

**TOWN OF WAKEFIELD, NEW HAMPSHIRE**  
**ZONING BOARD OF ADJUSTMENT**

2 HIGH STREET  
 SANBORNVILLE, NEW HAMPSHIRE 03872  
 TELEPHONE (603) 522-6205 FAX (603) 522-6794

**PUBLIC HEARING**  
**December 17, 2007**  
**Gaillardetz**

**THESE MINUTES WERE APPROVED AT THE JANUARY 22, 2008 MEETING.**

**FINAL**

Chairman George Frothingham called the meeting to order at Town Hall at 7:00 p.m. Attendees included:

<b>MEMBERS</b>		<b>ALTERNATES</b>		<b>OTHERS</b>	
George Frothingham, Chair	x	Scott Bramer		Kathy Menici, Planning Director	x
Doug Stewart, Vice Chair	x	Judy Sjostrom	x	John Ciardi, Deputy Code Officer	
Cecille Arnone	x	Sandy Lebel	x	Arthur Capello	
Paul Winckler	x	Sharon Theiling		Paul Morrill	
John Crowell		John Napekoski	x	Lynn Shaffer, Secretary	x

Other Attendees as signed in:

- Peter Sjostrom
- George Gaillardetz
- Melissa Gaillardetz
- Teresa Haley
- Lindsey Campbell

**ROLL CALL – DESIGNATION OF ALTERNATES –**

Following the Pledge of Allegiance, Chairman Frothingham asked members of the Board to introduce themselves. John Napekoski has joined the Board as an Alternate, and he was welcomed to his first meeting. John Crowell was unable to attend, so Chairman Frothingham asked Alternate Judy Sjostrom to sit in, which she did.

**PUBLIC HEARING**

**Case #2007 – 13–** Wakefield Tax Map #67, Lot 73 – George and Melissa Gaillardetz, for property located at 890 Lord Road, Wakefield NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3, Table 2 – minimum setbacks in a Residential II Zone. The applicant is proposing to build a deck that will extend 2 ½ feet into the 10-foot side setback.

Chairman Frothingham asked Dr. Gaillardetz to come forward, which he did. Dr. Gaillardetz provided a certified plot plan, and explained to the Board that they would like to build a deck that would encroach into the side setback by 2 ½ to 3 feet. When they bought the house in August of this year, they discovered that the owner previous to the one before them had built stairs that encroach into the setback. They would like to build a deck 12 feet out and 30 feet wide, and have it tie into the existing stairs. This would allow access to the side entrance to the house as well as stairs to the lower level. This would still be 7 feet from the boundary line, but within the 10-foot setback. Member Winckler asked about the possibility of building on the other side of the house where there is more room. Dr. Gaillardetz advised that they had considered that, but due to the steep slope it would involve bringing in fill, which would impact the lake. Member Arnone confirmed that they would not be going any further than the stairs,

which are already within the setback. Dr. Gaillardetz stressed that the house was in “rough shape” when they bought it, and they are trying to make improvements. He also mentioned that they are trying to upgrade the septic system, and have already gotten state approval.

Chairman Frothingham then opened the meeting to the public. Teresa Haley, an abutter, spoke. She advised that the property that abuts the Gaillardetz property is just .17 acres, about 90 feet wide and 100 feet deep, so that there is not room to build. She is concerned because the owner two before the Gaillardetz had put the stairs and the deck on the side of the house without permission, so the encroachment has already happened. She understands that the house is close to the lot line, and would like to have the lot line honored and respected. She mentioned that builders have used their lot to move materials to the work area. Dr. Gaillardetz assured her that would not happen again, and that he would work to make any improvements/repairs needed as a result of that. Ms. Haley and Ms. Campbell both expressed disappointment that the owner who built the stairs had made a verbal agreement to tear them down when the house sold, but this was never done. Chairman Frothingham confirmed with Ms. Haley that while she is concerned about the encroachment, she is not taking a stand against it. Dr. Gaillardetz again apologized and expressed that he and his wife are continuing to work to improve the property and the neighborhood, which includes upgrades to the septic system as well as a driveway. Chairman Frothingham closed the meeting to the public, and the Board began deliberations.

***Criteria 1: The proposed use would not diminish surrounding property values:***

MOTION: to accept that the requirements of Criteria 1 have been met.  
Made by: Paul Winckler  
Seconded by: Cecille Arnone  
Discussion: None  
Vote: Unanimous

***Criteria 2: Granting the Variance would not be contrary to the public interest:***

MOTION: to accept that the requirements of Criteria 2 have been met.  
Made by: Paul Winckler  
Seconded by: Doug Stewart  
Discussion: None  
Vote: Unanimous

***Criteria 3: Granting the variance would do substantial justice:***

MOTION: to accept that the requirements of Criteria 3 have been met.  
Made by: Cecille Arnone  
Seconded by: Judy Sjostrom  
Discussion: None  
Vote: Unanimous

***Criteria 4: The use is not contrary to the spirit of the ordinance:***

MOTION: to accept that the requirements of Criteria 4 have been met.  
Made by: Paul Winckler  
Seconded by: Doug Stewart  
Discussion: None  
Vote: Unanimous

***Area Variance:***

**Criteria 5.B. Denial of the variance would result in unnecessary hardship to the owner because:**

***The following special conditions of the property make an area variance necessary in order to allow the development as designed:***

MOTION: to accept that the requirements of Criteria 5.B.a. have been met.  
Made by: Doug Stewart  
Seconded by: Cecille Arnone  
Discussion: None  
Vote: Unanimous

***a. The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:***

MOTION: to accept that the requirements of Criteria 5.B.b. have been met.  
Made by: Paul Winckler  
Seconded by: Doug Stewart  
Discussion: None  
Vote: Unanimous

MOTION: to **GRANT** an Area Variance to George and Melissa Gaillardetz, for property located at 890 Lord Road, Wakefield NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3, Table 2 – minimum setbacks in a Residential II Zone, in order to build a deck that will extend 2 ½ feet into the 10-foot side setback.

Made by: Paul Winckler  
Seconded by: Judy Sjostrom  
Discussion: None  
Vote: Unanimous

Granting of the variance is subject to the following conditions:

The applicant will respect the boundary in construction work being done, and will repair any damage that may occur or has occurred on the abutter's property during the construction phase.

Made by: George Frothingham  
Seconded by: Cecille Arnone  
Discussion: None  
Vote: Unanimous

Granting of the Variance has been done with conditions. Chairman Frothingham informed Dr. Gaillardetz that he would be receiving a Notice of Decision, and that any interested person can appeal this decision within 30 days.

**APPROVAL OF MINUTES**

MOTION: to accept the minutes of November 19, 2007  
Made by: Cecille Arnone  
Seconded by: George Frothingham  
Discussion: Member Winckler advised that he had not received the minutes, so had not had a chance to review them.  
Vote: Unanimous, with Member Winckler abstaining.

Handouts were provided to the Board, listing cases heard and their outcomes for the past year, as well as a revised roster with phone numbers, email and mailing addresses.

Chairman Frothingham shared with the Board that he has been doing some research on the role of the Zoning Board, specifically as it relates to a case that was withdrawn last meeting. He referred to Section 673:2, Paragraph 5 in “New Hampshire Planning and Land Use Regulation, 2006-2007 Edition” in which it is noted that the Zoning Board would act as the building code of appeals if needed. He also referred to 674:34, which deals with the Powers of the Building Code Board of Appeals. Chairman Frothingham encouraged Board members to be familiar with this and other information in the book.

MOTION: to adjourn the meeting at 7:50PM  
Made by: Paul Winckler  
Seconded by: Doug Stewart  
Discussion: None  
Vote: Unanimous

Respectfully submitted,

Lynn Shaffer, ZBA Secretary