted in favor. Steve McGuire and David Booth abstained due to their absence from the meeting.

There being no further business, this meeting was adjourned at 8:04 PM.

Respectfully Submitted,


Robin Kingston

Administrative Assistant