

TOWN OF WOLFEBORO
Zoning Board of Adjustment
August 17, 2026
Meeting Minutes

CALL TO ORDER – Chair Ryan called the August 17, 2026 Zoning Board Adjustment Meeting to order at 6:05 PM

ROLL CALL

Voting Members Present: Suzanne Ryan-Chair, Charles (Chuck) Sumner-Vice Chair. Jody Persson, Brodie Deshaies-members.

Members absent: Catherine McMahon

Alternates Present: Sabet Stroman

Chair Ryan made a motion to appoint Sabet Stroman into a full-time position in place of Catherine McMahon, who had to resign, until March 2027 when Catherine McMahon's term is up. Chuck Sumner seconded.

Brody Deshaies said he supported this and felt Sabet will be a great Board member but wished it had been posted publicly in the newspaper and solicited for applicants like every other Board does in town.

Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passed (5-0-0).

Sabet Stroman said she accepts.

Alternates absent: Howard Lowe

Staff Present: Jeffrey Hinderliter-Director of Planning & Development, Shanna Saunders- Circuit Rider, Lakes Region Planning Commission, Suzanne Murdough-Recording Secretary

MINUTES

A. June 15, 2026

It was moved by Chuck Sumner to accept the June 15, 2026 minutes as written. Brodie Deshaies seconded. All were in favor.

SITE VISIT

A. 5:30: Middleton Road Subdivision, LLC, Middleton Road, Tax Map-Lot 274-019, Zoning: Residential. District, Case # 2026-V-006. Variance of Article XII, Section 175-83 A.

Chair Ryan moved the order of the agenda to address the Rules of Procedure. She said they have simply amended the rules of procedure to change the stop time to 9 PM from 10 PM.

OTHER BUSINESS

Town of Wolfeboro, Amendments to the Town of Wolfeboro Zoning Board of Adjustment Rules of Procedure, V. Public Meetings, 7, and XI. Rules For Public Hearings, 19. The amendments are proposed as follows (additions underlined, deletions struck):

Chair Ryan made a motion to accept the second reading of section 5-7 Adjournment in the Rules of Procedure from 10 PM to 9 PM. Chuck Sumner seconded Roll Call Vote: Brodie Deshaies-no, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passes (4-1-0).

Chair Ryan made a motion to move Taylor Homes Agenda item 5A and hear this case after agenda item 4B. Brodie Deshaies seconded. Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passed (5-0-0).

CONTINUED APPLICATIONS / PUBLIC HEARINGS

Chair Ryan said that the applications in consideration for rehearing are not public hearings. Therefore, no public comment is allowed. The Board will only discuss the merits of 677-2 & 3, should a rehearing be held or not. The merits of the case will not be discussed.

- I. **Allan & Felicity Freund QPR Trust & Heather M. Murdock & Michael K. Odland, 11 Poplar Island, Tax Map/Lot 193-001; Case #15-SE-25, Public Hearing for a Special Exception under Section 175-43. A (1) (j) of the Zoning Ordinance for a vertical expansion of a nonconforming structure. Action: Vote on application withdrawal.**

Chuck Sumner read the application into record as recorded above.

Chair Ryan asked Jeffrey Hinderliter to give the Board an update and the reasons they withdrew.

Jeffrey Hinderliter said this proposal had been before the Board since 2025 and during 2025 it secured a couple of approvals. He said the last one attached to this was a request for special exception permit for a vertical expansion of a nonconforming structure. He said the particular standard that was under review as cited on the agenda was Section 175-43. A (1) (j) and is associated with only vertical expansions of nonconforming structures. He further explained the zoning ordinance regarding a special exception and what requires ZBA review. Mr. Hinderliter said when this application was first submitted to the ZBA the vertical expansion was just over 25% and he listed the measurements. He said the applicants were here for several meetings which were continued. He said the applicant ultimately decided to revise the proposal and drop it, so the vertical expansion is under 25% and gave the measurements. He said this it no longer requires the special exception and goes straight to the building permit.

Mr. Hinderliter said that to ensure this decision is correct, he consulted with ZBA and town attorneys. He said they supported this interpretation and said it was right, so he decided to move forward with it. Mr. Hinderliter said that now that this out of the special exception, the applicants' attorneys have dropped their lawsuit against the town and it has been approved through building permit. He said to close this, we would like to have vote on the application withdraw.

Sabet Stroman asked what they specifically did to drop below the 25% and how that will be followed up to ensure they held to what they said they changed.

Mr. Hinderliter said the applicant shrunk the footprint of vertical expansion slightly and ultimately it is up to the Code Enforcement / Building Inspector to ensure the building is brought up to plans during construction. Mr. Hinderliter said since the town is currently without a code enforcement officer, it makes it difficult to follow through on these but it is his intent to have the new code enforcement officer follow through with all of the proposals that go through the ZBA and Planning Board before the certificate of occupancy is issued.

Sabet Stroman said she appreciated Mr. Hinderliter's attempt to save the town money and find a middle ground but when an administrative decision is made that the Zoning Board was not a part of, she would like to make sure the town is diligent on ensuring they are monitored so that messages are not sent out leaving people to think they can make some changes but they are not monitored by the town.

Chuck Sumner said that particular ordinance requirement is confusing. Sabet Stroman said she hopes this will be cleaned up and clarified. Jeffrey Hinderliter said that it is going to be looked at during the Planning Board work session.

The Board discussed making a motion. Chair Ryan said the applicant has every right to withdraw an application and the ZBA doesn't approve or deny this. Chair Ryan said a letter of decision should be on record that the application is withdrawn.

II. Taylor Community, Bay Street, Tax Map-Lot 203-62, 63, 64, 65, Zoning: Bay Street Limited Business, Case # 2026-AA-001. Administrative Appeal under 175-104 and 175-52. Appeal of Planning Board's 4/7/2026 decision to deny Taylor Community lot merger and site plan applications proposing to establish 4 residential duplexes on a single lot. Action: Public Hearing and Decision.

Chuck Sumner read the application as written above into record.

Chair Ryan stated this is an administrative appeal of decision the Planning Board made on 4/7/26. She told the Board that it is their job to determine whether Planning Board made proper decision or not. Chair Ryan opened hearing at 6:24 PM.

Roger Murray, vice chair of the Planning Board, presented for the Planning Board. He said he is speaking on behalf of the Planning Board as authorized by vote of the Board at the July 7, 2026 meeting. He said the application that came before the Planning Board was for four residential duplexes and as the Board discussed on June 15, 2026 there were two issues. He said the first issue was whether one duplex is permitted per lot in this zoning district or whether as Taylor Homes suggest there can be as many duplexes as will fit on a lot limited only by setbacks and lot coverage requirements. Mr. Murray said the second issue is whether the proposal violates the funnel development provisions of the zoning ordinance section 175-52.

Mr. Murray said in preparation of this meeting, he went back and watched the June 15, 2026 Planning Board meeting. He said there was a statement by Attorney Bouchard, in terms of the Board's decision that only one duplex per lot is allowed, that Mr. Murray said "other parts of the ordinance limit density to one duplex per lot". Mr. Murray said he never said that. He said there were also some statements made that the Planning Board looked at other sections of the zoning ordinance in reaching its decision. Mr. Murray said that also is not correct. He said the minutes of April 7, 2026 are good and captured what took place. He said in addition, the Planning Board did not engage in any grafting, no extrapolation, no looking at other sections of the zoning ordinance. He said they looked at sections 175-104. Mr. Murray said that the references to section 144B of the zoning ordinance, by the applicant, refer to the town's multi-family ordinance and has nothing to do with the application for duplexes. He said the Board's decision was based on Article 17 which governs the Bay Street Limited district where the property is located.

Mr. Murray discussed section 175-104, stating it provides a minimum lot area of 43,560 square feet, basically one acre. He said looking at permitted uses, it lists single detached dwelling, duplex dwelling and then there are other uses listed, some singular and some plural. He said that the mere fact that other zoning districts

with other permitted uses and that employ different language doesn't mean that the language of the Bay Street Limited District doesn't mean what it says.

Mr. Murray said the applicant has cited section 174 which is under article 27 of the zoning ordinance in the section that addresses definitions and word usage. He read the section 175-174 into the record and said that it really refers to how the terms are defined in section 175-175 which defines the terms of the ordinance. The language is not the basis for expanding duplex (singular) to include multiple duplex dwellings in the district nor is it the basis for overturning what is substantive provision of the ordinance. He said if the entire ordinance was read as if singular were plural and plural singular, switching back and forth, it would create havoc and render the ordinance useless.

Mr. Murray discussed Section 28 – Administration and Enforcement. He read 175-182 under B which stated that the zoning administrator must take the most conservative and restrictive approach in applying or interpreting these regulations. He also read 175-183 which pertains to the Code Officer and states under duties H to take the most restrictive approach in applying these regulations. Mr. Murray said that the most conservative approach here is one duplex per lot. He said this interpretation is consistent with the ordinance as written and interpreted. Mr. Murray listed his years and experience with Planning and the zoning ordinance.

Mr. Murray said that the Planning Board is bound by the terms of the ordinance and they cannot go outside the ordinance. He said their duty is when an application comes in, they look at it to see if it meets the applicable terms of the ordinance.

Mr. Murray said that the second point refers to the funnel development. He explained the ordinance requirements referring to funnel development. Mr. Murray said when Taylor Homes' original application came into the Planning Board, it said they were going to bus people from any property they own. He said they did come back and say that was a misstatement, but Mr. Murray believes it was going to be within a 15-mile radius, and the discussion would be the people across the road. Mr. Murray read section 175-52 and discussed the parcels Taylor Homes own in the Back Bay district. He said the inland lot that they own across from the four waterfront lots is "another lot" in the meaning of 175-52.

Mr. Murray said the Planning Board respectfully requests that this Board uphold the decision of the Planning Board.

Sabet Stroman asked what the Planning Board vote was? Mr. Murray said it was 7-0-0 on the density issue.

Brodie Deshaies asked how can a private property owner grant or lease water access to themselves?

Mr. Murray said rights that violating the zoning ordinance cannot be conveyed.

Michael Flaharty, president of Taylor Community presented the intent and description of Taylor Community. He said they are 100% non-profit and have been in Wolfeboro about 20 years. He said their mission is to take care of senior citizens in the Lakes Region of New Hampshire. Mr. Flaharty said their intent with this property is to meet housing needs for an aggressively growing population of senior citizens. He said that Taylor Community meets the clinical, housing, and financial (when they run out of money to stay there) needs of their residents. He said that some of the things Mr. Murray was discussing was not a concern, they are trying to meet the demand for people in this community to access the services they provide. He said they are a continuing care retirement community so the residents will have access to nursing, assisted living, memory

190 care, and independent living. Mr. Flaharty said Taylor Community will pay for those resources if the residents
191 outlive their financial resources. He said they would love to give their residents access to the waterfront but
192 if that is a deal breaker, "we can just tell our residents that it is just for those folks living on side of the
193 community".

194
195 Mr. Flaharty responded to the comment that Taylor Community has a 15-mile radius for people to drive. He
196 explained that is in place to take residents to their doctor appointments, hospital, grocery shopping, or
197 whatever else they need transportation for.

198
199 Mr. Bouchard, attorney for Taylor Community, said he had not watched the video from April 17, 2026
200 recently but his recollection is that the Planning Board did base its decision on the zoning ordinance
201 essentially establishing one duplex per lot in other sections of the zoning ordinance and then grafting that on
202 to the Bay Street Limited Business District section. He said that the other part of the Planning Board's
203 decision was that the Bay Street Limited Business district says duplex and not duplexes. Mr. Bouchard said
204 that the Bay Street Limited Business District does establish dimensional controls, but as part of those
205 dimensional controls, it does not establish any firm density of what is permitted in that district per lot. He
206 said the only dimensional controls are frontage, sight size, and lot coverage which is 60%. He said there is
207 nothing in that part of the ordinance, saying there is a limit of one house or one duplex per lot, which the
208 people of Wolfeboro have voted for in other parts of this ordinance.

209
210 Mr. Bouchard referred the Board to the **Kudri** case where the New Hampshire Supreme Court said that in the
211 absence of language in one statutory provision that is present in another it is a strong indication that the
212 legislature, i.e. the people of Wolfeboro, did not intend the same result. The court will not judicially supply
213 this omission in the absence of a legislative intent to do so. He said it can be interpreted as because the
214 people of Wolfeboro have sought to explicitly limit duplexes to one duplex per lot in other parts of the
215 ordinance, that information can be taken and say that does not actually apply here. He said if the people of
216 Wolfeboro wanted to do the same thing in the Bay Street Limited Business district, they would have done so.

217
218 Mr. Bouchard said that the Board cannot make a determination on density based on whether or not a term in
219 the ordinance is in the plural or singular. He said the ordinance's word usage requirements in section 175-174
220 expressly says that the singular includes the plural and the plural includes the singular, such that the plural or
221 singular word does not determine density.

222
223 Mr. Bouchard addressed the funnel ordinance and disagrees with the Planning Board. He said this is not a
224 funnel development. He said Taylor owns both properties. He discussed the ordinance and said that the
225 ordinance has the language of lease, grant, something being conveyed. He said that the people in the other
226 facility of Taylor Community using the waterfront are not being granted rights in their deed or lease. He said
227 for that reason, the funnel ordinance does not apply.

228
229 Brodie Deshaies asked Mr. Bouchard to confirm that there is no express conveyance of water access in the
230 lease for that other lot that Taylor Community owns, but that it is inherent that they're allowed to go and use
231 that waterfront lot because they are inhabitants and paying Taylor Community to live there.

232
233 Mr. Bouchard said there is no express grant in any of the leases.

234
235 Sabet Stroman asked the size of the duplexes, how many bedrooms?
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Jennifer Hoffman, Wolfeboro resident and part of the senior leadership team of Taylor Community explained her role with Taylor Community and said that they are flexible right now with the size of the duplexes. She said they have been trying to work with the town and their neighbors to best see how they can serve the population that they have all taken an oath to serve and best serve this town. She said the size is depending on the feedback they get from the town.

Jody Persson said that he heard from Taylor Community at the last meeting that they would not be bussing people to the waterfront.

Mr. Bouchard said that is correct.

Mr. Persson said that he saw a bus there on Bay Street the next day after that meeting. He did not know if they were at the waterfront.

Mr. Bouchard said the Aquatic Center is right across the road and the parking was full and there is a crosswalk that goes back and forth across between. He said this is the first he has heard of it but it is not part of the plan to bus people in. Mr. Bouchard addressed Sabet Stroman's question stating as currently configured, each duplex is approximately a total size of 3400 square feet, making each unit approximately 1700 square feet with two bedrooms.

Mr. Bouchard asked for the purpose of the density question. Ms. Stroman said she was questioning who will be living there, possibly moving in with the residents.

Michael Flaharty explained that a person must be a minimum age of 62 before they can move in. He said only people with contracts are allowed to live in Taylor Community facilities. He said they are allowed to have visitors, but they have very strict guidelines on that.

Sabet Stroman asked how long a person is allowed to visit. Mr. Flaharty said no more than 14 days.

Chair Ryan asked what the terms and conditions and other requirements a person must meet to live there and what other services do they get for that contract.

Michael Flaharty said Taylor Community sells a contract that requires applicants to complete financial and clinical assessments. He explained that the financial assessment confirms applicants have sufficient resources to live there for a period of time before needing charitable assistance. He described the contract as an insurance product closely monitored by the Department of Insurance, intended to help ensure each applicant's financial and clinical security. He said 85% of residents live in cottages or independent living for as long as they are able then they have access to assisted living, memory care, or clinical care based on their needs. He said additional amenities are dining, restaurant, movie theater, lawn games and more than anything is the social dynamic.

Chair Ryan asked if Taylor Community advertises in their contract that the residents have access to transportation?

Mr. Flaharty said the residents do have access to transportation within a 15-mile radius.

Chair Ryan asked if Taylor Community advertises that the resident will have access to the waterfront.

285 Mr. Flaharty said they do not believe they advertise that in their contracts.

286
287 Jennifer Hoffman approached and said as the marketing director, she can speak to this. She said they do have
288 photos of the community on the waterfront because they are in the Lakes Region, but they have never been
289 able to advertise the waterfront because they don't have it.

290
291 Brodie Deshaies asked if they can establish that this is like selling a contract or insurance product, but it
292 cannot convey water access.

293
294 Mr. Bouchard said that is correct, there is no conveyance.

295
296 Mr. Deshaies asked if their stance is that the ordinance is written explicitly about conveying rights.?

297
298 Mr. Bouchard said as about conveying property rights as you would in a lease, easement or a deed.

299
300 Mr. Deshaies asked if Taylor Community is not conveying rights to the residents of Taylor Community who
301 have signed these contracts, bought these insurance products, who live in your facilities.

302
303 Mr. Bouchard said that is correct, there is no conveyance in the context of a real estate transaction, which is
304 what that part of the ordinance contemplates.

305
306 Mr. Deshaies asked Taylor Home Communities if they permit or prohibit residents from walking on to those
307 four lots (Tax/Map 203/62,63,64,65), visiting or recreating.

308
309 Michael Flaharty said that presently they do not. If this Board does not want that to be allowed, then it is not
310 a sticking point.

311
312 Mr. Deshaies asked if they allow the general public to walk on that lot.

313
314 Mr. Flaharty said that they do not at the moment.

315
316 Mr. Deshaies asked if the lot is posted. Mr. Flaharty said it is not. Mr. Flaharty described their efforts to meet
317 the needs of their community and be a good neighbor.

318
319 Mr. Deshaies asked what the lot coverage percentage on the current plans?

320
321 Mr. Bouchard stated lot coverage percentage is 27% but they are permitted up to 62%.

322
323 The Board and Mr. Bouchard discussed prior discussions of ordinance interpretation and what would be
324 permissible to build. He said the ordinance allows a more intense use of the land, such as putting an
325 apartment with more units than the four duplexes.

326
327 The board discussed hypothetical scenarios. Chair Ryan asked the applicant why they want to combine the
328 lots instead of just building one duplex on each acre lot.

329
330 Mr. Bouchard said that there are multiple factors such as maintenance and the aging population. He turned it
331 over to the engineer.

333 Sara Wordy from DuBois and King said the four existing lots are not conforming lots, they are skinny flag
334 shapes without the required frontage. She said Taylor Community looked at multiple scenarios. She said
335 there are some natural resources that they specifically designed this project to avoid impacts and they did
336 correspond with the Conservation Commission. She said these lots are in the shoreline protection rules so
337 they must preserve a certain amount of the woodland buffer.
338

339 Kathy Fairman said she is approaching the Board as a small business owner of over 42 years and worked in
340 Wolfeboro for over 52 years. She said she is also an employee of Taylor Community. She said she wants to
341 speak about the business of housing, which is an important topic in this town and educate the Board about
342 the benefits Taylor Community provides to Wolfeboro. She said Taylor Community is for the senior citizens of
343 Wolfeboro, the people that have lived and worked in this town for many years. She said every Taylor
344 Community facility has a waiting list and presented a list of names to the Board of people currently living in a
345 Taylor Community facility. She has asked the Board to please send this application back to the Planning
346 Board.
347

348 Roger Murray told the Board that this before them is an administrative decision of the Planning Board's
349 decision and acting on this, you are stepping into the Planning Board's shoes which means the ZBA is bound
350 by the terms of the ordinance. He said speaking for himself, he thinks Taylor Homes is a great asset. He said
351 the decision must be based on do they meet the requirements of the zoning ordinance and gave an example
352 of another developer asking to do the same type of development.
353

354 Brodie Deshaies asked if it is the Planning Board's interpretation that the word usage section of the ordinance
355 is not applicable throughout the rest of the ordinance.
356

357 Roger Murray said the Planning Board did not make a decision on that. He said that he read through section
358 175-174 and it seemed to him that it refers to the definitions that follow. He said he thinks it is the Planning
359 Board's position that when the zoning ordinance says duplex dwelling it means duplex dwelling.
360

361 Mr. Deshaies said he believes the applicant brings forth a valid argument that in every other district there is a
362 per lot qualifier added to the end of the clause but for some reason in the Back Bay Limited Business district
363 that per lot is not added and they read it as if the usage is applicable to the entire ordinance.
364

365 Roger Murray said the verbiage duplex dwelling is the same in the Wolfeboro Falls Limited Business district,
366 the South Wolfeboro Limited Business district as well as the Bay Street. When the Board looks at a specific
367 section of the ordinance, if it is going to make a decision, if it is going to make a change in that ordinance,
368 they don't look at the rest of the ordinance but are focused on that particular zoning district.
369

370 Sabet Stroman said she wanted to make sure that the Board is understanding what we are upholding.
371

372 Roger Murray said the current application is for four duplexes on one lot. He said when looking at the cluster
373 ordinance, 10 acres is required so under the zoning ordinance, the Planning Board cannot approve this.
374

375 Brodie Deshaies asked Mr. Murray, that in light of what we have heard from the applicants, do you believe
376 there is a formal conveyance of water access.
377

378 Mr. Murray said the language of 175-52 states that it is the granting, leasing, or otherwise conveying. He said
379 it doesn't require a deed. It just means a granting of the right to use it. When the applicant came out and

said they intend to bring in people from across the street or from another lot, it would violate the provisions of this section.

Ken Gerber from 61 Bay Street, abutter said that he and his wife are looking at the bigger picture. He said it doesn't make sense to them that if Taylor is allowed more than one multi-family unit that the duplexes would not be allowed. He said initially that he and his wife wrote a letter to the Board opposing the five proposed duplexes, but they think the current plan of four duplexes (8 units) is reasonable.

Attorney Bouchard said from Taylor's perspective, it is not controversial. Taylor could build a duplex on each lot which would result in a more intense use of the land. He said they feel this current plan is a better use.

Roger Murray said the concern of the Planning Board is that a decision of allowing this development would open the floodgates and allow a developer to stuff an area with duplexes.

Mr. Bouchard said interpreting the zoning ordinance does not involve engaging in that type of supposition and speculation. It is Taylors sincere request that this Board just follow the ordinance.

Chair Ryan closed the public hearing at 7:49 PM. Roll call vote to close the public hearing. Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes.

Chair Ryan reminded the Board that the Planning Board had two decisions that they are addressing. One is dimension controls and the other is water access.

Chair Ryan said she would like to move to not concur with the Planning Board's decision on section 175-52, waterfront access. She feels Taylor Homes has made a compelling argument that they own both sides of the road and they are not leasing or otherwise conveying.

It was moved by Chair Ryan to not concur with the Planning Board's decision on Section 175-52 waterfront access. Chuck Sumner seconded. Roll call vote: Brodie Deshaies-yes, Jody Persson-no, Sabet Stroman-no, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passes (3-2-0).

The Board discussed the dimensional controls section 175-104. Chair Ryan read the purpose of the district from Article 17 Bay Street Limited Business district.

Shanna Saunders said 175-104 is dimensional controls. She said what the Board has been asked to consider is the permitted uses in section 106 and the definition of duplex dwelling.

Chair Ryan said that is not what is on the paperwork. Chair Ryan said the legal notice and agenda have an incorrect citation.

Shanna Saunders said perhaps we continue this and properly notify for section 175-106.

It was moved by Chair Ryan to continue this appeal until the Board can do the proper legal notice for the second portion of the application. Brodie Deshaies seconded.

Brodie Deshaies said the improper citation was also on the application. Chair Ryan scheduled this for August 31, 2026.

Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-no. Motion passes (4-1-0).

Roger Murray approached and Chair Ryan said the hearing has been closed.

Attorney Bouchard cited case law to allow Mr. Murray to speak.

Sabet Stroman moved to allow Mr. Murray to speak. Brodie Deshaies seconded. Roll call vote: Brodie Deshaies-yes, Jody Persson-no, Sabet Stroman-yes, Suzanne Ryan-no, Chuck Sumner-yes Motion passes. (3-2-0)

Roger Murray explained that he did not feel it was necessary to continue the meeting and cited reasons.

Attorney Bouchard said there is no reason to believe that anyone was confused as to the issues that are being presented here tonight. He said he believes part of the problem is that there is technically not a specific part of the ordinance to site because there is not a density control in the Bay Street Limited Business district. He said the Board can absolutely proceed with entertaining this and making a decision and if a member of the public feels like they did not get appropriate notice after reading everything that was publicly available, they can file a request for rehearing. Mr. Bouchard said to the Board that this matter is already beyond the 90 days by which this Board is required to make a decision. He said Taylor does not consent to a continuance.

Shanna Saunders read the 90-day requirement from the RSA.

Chair Ryan said that if Taylor Community chooses not to agree to an extension, the Board has the authority to deny the application and start all over again. She said it is a fair compromise to continue to August 31 and give the Board time to digest what they heard tonight.

Brodie Deshaies said he hears that both parties feel they have given sufficient justification and there has been sufficient public notice and wants the Board to take action tonight. He said he is ready to act.

Chair Ryan said it was the wrong legal notice.

It was moved by Chair Ryan to close the public hearing. Brodie Deshaies seconded. All were in favor.

It was moved by Brodie Deshaies to reconsider the previous motion to continue. Chuck Sumner seconded.

Discussion: Brodie Deshaies said he feels if both parties are ready and feel they've given the Board proper documentation and the Board feels they have done their due diligence in posting it, it is time to take action on it. He said the applicant has been waiting for over three months.

Chair Ryan asked what specifically the Board is taking action on.

Brodie Deshaies answered taking action on the Planning Board's decision under the ordinance 175-104.

Chair Ryan said that doesn't address the duplex issue.

Brodie Deshaies said they feel as if the Board can take action.

Chair Ryan asked how the duplexes will be addressed on 175-104 which talks about lot size and frontage. It doesn't mention duplexes.

Chuck Sumner asked the Chair if the Board could ask Jeffrey Hinderliter or Shanna Saunders to weigh in on this.

The Board continued to discuss this issue of the continuance.

Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-no, Chuck Sumner-yes. Motion passes (4-1-0).

Brodie Deshaies said he doesn't think the Board should continue the application, he thinks both parties said they are prepared for us to act and he feels Chuck Sumner's explanation about the citation being an internal error is why he feels the Board can act. He said he feels all the facts are in front of the Board to make a decision.

Shanna Saunders and Board discussed whether to continue or deny. Shanna Saunders said the issue on the table is, is the notice sufficient to meet the letter of the state statute about noticing, and if not, does the Board want to continue to the August 31 and allow the town to renotice properly or does the Board want to deny the application, allow them to resubmit and start this thing all over again. She said if the Board decides that the notice is proper and the Board can continue then the Board should make the decision tonight.

It was moved by Sabet Stroman that the original notice was sufficient. Brodie Deshaies seconded. Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-no, Chuck Sumner-yes. Motion passed (4-1-0).

Shanna Saunders referred to Exhibit 2 – minutes from April 7, 2026.

Chair Ryan called a five-minute break at 8:20 PM to locate and read the April 7, 2026 minutes.

Chair Ryan called the meeting back in session at 8:32 PM.

Chair Ryan told the Board that they are acting as the Planning Board in interpretation of the ordinance. She said the Board has the meeting minutes from April 7, 2026. It is in the Bay Street Limited Business district, duplex dwelling singular.

It was moved by Chair Ryan to support the Planning Board decision from April 7, 2026 in that the decision on the duplex as correct. Sabet Stroman seconded.

Discussion: Brodie Deshaies said he feels the applicant is correct their interpretation of the word usage section and that it cannot be read on its own and that it is meant to be interpreted to apply throughout the town's zoning ordinance.

Roll call vote: Brodie Deshaies-no, Jody Persson-no, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-no. Motion fails (2-3-0).

It was moved by Brodie Deshaies to approve the appeal of the applicant for 175-106 B made by the Planning Board as determined on April 7, 2026 and accept the applicant's interpretation. Chuck Sumner seconded.

Discussion – Brodie Deshaies said he feels the applicant's interpretation of the ordinance is correct. Sabet Stroman said she believes the Planning Board made the right decision. She said she feels like the historical interpretation over many years cannot be ignored. Chuck Sumner said he believes it is a reasonable use of the property and he thinks there is enough flexibility in the ordinance to allow it. Chair Ryan said she believes approving this is setting a dangerous precedent and thinks they do not want to put a separate duplex on each lot because there are wetlands on one lot. She said probably some of the lots are not conducive to developing. She said she supports the Planning Board's decision. Jody Persson said he is changing his stand and is supporting the Planning Board's decision.

Roll call vote: Brodie Deshaies-yes, Jody Persson-no, Sabet Stroman-no, Suzanne Ryan-no, Chuck Sumner-yes. Motion fails (2-3-0).

It was moved by Chair Suzanne Ryan to support the Planning Board's decision of April 7, 2026. Sabet Stroman seconded.

Discussion: Brodie Deshaies said he stands by his comments earlier. Chuck Sumner said he still believes it is a reasonable use of the property.

Roll call vote: Brodie Deshaies-no, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-no. Motion passes (3-2-0).

Chair Ryan reorganized the agenda and moved the following agenda item 5A up.

- III. **Motion for Rehearing the June 15, 2026, decision to deny the Taylor Community Special Exception Application proposing an elderly housing use consisting of 4 residential duplexes, location Bay Street, Tax Map-Lot 203-62, 63, 64, 65 (Case # 2026-SE-003). Rehearing requested by Taylor Community pursuant to NH RSA 677:2. Action: Vote on rehearing request in accordance with NH RSA 677:2.**

Chuck Sumner read the application into record.

It was moved by Chair Ryan to continue the Taylor Community Special Exception to August 31, 2026. Jody Persson seconded. Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes.

Attorney Bouchard approached the Board and said to put on record that Taylor Homes rejects the Board's continuance because of not hearing their case within the 30 days.

Chair Ryan said she needed to add to her motion, amended the motion to read for the purposes of discussing this with the town attorney. Jody Persson said he will accept the amendment and seconded the motion. All were in favor.

- IV. **Motion for Rehearing for 56 Hopewell Point Rd., Tax Map-Lot 228-039, Original decision approving the application was March 2, 2026. Rehearing requested by Irene B. Jay and Andrew T. Jay pursuant to NH RSA**

677:2 concerning an application of special exception by Warren E. and Jennifer L. Wilson. Action: Revote on rehearing request in accordance with NH RSA 677:2.

It was moved by Suzanne Ryan to open the public hearing. Chuck Sumner seconded. All were in favor.

It was moved by Chair Ryan to continue this application to 9/21/26. Chuck Sumner seconded. Roll call vote: Brodie Deshaies-no, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passed (4-1-0).

- V. St Brendan's Shore LLC, 61 Crooked Pond Ln, Tax Map-Lot 204-102, Zoning: Shorefront Residential, Case # 2026-SE-004. Special Exception under section 175-43 of the Zoning Ordinance for vertical expansion and extension of nonconforming structure beyond 25%. Proposal includes removal of an existing single-family structure and replacing it with a new single-family structure. The existing structure is nonconforming due to side setback encroachments. The proposed structure will continue to be nonconforming. Action: Review and Decision.

Chuck Sumner read the application as written.

Chair Ryan declared the hearing open.

The applicant stated they propose to remove an existing nonconforming structure and build a more conforming structure. They are requesting a special exception to expand the vertical area beyond 25% because they are adding second floor. He said they did their best with the design to adhere to abutters, but it was difficult because of the shape of the lot. He said they pushed it back without causing further intrusion.

Barry Bessette 63 Crooked Pond Lane, abutter said his one objection is how moving it forward would affect his view. He said these are tough lots to build on. He expressed concern about destruction to the dirt road during construction.

Sabet Stroma said that the abutter did a good job showing the Board the different areas and how it will affect his view.

Brodie Deshaies informed the abutter of the eight criteria that must be met for a special exception and asked the abutter if he felt any of the eight criteria were not met in this proposal.

Jeffrey Hinderliter said Brodie Deshaies is right to bring this up, the abutter should link their objection to the standards of the eight criteria. Chair Ryan gave the abutter the list of the eight criteria. The abutter read through the eight criteria and his gave his opinion. He did say he believed it would negatively affect his property value.

The applicant read through the eight criteria as written in his application.

Chair Ryan asked for public comment. Seeing none, she closed the public hearing at 9:09 PM.

The Board deliberated and discussed the eight criteria.

Criteria 1 - Sabet Stroman said she thought the proposal was too large for the site. Jody Persson agreed and mentioned the abutter's view. Chair Ryan told the Board members that they must vote no on approving if they do not agree with even one of the eight criteria.

Criteria 2-5 – no change

Criteria 6 – Sabet Stroman said the increased size of the house impacts the abutter.

Criteria 7 – Negative impact on waterfront view affecting the value of the abutter.

Criteria 8 – NA

It was moved by Chair Ryan to deny the application because it does not meet all 8 criteria, specifically #1, #6, #7. Sabet Stroman seconded. Roll call vote: Brodie Deshaies-yes, Jody Persoon-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes.

Chair Ryan told the applicant that they have a right to appeal within 30 days.

NEW APPLICATIONS / PUBLIC HEARINGS

- I. **Variance. Middleton Road Subdivision, LLC, Middleton Road, Tax Map-Lot 274-019, Zoning: Residential District, Case # 2026-V-006. Variance of Article XII, Section 175-83 A: "Water hook up is required." The applicant is proposing to utilize private wells for each of the 3 lots in a proposed 3 lot subdivision. Action: Public Hearing and Decision.**

Chuck Sumner read the application into record.

Chair read the Residential district purpose.

Chair Ryan said we know there is no availability of water and asked the applicant to show the Board where it stops. The applicant said he spoke with DPW and there is a 2-inch main across the street, but it doesn't have enough pressure to service lots out there and they would have to dig the road up to bring access across the street.

Randy Shuey-Soil Scientist for Northpoint Engineering described the project, lots, lot sizes and soil. He said the property meets load soils. He said they met with the town Tech Review Committee and DPW, who said the line on the other side of the road is too small and does not have enough pressure to service them.

Randy Shuey read the letter from Steve Randall-DPW into the record. The letter said there is a booster system there, but it doesn't have enough pressure to push the water to the lots. Mr. Shuey read the 5 criteria as written in their application packet. He said from a soils point of view, the soil out there is well drained, they have deep water tables and it will easily be able to support three systems without difficulty.

Chair Ryan opened the public hearing. Hearing no public comment, she closed the public hearing at 9:35 PM.

The Board deliberated the 5 criteria. They said 1,2, and 3 are met. #4 is not applicable. #5 – it would be a hardship to the applicant to hook up to town water. They said it meets the hardship requirements.

It was moved by Chair Ryan to approve the Variance. Middleton Road Subdivision, LLC, Middleton Road, Tax Map-Lot 274-019, Zoning: Residential District, Case # 2026-V-006. Variance of Article XII, Section 175-

83 A: "Water hook up is required." The applicant is proposing to utilize private wells for each of the 3 lots in a proposed 3 lot subdivision. Brodie Deshaies seconded.

Discussion: Chuck Sumner said he pulled up a map of the piping system in the Town of Wolfeboro. He said there is a booster pump station below their property but even with that booster pump, there is not adequate pressure to service their property.

Roll call vote: Brodie Deshaies-yes, Jody Persson-yes, Sabet Stroman-yes, Suzanne Ryan-yes, Chuck Sumner-yes. Motion passed (5-0-0)

Chair Ryan notified the applicant that anyone can appeal within 30 days.

It was moved by Chuck Sumner to adjourn at 9:38 PM Brodie Deshaies seconded. All were in favor.

There being no further business before the Board, meeting adjourned at 9:38 PM.

Respectfully Submitted,
Suzanne Murdough

Suzanne Murdough, Recording Secretary