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Patricia Waterman  
WOLFEBORO, N.H. TOWN CLERK

Wolfeboro Zoning Board of Adjustment  
Regular Meeting  
June 3, 2013  
Minutes

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

**Staff Present:** Rob Houseman, Director of Planning & Zoning

Alan Harding called this meeting to order at 7:08 PM in the Wolfeboro Public Library Meeting Room. A quorum was present. The Board was introduced

**TM# 268-24**

**Case # 04-RSA-13**

**Applicant: Richard Hackett**

**Appeal from NH RSA 674:41**

Public Hearing for an Appeal from NH RSA 674:41 to allow for the construction of a principal residence on a lot having no road frontage. This property is located on Lot # 24 Rusty Lane.

Steve McGuire read the Public and Abutter Notice for the record. A site visit was conducted at 6:35 p.m.

The chairman asked staff to give an overview of the history of the lot. Plans were provided to the board and placed in the file.

Staff reviewed:

1. 1964 Rusty Shores Subdivision
2. 1968 Hubbard Lot Subdivision
3. 2002 Boundary Line Adjustment

Chairman Harding asked Mr. Hackett to present his application and discuss the five criteria as submitted.

Mr. Hackett addressed the board and reviewed the criteria as submitted in the application. In addition Mr. Hackett presented the real estate listing sheet that he relied on to purchase

the property.

Richard Hackett Jr. provided the history of securing the easements.

Mr. Hackett submitted a copy of the real estate ad for the property.

Mike Hodder noted he believed that the ad demonstrated practical difficulty.

Chairman Harding Opened the Public Hearing

Bob Smith spoke and had no objections to the application but had concern with potential impact to leach field, pump line and drainage.

Mr. Web asked if the right-of-way was fixed or could be moved.

Staff informed Mr. Web that the ROW was fixed.

There being no further comment Chairman Harding closed to public hearing.

The Chairman reviewed the voting members at the end of deliberations to include: Suzanne Ryan, Steve McGuire, Kathy Barnard, Mike Hodder and himself.

Steve McGuire stated concerns over the easement acquisition timing and why it was not part of the original lot subdivision.

Mike Hodder had an issue with Road standards.

The board had a discussion of potential conditions of approval to address said concern.

Chairman Harding reviewed the conditions of the criteria required for the application as follows:

- 1. Denial would result in unnecessary hardship or practical difficulty to the owner.**

Mike Hodder believes the practical difficulty has been met.

Kathy Barnard noted that the law has changed since the lot was created and that the practical difficulty was created by the law change.

**2. The circumstances of the case do not require the building, structure or part thereof, to be related to the existing or proposed streets.**

Mike Hodder felt that the criteria was met and the property today does not need to be related to the street as it is not dependent on municipal services such a sewer and water.

Chairman Harding agreed.

Suzanne Ryan disagreed and noted frontage is a requirement for a lot.

Chairman Harding noted the purpose of the application is to determine whether the applicant has a right to receive a building permit not that the board is issuing a building permit.

Steve McGuire noted the lot was created with town approval.

**3. The issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the Master Plan upon which it is based.**

The Board discussed there being "No Official Map" and further noted the lot complies with current zoning requirements for the area and shorefront.

Steve McGuire, Alan Harding and Mike Hodder agreed that the Waiver of Liability eliminates financial hardship to the community.

**4. The erection of the building or issuance of the permit will not cause hardship to future purchasers.**

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Mike Hodder, Steve McGuire, Alan Harding, Fred Tedeschi, Kathy Barnard and David Senecal felt that the waiver of liability and the recording at the Registry of Deeds would address this issue issues.

It was moved by Mike Hodder and seconded by Kathy Barnard to approve TM# 268-24, Case # 04-RSA-13, Applicant: Richard Hackett, Appeal from NH RSA 674:41. This approval is based on practical difficulty existing to the owner(s); there being no requirement of the building to be related to the existing street; the issuance of a building permit will not tend to distort the official map or increase the difficulty in carrying out the master plan on which it is based; there will be no hardship to future purchasers and there will be no undue financial hardship on the municipality. Additionally the following three conditions shall apply:

1. The applicant is required to execute the Acknowledgement of Waiver of Liability, and record it at the Registry of Deeds.
2. The applicant notes the lot is not be subdividable in its current configuration.
3. The driveway access plan shall be submitted and approved by appropriate public safety officials.

Alan Harding, Mike Hodder, Kathy Barnard and Steve McGuire voted in favor of the application. Suzanne Ryan abstained. The motion passed.

### Consideration of Minutes - 6 May 2013

#### Corrections:

Page 3 – 3<sup>rd</sup> paragraph from the bottom – change “aesthesis to esthetics”

Page 5 - 4<sup>th</sup> paragraph, first sentence – remove the “s” from maps and add and “s” on parcel

Next to the last paragraph – change “Hearst to Hearse”

Page 8 - 2<sup>nd</sup> paragraph 4<sup>th</sup> sentence add the word “for” between parking and weddings

Page 10 - next to the last sentence – change to read “ The judge’s case load is backed up and she would not expect a decision until probably July.

It was moved by Suzanne Ryan and seconded by Mike Hodder to approve the minutes of May 6, 2013 as amended. All members voted in favor. The motion passed.

#### Membership Registry

Update Mike Hodder’s email and phone number. Change phone number 603 520 7990 and email is [mikeh@cotse.net](mailto:mikeh@cotse.net)

**Amendment to the Rules of Procedure**


Suzanne Ryan read the changes of Rules of Procedure. This is the second reading.

It was moved by Suzanne Ryan and seconded by Mike Hodder to approve the Rules of Procedure as read and amended. All members voted in favor. The motion passed.

There being no further business;

It was moved by Suzanne Ryan and seconded by Steve McGuire to adjourn the meeting at 8:45 p.m. All members voted in favor. The motion passed.

Respectfully Submitted,



Robin Kingston  
Admin Assistant