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**Wolfeboro Zoning Board of Adjustment  
Work Session Meeting  
November 2, 2015**

*[Signature]*  
WOLFEBORO, N.H. TOWN CLERK

**Minutes**

**Members Present:** Mike Hodder, Chairman, Fred Tedeschi, Vice-Chairman, Alan Harding, Clerk, Suzanne Ryan, Member Hank Why, Member, Christine Franson, Alternate, Sarah Silk, Alternate and Susan Raser

**Members Absent:** David Senecal, Alternate

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

Chairman Hodder called this meeting to order at 7:01 PM in the Wolfeboro Public Library Meeting Room. A quorum was present. The process and rules for the public hearings were reviewed.

**TM# 195-5**

**Case # 09-SE-15**

**Applicant: Susan A Cole 1989 Trust**

**Special Exception**

**Agent: Brian Berlind, LLS**

Public Hearing for a Special Exception from Article 175, Section 43 of the Wolfeboro Planning & Zoning Ordinance to replace an existing non-conforming dwelling and add a 25% addition. This property is located at 69 Governors Shore Road. A site visit was held at approximately 4:15 pm prior to the public hearing. Minutes for the site visit were submitted for the file.

The applicant has two cottages on the property, one being the principle dwelling and the second being a lawfully existing nonconforming use. The applicant is seeking a Special Exception to allow the expansion of a nonconforming use by 25%. The existing building is 279 sq. ft. (not including the front porch) and the proposed addition is 66 sq. ft. (slightly less than a 25% expansion). The proposal includes the replacement of the existing damaged cottage; moving the cottage back from the shorefront by 6'. The cottage will go from 25' from the shorefront to 31'; and a 6' 11.25" x 9'6" addition to the rear of the cottage will be added; the design of a replacement septic system (to be implemented if the current system fails).

Brian Berlind addressed the Board and reviewed the proposal and plans as submitted. The cottage dates back to at least the 1930's and sustained damage during the tornado a few years back. There has been continual seasonal use of the cottages.

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

Deliberations:

The Board discussed each of the eight criteria and agreed each individual criteria had been met.

It was moved by Mike Hodder and seconded by Susan Ryan to Special Exception from Article 175, Section 43 of the Wolfeboro Planning & Zoning Ordinance to replace an existing non-conforming dwelling and add a 25% addition as submitted, as all of the conditions required for approval have been met. The following conditions apply by reference as stated in the Planner Review by Rob Houseman dated 27 October 2015.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of the 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.
2. The application as submitted to the ZBA, may not satisfy the submittal requirements for a Building Permit.
3. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay recording fees.
4. This Special Exception shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause.

All members voted in favor and the motion passed.

**TM# 203-17**

**Case # 10-V-15**

**Applicant: Olive the Dog Realty Holdings, LLC**

**Variance**

**35 Filter Bed Road**

**Agent: Kurt DeVlyder, Esq.**

Public Hearing for a Variance from Article 175, Section 81 of the Wolfeboro Planning & Zoning Ordinance for the operation of a Contractor Yard Light for a local construction company, including an office, equipment, material storage, woodshop and other reasonably related operations of a construction company. This property is located at 35 Filter Bed Road. A site visit was held at approximately 4:45 prior to the public hearing. Minutes for the site visit were submitted for the file.

The applicant is seeking a Variance in order to allow the conversion of a lumberyard (retail use) to a contractor's yard light. The original use received a Variance for the use formally known as Kimball Lumber.

Attorney DeVlyder addressed the Board, reviewed the application, plan and supplemental information submitted. The hours of operation would be typically Monday through Saturday and occasionally on a Sunday with hours between 6 am and 6 pm. Business needs may require an occasional Sunday however this is not typical. The prospective buyer is Key-Day Enterprises Inc., a family owned and operated business currently located in Wakefield, which engages in residential construction and would be operating under a Contractor Yard Light.

There would be a couple of pick-up trucks, a jobsite storage container which for the most part would be off site at job locations and a 28,000 lb. Lull for moving material around. There are no plans for outdoor storage as the buildings on site will be sufficient for materials. There would be some woodworking.

The five criteria required for a variance were reviewed as submitted along with the supplemental information requested through the Planner Review.

Chairman Hodder opened the Public Hearing.

Barbara Wood, Trustee for Taylor Community addressed the Board. Her concerns focus around added noise and disturbance of the residence of Taylor Community with the possible operation of heavy equipment on site. She did note she is in favor of the application with conditions relating to noise stemming from the site.

Bruce Terkelson also of Taylor Community addressed the Board and also expressed his concern regarding noise but is also in favor if the noise can be addressed. The Taylor Community would not want to see lost revenue because of noise issues and residents either moving out or residents not moving in because of noise.

James Keating addressed the Board and explained that most of the activities on site are relative to storing equipment, on occasion a heavy truck to pick up the Lull moving it to a job site, painting of some materials for some jobs as well as wood working and milling for particular jobs. There will be no retail sales and their plan is to clean up the property. Members of the job crew could occasionally stop by to pick up materials however, this would be in pick-up trucks. Large lumber deliveries are delivered directly to the job site. There would be fuel stored on site for job heaters, refueling snow blowers and the Lull.

There being no further comment the Public Hearing was closed.

Deliberations:

The Board deliberated on the five criteria required to obtain the variance. The Board felt the criteria required as reviewed individually have been met.

*It was moved by Mike Hodder and seconded by Suzanne Ryan the Board for reasons given by Board Members during deliberation to grant Variance from Article 175, Section 81 of the Wolfeboro Planning & Zoning Ordinance for the operation of a Contractor's Yard Light for a local construction company, including an office, equipment, material storage, woodshop and other reasonably related operations of a construction company. Additionally, the following conditions shall apply:*

- 1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of the 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.*
- 2. The application as submitted to the ZBA, may not satisfy the submittal requirements for Site Plan Review.*

3. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay recording fees.
4. This variance shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause.

All members voted in favor and the motion passed.

### **Consideration of Minutes:**

October 19, 2015

Page 1 –10<sup>th</sup> line from the bottom – Add Terry Tavares' Title of Administrative Assistant  
7<sup>th</sup> line from the bottom change "plant" to "vegetation"

Page 2 – 5<sup>th</sup> paragraph, last line change "appoints" to "appointments"

Page 3 – last line of motion change "abstained" to "voted no"

It was moved by Mike Hodder and seconded by Alan Harding to approve the Minutes of October 19, 2015 as amended. All members voted in favor. The motion passed

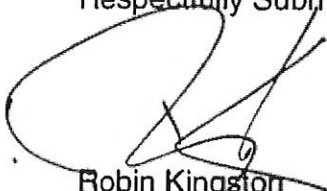
### **Scheduling of Work Sessions**

Work Sessions have cancelled for the remainder of 2015. Sessions will be scheduled after the 1<sup>st</sup> of the year for possibly January & February.

### **2016 ZBA Calendar**

The Board reviewed the proposed 2016 ZBA Meeting Calendar dates and affirmed the proposed dates.

Respectfully Submitted,



Robin Kingston

Administrative Assistant