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WOLFEBORO N.H. TOWN CLERK

**Wolfeboro Zoning Board of Adjustment
Regular Meeting
August 3, 2015**

Minutes

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

Members Absent: David Senecal, Alternate (Excused)

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

Chairman Hodder called this meeting to order at 7:00 PM in the Wolfeboro Public Library Meeting Room. A quorum was present. The Conduct of the Meeting and the Rules and the Procedures for the Public Hearings were reviewed.

Appointments:

1. **TM# 204-68**
Case # 06-V-15
Gayle Washington
Variance
19 Elm Street
Agent: Roger Murray, III, Esq.

Chairman Hodder opened the Public Hearing.

Alan Harding read the Public & Abutter notification for the record. A site visit was held at approximately 6:40 pm prior to the hearing. Minutes of the site visit were submitted as part of the record.

Public Hearing for a Variance from Article 175, Section 81 of the Wolfeboro Planning & Zoning Ordinance to allow for the operation of a health food store and spa including massage, hairstylists and acupuncture. This property is located at 19 Elm Street.

The applicant is seeking a Variance in order to allow the conversion of a tailor shop to: * Retail Sales – Health Food and * Spa, massage, hairstylists and acupuncture. The lot was in two zoning districts in 2000, the rear of the lot was in the C1 Center Street district and the front portion of the lot was in the GR1 District. The Tailor shop received a Special Exception in order to allow for extension of the old C1 District as provided for in Section 175-2. A zoning change eliminated the C1 District and the Tailor Shop became a lawfully existing non-confirming use at that time.

Attorney Murray addressed the Board and reviewed the application and plans as submitted.

Sarah Silk asked when the Brazil Business left the building.

Joann Moody responded they were there for 1.5 years and signed their lease for three years.

Rob Houseman responded to a question as to why the zoning in that area was changed. He noted the Planning Board looked at the map and it was sliver of the commercial zone and was removed. Overtime the commercial uses went away and residential uses took over.

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

The Board reviewed each criteria individually as follows:

1 & 2 – The Board agreed the variance will not be contrary to the public interest and the spirit of the ordinance is observed.

3 – The Board agreed substantial justice is done.

4 – The Board agreed the values of the surrounding properties will not be diminished.

5 – The Board agreed that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship as Special Conditions distinguish it from other properties in the area. There is no fair and substantial relationship exists between the purposes of the ordinance applicable to the specific application.

It was moved by Mike Hodder and seconded by Hank Why to approve the application for a Variance for TM #204-68, Case # 06-V-15, Gayle Washington to allow for the operation of a health food store and spa including massage, hairstylists and acupuncture. This approval is subject to conditions 1-4 as listed in the Town Planners Memorandum, July27, 2015 relative to this case and are cited by reference.

Suzanne Ryan offered an amendment to the motion to include language on the first floor only and minor exterior changes. The amendment failed for lack of a second.

Chairman Hodder called for a vote on the motion. All members voted in favor. The Motion Carries.

2. TM# 110-9
Case # 07-V-15
Paul Green
Variance
7 Sandstrom Lane

Alan Harding read the Public & Abutter notification for the record. A site visit was held at approximately 6:25 pm prior to the hearing. Minutes of the site visit were submitted as part of the record.

Public Hearing for a Variance from Article 175, Section 88.3 of the Wolfeboro Planning & Zoning Ordinance to allow for the construction of a carport/storage area. This property is located at 7 Sandstrom Lane.

The applicant is seeking a variance in order to construct an attached 20' x 20' storage/carport garage with an encroachment into the front yard setback of approximately 18'. The proposed area is cleared and level with the dwelling.

Mr. Green addressed the Board and reviewed the application and plans as submitted. The septic is located on the west side, drilled well in front and dug well in the back. Trees would need to be removed and fill brought in to move the carport back or to another location. The parking area is existing. There is also a handicap ramp structure that would need to be removed and filled in and Mr. Green would like to keep the ramp in place in the event he needs it in the future.

No person spoke in favor or against the application and the Public Hearing was closed.

The Board deliberated on the application and 5 points required for the variance

1 & 2 – The Board agreed the variance will not be contrary to the public interest and the spirit of the ordinance is observed.

3 – The Board agreed substantial justice is done.

4 – The Board agreed the values of the surrounding properties will not be diminished.

5 – The Board agreed that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship as Special Conditions distinguish it from other properties in the area. There is no fair and substantial relationship exists between the purposes of the ordinance applicable to the specific application.

It was moved by Mike Hodder and seconded by Fred Tedeschi to approve the application for Variance on TM# 110-9, Case # 07-V-15 for a 20' x 20' storage/carport structure as shown on the annotated tax map submitted with the application in the case. This approval is subject to conditions 2-5 as listed in the Town Planners Memorandum, July 27, 2015 relative to this case and are cited by reference

Suzanne Ryan amended the motion to include the carport will be located on the east side and will encroach 18' into the front setback. Mike Hodder seconded the Amendment.

All members voted in favor of the amendment.

All members voted in favor of the motion.

The Amendment and Motion Carries.

Consideration of Minutes:

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Mike Hodder explained handouts given to the Board by members are kept in a file at the town office and not attached to the minutes of the meeting.

Corrections:

Page 2; 4th paragraph from the bottom change regarded to regraded and change getters to gutters.

Page 4; 3rd paragraph from the bottom change difference to distance

Page 10; 1st paragraph, second sentence should read: There is 51% of non-impervious soil. The third sentence should read – He is a golfer and thinks the project will impact the water.

Page 11; 3rd paragraph from the bottom change argued to stated

Page 12; last paragraph change refereed to referred.

It was moved by Chris Franson and seconded by Fred Tedeschi to approve the minutes of August 3, 2015 as amended. All members voted in favor. The Motion Carries.

Other Business:

Mike Hodder and Suzanne Ryan will review and suggest revisions if applicable to the Rules of Procedure together and Mike Hodder asked Suzanne Ryan to proposed three dates and times they could get together.

Alan Harding suggested the work session on August 20th to discuss Suzanne Ryan's Handout.

The Board discussed the File review / approval history preformed for the two cases heard tonight.

Mike Hodder noted the Boards Attorney did not have an issue with it as the information is all public record and the Board receives all of the same information.

There being no further business, this meeting was adjourned at 8:25 pm.

Respectfully Submitted,



Robit Kingston
Administrative Assistant