

**Town of Wolfeboro
Zoning Board of Adjustment
March 4, 2024
DRAFT Minutes**

Members Present: Audrey Cline, Chair, Suzanne Ryan, Vice-Chair, Sarah Silk, Clerk, Charles Sumner, Member, Catherine McMahon, Alternate.

Members Excused: Luke Freudenberg, Member

Staff Present: Tavis Austin, Director of Planning & Development.

I. Roll Call

Audrey Cline called the meeting to order at the Great Hall at 7:00 PM. A quorum was present. Cate McMahon, Alternate, appointed to sit for Luke Freudenberg, Member.

II. Public Hearings

DIANA G. CLEBORNE TRUST – 163 Clark Road – Tax Map #242-7 - Case # 03-V-24 - Public Hearing for a Variance under Chapter 175, Section 64 A (2)(c) of the Wolfeboro Planning & Zoning Ordinance to allow a ten (10') foot side setback for a detached garage. This property is located at 163 Clark Road- Formal Submission/Public Hearing; Site Visit held at 3:30 PM.

Sarah Silk reads site visit into record. See attached.

Sarah Silk recused herself due to Dale representing three of the abutters.

Audrey Cline opened the public hearing.

Randy Walker, representing Anna Cleborne, trustee of Diana G. Cleborne trust, owns subject property. Grandfathered lot, 106 ft frontage on the lake, 60 ft frontage on Clark Road. Survey attached to application. Proposal to build a one story, one car garage close to the road as possible, but meets setback requirements to be in compliance with Road setbacks. The garage would be 10 ft away from Conrad boundary line – southwest side. Included with the application is a letter from Conrad's stating no objection to this variance. Mr. Walker reads from the application the circumstances that exist to support this variance request. Application in its entirety can be viewed in file. In summary they have established it will not alter the essential character of the neighborhood, nor does it threaten the public, health, safety, or welfare. Mr. Walker stated regarding the public aspect, during the site visit it was mentioned that drainage could be an issue. Mr. Walker and applicant spoke with Randy Tetreault from Norway Plains, who drafted the original plan. Stated Mr. Tetreault had indicated there was a previous permit obtained for the house and a garage a few years ago, but that permit had expired just recently. Mr. Walker continued to state that the garage would be minimally visible from the lake, will be used for storage of one vehicle and personal property, does not affect the public and the neighbor whose property that would be protected has no objection. The garage is a new modest

build which should not diminish any property values of surrounding properties, and literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Cate McMahon asked Mr. Walker for clarification on the lapsed permit.

Mr. Walker stated it was his understanding from Mr. Tetreault when the house was built, there was a complete drainage plan, house site, they built the house with potentially putting a garage in the back but never built the garage. Will need to do a permit by notification to the State if variance is passed.

Suzanne Ryan stated on previous proposed plan, a note at the top of the page stated "a 16x26 with overhang was a part of original permit approval, see note 6. Note 6 Shoreland impact permit approval, Town of Wolfeboro, Case #2019-26S, 9-26-2019." Questioned if all that needs to be done is update that with the State by permit notification.

Mr. Walker responded that Mr. Tetreault had indicated the permit that they had previously and with the questions raised by the board, that they should submit another permit by notification to the State, to get another permit.

Ms. Ryan asked who it would go to.

Mr. Walker responded NH DES.

Tavis Austin noted case 2019-26S town shoreland permit did not include a garage. A garage may have been shown as a future plan or may have been shown on the state permit, but it did not go through the town. Applicants would need to go back to the State, receive permit by notification, then need to update town shoreline permit and get a building permit, if variance is granted.

Ms. Ryan stated this proposed garage seems a bit smaller than the original proposed garage. Asked Mr. Walker if he could reiterate the drainage issue spoken about with Mr. Tetreault.

Mr. Walker replied the Cleborne's were always planning to put in a berm down the side, inboard to the hemlocks, to catch any water from the roof. Mr. Tetreault also suggested putting in a drip line to run along the swale to catch water. Mr. Tetreault indicated that the berm would usually be enough but in wintertime could cause an issue so recommended adding in stone.

Audrey Cline questioned if Mr. Walker was talking about an engineering plan from Mr. Tetreault.

Mr. Walker replied he suspected it would be identical to what is submitted to the state.

Ms. Cline stated looking at the grade and where it naturally goes downhill, it does go off the lot in the corner. Slope away from the building before going up for berm. This is complex enough to warrant an engineer's design.

Mr. Austin stated that there is a pending zoning amendment that would require an engineering plan. Looking at the coverage, going to be increasing and need to do an engineer plan anyway. It is required under current regulations, but it is more strenuous under pending regulations.

Ms. Cline stated its 106 ft by shore. Shore is drawn as a curve. Asked if straight line is known to figure what is requires for sideline set back. Could be 15 and not 20.

Chuck Sumner stated straight line measures 106 ft if you scale it.

Ms. Cline stated there is a big tree directly between the proposed garage and the shore. The tree is towards the lake, was questioning if could be built without taking it down. If it were to come down, could move back if there was no ledge, therefore moving it over a little bit. Asked Mr. Walker if that tree is to stay.

Mr. Walker replied the applicants are trying to keep all existing trees.

Ms. Cline asked Mr. Austin if snow storage is taken care of in plan going to the town.

Mr. Austin replied correct.

Ms. Ryan reads the five criteria that exist to support this variance from application. Application can be viewed in its entirety in file.

Mr. Sumner stated architecturally this is a workable solution to a problem that has a lot of constraints. Nice job with appropriately sized garage on site. See no reason it should not be approved.

Ms. Cline stated the fact it is encumbered by underground utilities would be why it is a hardship on lot.

It is moved by Suzanne Ryan to approve variance under Chapter 175, Section 64:A-2 (C), for case 03-V-24 tax map 242-007, 163 Clark Road for Cleborne Trust for a 26 x 24, 1 car, 1 story garage with personal storage, encroaching into the 20 ft set back by 10 ft from side lot line per 2/27/24 plan. Boilerplate items: 1. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall be responsible for the payment of all recording fees. 2. 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. Chuck Sumner seconded the motion with one correction, it was stated as 26 x 24, but it should be 16 x 26. All in favor. Motion passed (4-0-0).

Discussion on how many facts of findings needed, and what they should be.

Ms. Cline stated lot is narrow and irregular and is also covered by underground utilities.

Ms. Ryan stated it is compliant with the waterfront setback.

Mr. Sumner noted it is minimally visible from the waterfront.

Ms. Cline stated facts of findings:

1. Lot is narrow, irregular and has topographical features.
2. Encumbered by underground utilities.

3. Meets shorefront set back and is minimally visible from the lake.

III. Unfinished Business

None

IV. New Business

None

V. Minutes of Previous Meetings: 02/22/2024

It was moved by Chuck Sumner to accept 02/22/2024 minutes as written. Sarah Silk seconded. All in favor. Motion passed (5-0-0).

VI. Communications and Miscellaneous

Ms. Ryan stated Notice of Decision from Kent case 2/22/24 has been filed.

Ms. Silk stated as an FYI she has been electronically sending site views to secretary to be attached to minutes since site views have been done early and enough time to type them out. Has notified secretary that as they get moved to a later time will not be able to send electronically.

Ms. Cline stated wanted to ask about moving site views to later in the afternoon.

Ms. Ryan asked Mr. Austin to switch viewings to a later hour, not sooner than 6pm when possible.

VII. Adjournment

It was moved by Suzanne Ryan to adjourn the March 4, 2024, Zoning Board of Adjustment meeting. Audrey Cline seconded. All in favor. Motion passed (5-0-0).

There being no further business before the Board, the meeting was adjourned at 7:48 pm.

Respectfully Submitted,

Sierra Pawnell

Sierra Pawnell

ZBA Viewing 3-4-24

Tax Map & Lot #242-7

Case #03-V-24

Members Present: 3:30 PM Audrey Cline, Chair; Suzanne Ryan, Vice-Chair; Sarah M Silk, Clerk; Charles Sumner, 3:40-Cate McMahon (alt)

Excused: Sabet Stroman (alt) Luke Freudenberg, member

Others Present: Randy Walker, Attny; Diana & Rocky Cleborne, Owners

Randy Walker pointed out 4 stakes located on the mound formed by a no-longer functioning septic system. He explained that the home has been connected to Town sewer and water. It was clarified that the stakes mark the outside of the drip edge, not just the foundation.

A red stake on the far left was identified as a boundary line with the abutter. It was later explained that the boundary for the abutter is 3 feet from the Conrad's building.

The 1-car garage will be 30' from the street. Efforts had been made to keep the building as far as possible from the shore.

The tree line is divided with hemlocks on Conrad's side of the line and the remainder on the trees on Cleborne's property. The garage will be 10' from the side line.

A bush, blocking the proposed garage entrance, will be relocated. A larger deciduous tree will have to be temporarily moved during construction to preserve it. The large tree on the lake side of the garage will remain.

Several questions were asked about roof drainage, a mound to the left of the garage is possible if required, and whether the Shoreland Permit needs to be revisited, (NOTE on plans states garage was part of original permit approval.)

Restrictions to the location of the garage were noted: water & sewer lines under current driveway. Underground electric serving this lot and Conrad's, which comes diagonally from the lot's front left corner by the street and angles in front of the right corner of the proposed garage, following a parallel path to the water and sewer lines to the house.

Respectfully submitted,

Sarah M Silk, ZBA Clerk

Zba3-4-24