

**Wolfeboro Zoning Board of Adjustment
Regular Meeting
March 3, 2014
Minutes**

Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice-Chairman, Mike Hodder, Clerk, Kathy Barnard, Member, Dave Senecal, Fred Tedeschi and Hank Why, Alternates.

RECEIVED AND RECORDED

3/20, 2014 3:25 P

Members Excused: None

Book No. Page No.

Members Absent: Steve McGuire, Alternate

WOLFEBORO, N.H. TOWN CLERK

Staff Present: Rob Houseman Director of Planning & Zoning and Amelia Capone-Muccio Recording Secretary.

Chairman Harding called the meeting to order at 7:00 PM in the meeting room of the Wolfeboro Public Library and a quorum was present. He reviewed the procedures of conducting a Public Hearing. He appointed Dave Senecal to sit on the first appointment and Hank Why to sit on the second.

Appointments

- **TM#213-15**
Case # 04-EW-14
Applicant: Lynn Elkinton
Equitable Waiver of Dimensional Requirements
Agent: Beckwith Builders

Mike Hodder, Clerk, read the public notice for the record. A site visit was held at approximately 4:10 prior to the hearing.

Chairman Harding opened the Public Hearing.

Joanne Coppinger addressed the Board and introduced Ben Long, the site Forman for the project. She explained the issue is a discrepancy that was discovered in that the deck stairs is 10 inches in the setback. She explained this discrepancy was discovered when they were seeking the occupancy permit and after further review it appears to be an error that transpired from the site plan to the architectural plans. She explained they are seeking the equitable waiver of dimensional requirements because the error was found after the fact and the project is substantially complete.

Chairman Harding questioned if they discussed the error and how to address it.

Ms. Coperigan replied they discussed it in-house and with the Elkinton's as well as with Jim Rines of White Mountain Survey who suggested to seek the waiver vs. rebuilding the deck and stairs.

Chairman Harding clarified they announced this error to the Planning and Development Department.

Mr. Long replied he did notify the Code Officer of the discrepancy.

Chairman Hodder requested they review their points required for the waiver.

Ms. Coperigan reviewed the four points required for the waiver submitted with the application. She believes this waiver to be the best solution for the problem as it would be very expensive to tear down the deck and stairs and rebuild it and the project is substantially complete.

Mr. Hodder questioned if she has a copy of the architectural drawings.

Ms. Coperigan provided a copy of both the architectural drawings and the site plan.

Mr. Senecal questioned which set was the building permit issued on and when the property was originally subdivided?

Mr. Long replied both plans and the Ms. Coperigan replied she believes it was subdivided in the 1960's.

Chairman Harding closed the Public Hearing.

Suzanne Ryan moved the Wolfeboro Zoning Board regarding Case #04-EW-14, Tax Map #213-15, Lynn Elkinton, to approve the request for an Equitable Waiver of Dimensional Requirements from Article IX, Section 175-64 A(2)(c) of the Wolfeboro Planning and Zoning Ordinance to allow for existing deck and stairs on the north side of the dwelling to remain 10" closer to the side setback than what is allowed at the property located at 86 Broadside Road and based on the following:

- 1. Lack of discrepancy until after the project was substantially complete.***
- 2. It was an honest mistake.***
- 3. It does not diminish the surrounding property.***
- 4. The cost outweighs the request and there is no public benefit.***

Dave Senecal seconded.

DISCUSSION:

Mr. Tedeschi questioned the error noting the plans where both done by the same firm and that there was clear direction to stake the property.

Chairman Harding noted that they did report the discrepancy as soon as it was discovered.

Mr. Hodder stated that he feels this was an error of communication between the architect and the engineer and feels that they are trying to correct the situation in good faith.

Members voted and being unanimous, the motion passed.

➤ **TM#182-3**
Case # 05-SE-14
Applicant: Ruth & Robert Compton
Special Exception

Mike Hodder, Clerk, read the public notice for the record. A site visit was held at approximately 4:45 prior to the hearing.

Chairman Harding opened the Public Hearing.

Ruth and Robert Compton addressed the Board. Mrs. Compton stated that they recently purchased the property at 20 Martin Hill Road and are in the process of renovating it and would like to open a bed and breakfast. She stated the property sits on 65 acres and provided a blown up map showing adequate parking already available on the property. She reviewed the eight requirements for the Special Exception that were attached to the application.

Mr. Senecal questioned if Martin Hill Road is a Town Road.

Chairman Harding replied it is.

Mr. Hodder questioned if the road is adequate enough to allow access of twenty or more vehicle trips a day including delivery vehicles.

Mrs. Compton replied that it was resurfaced this year and has lasted the winter. Currently there is construction going on there and UPS makes many trips with no problems.

Mr. Hodder questioned the septic system.

Mrs. Compton replied it was inspected when they purchased the home about a year ago and is the original from 1979.

Chairman Harding questioned the kitchen and if such needs State approval.

Mrs. Compton replied that for serving breakfast they are required to have a vented stove and double sink and they have both.

Mrs. Barnard questioned inspections of the kitchen.

Mrs. Compton replied they are only required to have a basic water test.

Chairman Harding questioned if they plan to be open year round.

Mrs. Compton replied yes, but do not expect a lot of business in the winter.

Mrs. Barnard questioned if they have discussed the request with the neighbors.

Mrs. Compton replied their neighbors are very supportive of the idea.

Chairman Harding closed the Public Hearing. He stated it is a complete application and the criteria has been met and feels this request will be a great addition to the guest housing in Wolfeboro.

It was moved by Allan Harding and seconded by Kathy Barnard to approve the request for TM#182-3, Case# 05-SE-14, Ruth & Robert Compton for a Special Exception from Article 5.3, Section D (6) of the Wolfeboro Planning & Zoning Ordinance to allow for the operation of a 5 bedroom Bed & Breakfast at the property located at 20 Martin Hill Road and that all eight requirements have been met. It also meets the purpose and the intent of the Agricultural District.

Suzanne Ryan moved to amend the motion to include the application as submitted to the ZBA does not satisfy all requirements for Site Plan Review and will proceed to the Planning Board. Mike Hodder seconded the amendment.

Discussion:

Mr. Why questioned if the well is adequate enough to withstand the fire suppression system.

Mrs. Compton replied yes and they are adding a 450 gallon storage tank as well.

Mr. Senecal noted the fire pump is separate from the residential pump.

Members voted and being all in favor, the motion passed.

Consideration of Minutes

- 1/6/14
- 2/3/14

January 6th minutes were tabled as the tape is being reviewed.

Amendments to 2/3/14 as follows:

- Page one, paragraph four add "a" after "was" and change "intent" to "intend". Paragraph five, change "as" to "if" "the" to "his" before attorney and strike the rest of the sentence and add "for this case?" to the end of the sentence.
- Page two, the fifth paragraph move the word "not" before done in the seventh line.
- Page three, the second paragraph from the bottom, change "that" to when and delete "and" in the last line.
- Page four, second paragraph correct the spelling of Fred and the third paragraph from the bottom, remove the "s" from issues.
- Page five, the first paragraph, change "is" to "has" in the second line, correct the spelling of "sympathetic" in the fifth line and "precedent" in the sixth line.
- Page six, the second paragraph to change "to" in the first line to "the" and "and" to "an" in the second line. Change "is" to "in" in the fourth paragraph. Change "addresses" to "addressed" in the sixth paragraph and "come" to "comes".
- Page nine, strike "they were ready because" in the last paragraph.

- Page ten, the fourth paragraph from the bottom to add "review" before "the" in the first sentence. Change "table" to "tabled" in the second to last paragraph from the bottom.

It was moved by Kathy Barnard and seconded by Mike Hodder to accept the minutes of February 3, 2014 as amended. Members voted and being none opposed, the motion passed.

Any Other Business

Mrs. Ryan questioned with regards to the last meeting Attorney Murray speaking and the Board should have had input.

Chairman Harding it was an error on his part and such is noted.

Mrs. Barnard questioned if the ZBA decisions are recorded at the Registry of Deeds.

Mr. Houseman replied that it was done for the last one and it is an additional cost to the applicant.

Mr. Hodder suggested noting the additional cost in the application.

Being no further business before the Board, Chairman Harding entertained a motion to adjourn.

It was moved by Suzanne Ryan and seconded by Dave Senecal at 8:05 PM. Members voted, all in favor the motion passed.

Respectfully submitted,

Amelia Capone-Muccio
Recording Secretary