

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
January 22, 2008
Clough

THESE MINUTES WERE APPROVED AND AT THE FEBRUARY 19, 2008 MEETING.

Approved

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

| MEMBERS | | ALTERNATES | | OTHERS | |
|---------------------------|---|-------------------|---|----------------------------------|---|
| 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 | | Sharon Theiling | x | Paul Morrill | |
| John Crowell | x | John Napekoski | x | Lynn Shaffer, Secretary | x |

Other Attendees as signed in:

Rebecca Clough

Fred Clough

ROLL CALL – DESIGNATION OF ALTERNATES –

Following the Pledge of Allegiance, Chairman Frothingham asked members of the Board to introduce themselves. Paul Winckler was unable to attend, so Chairman Frothingham asked Alternate John Napekoski to sit in, which he did.

PUBLIC HEARING

Case #2008 – 1 – Wakefield Tax Map #233, Lot 6 – Fred and Rebecca Clough, for property located at 468 Wakefield Road, Union NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3 Table 1 – Permitted Uses in a Residential II Zone. The applicant is proposing to construct an oval exercise track for his horses, which will be approximately 20 feet wide and 1500 feet long, covering about ½ acre of land.

Chairman Frothingham asked Mr. Clough to come forward, which he did. Mr. Clough explained that he owns racehorses, and would like to construct an exercise track approximately 1500 feet around and 20 feet wide. Mr. Clough explained that there would be minimal excavation and tree cutting, and would basically like to have the area as natural as possible. In response to questions from the Board, he stated that he plans to use gravel to surface it, that he is planning on building at least 25-30 feet from the railroad track that abuts the property, that he has already come to an agreement with the railroad to build a fence, that the horses that would be using the track are his own and that he would not be exercising other peoples' horses. Chairman Frothingham asked if there were further questions, and noted that no members of the public were present. The Board then began deliberations after reviewing the checklist.

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: Cecille Arnone
Seconded by: John Crowell
Discussion: It was noted that while most parcels in the RII zone are small, this one is larger and also has a berm on which the railroad track is built to protect the surface water.
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: Doug Stewart
Seconded by: Cecille Arnone
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: Doug Stewart
Discussion: Discussion concerning ensuring that only the property owner's horses will be using the track, and that the number would be limited to six horses. The Board was reminded by the Planner that the variance will run with the property.
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: Doug Stewart
Seconded by: John Crowell
Discussion: None
Vote: Unanimous

USE VARIANCE

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

- a. ***The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that:***

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

- b. *No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because:*

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

- c. *The variance would not injure the public or private rights of others because:*

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

MOTION: to **GRANT, with conditions**, a USE Variance to Fred and Rebecca Clough, for property located at 468 Wakefield Road, Union NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3 Table 1 – Permitted Uses in a Residential II Zone, in order to construct an oval exercise track for his horses, which will be approximately 20 feet wide and 1500 feet long, covering about ½ acre of land.

Made by: Cecille Arnone
Seconded by: Doug Stewart
Discussion: None
Vote: Unanimous

Granting of the variance is subject to the following conditions:

- 1.) As agreed on by Mr. Clough and Mr. Olkkola from NH Northcoast Railroad, Mr. Clough will build a fence along the edge of the railroad tracks.

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

- 2.) Use of the track is solely for no more than six horses that are owned by the property owner.

Made by: Doug Stewart
Seconded by: Cecille Arnone
Discussion: None
Vote: Unanimous

- 3.) The horses must be stabled in the agricultural district.

Made by: Doug Stewart
Seconded by: Cecille Arnone
Discussion: None
Vote: Unanimous

Granting of the Variance has been done with conditions. Chairman Frothingham informed Mr. and Mrs. Clough that they 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 December 17, 2007
Made by: Doug Stewart
Seconded by: Cecille Arnone
Discussion: None
Vote: Unanimous

Chairman Frothingham shared with the Board of the Spring Planning and Zoning Conference will held on Saturday, April 26. Planner Menici reminded the Board that the Town of Wakefield pays training expenses and encourages members to attend these sessions. The Chairman asked them to take note of the date, and advised that there should be further information concerning workshops and programs at the next meeting in February. The Board was reminded that the February meeting will held on Tuesday, February 19 due to the holiday on Monday.

General discussion followed concerning upcoming changes to the Shoreland Protection Act. Planner Menici advised the Board that she would forward them the link to the website to make and read comments on proposed administrative rules. She also advised them that the NH Dept. of Environmental Services– Shoreland Protection Division will be in Wakefield on April 23 to discuss the recent changes to the comprehensive Shoreland Protection Act. Members of the Board were encouraged to attend.

MOTION: to adjourn the meeting at 8:00PM
Made by: Doug Stewart
Seconded by: Cecille Arnone
Discussion: None
Vote: Unanimous

Respectfully submitted,

Lynn Shaffer, ZBA Secretary