



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 20, 2010

BOARD APPROVED ON JANUARY 31, 2011

FINAL

Doug Stewart, Chairman, called the meeting to order at the Town Hall at 7:00 PM.

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Chair	X	Sharon Theiling	X	Arthur Capello, Code Enforcement Officer	
Paul Winckler, Vice Chair	X	John Napekoski		Peter Kasprzyk, Selectmen's Represent.	
Cecille Arnone	X	Judy Sjostrom	X	Anna Williams, Secretary	X
George Frothingham	X	John Ciardi			
John Crowell	X				

Other Attendees as signed in were Craig Farley, for the appellants, and Steve Brown.

ROLL CALL & DESIGNATION OF ALTERNATES

Mr. Stewart called the Meeting to order at 7:00 PM and it was noted all voting Members were present. He explained the procedure the Board will follow. It was determined that since all procedural criteria have been met by the appellant that the Board could hear the case.

A Motion was made and seconded that the Board hear the application. Winckler/Arnone – Unanimous.

PUBLIC HEARING

Case # 2010-10 – DEAN & COLLEEN NICASTRO - M45/L51 – 393 Belleau Boulevard, Wakefield – Request for a Variance under Article 3, Table 2 – Minimum Setback Requirements to construct a 10' x 14' deck with stairs, a portion of which will encroach up to 16' into the 30' wetland setback.

Craig Farley advised he would be presenting the case for the appellants, Dean and Colleen Nicastro. He explained the variance is required because the 10' x 14' deck the appellants would like to have constructed will be too close to the wetland setback. He mentioned he recently placed new siding on the structure and described the location of the existing step. He stated the Code Enforcement Officer told him if the steps were to be reconstructed, a 3' x 3' platform would be required as per the Building Code, but since the deck was proposed, he will be relocating the steps. He advised there will be little ground disturbance as he will be installing

sona tubes, therefore, the Bellow Lake Association has no problem as there will be no use of heavy equipment which is prohibited by the Association rules. He mentioned that the appellant has been doing some work on the site such as working on the erosion ditch. He said there will be an access door to be able to get to the area under the deck that houses the furnace. He advised the plan is to place crushed stone under the deck to assist with the run off.

To Mr. Winckler's comment that he has no problem with the deck, but felt it would be too close to the water, Ms Arnone mentioned the deck won't be any closer than the dwelling is at this time.

Mr. Frothingham referenced documents in the packet the Board received regarding the year the structure was built. He called the Board's attention to page 335, the last line on that page of the 2009-2010 edition of the New Hampshire Planning and Land use Regulations, Section 483-B:11. Non-Conforming Structures which reads as follows:

“... except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line for non-conforming structures erected prior to July 1, 1994.”

He mentioned that the requested deck will not be going toward the water and the State permits an extension of up to 12' in that direction.

[It was determined by the Assessment Card that the structure was built in 1969]

Mr. Stewart commented that what is being proposed is the least invasive way to construct a deck to access that area.

Mr. Farley explained he will be constructing the frame with pressure treated wood with a lattice under the deck. He mentioned there will be nothing stored under the deck as the appellants would like to have a very clean surface to access that area. He stated the construction, as submitted, does not require a State permit.

Mr. Winckler felt that State law doesn't conform to the Town's zoning regulations.

To Mr. Stewart's question if anyone present wished to comment, Steve Brown referenced other expansions which he said were denied while, in his opinion, the residents around Bellow Lake seem to be able to construct whatever they desire.

At this time, there was a brief discussion between the Board and Mr. Brown regarding Mr. Brown's comments.

After ascertaining that there were no further questions or comments, Mr. Stewart closed the public hearing at 7:28 PM.

Mr. Stewart said he has no problem with this application as the construction is non-invasive as well as it is permitted by the State. He stated he would like to impose a condition that crushed stone be installed under the deck.

A Motion was made and seconded to grant a 16' variance as requested by Dean and Colleen Nicastro for the construction of a deck with steps. Frothingham/Crowell – 4/1 – Mr. Winckler.

A Motion was made and seconded to impose the following conditions on the request for a 16' variance as submitted by Dean and Colleen Nicastro:

- 1. There be reasonable spacing between the planks to allow proper draining and**
- 2. A sufficient pad of crushed stone be placed under the deck for run-off purposes.**

Winkler/Arnone – Unanimous.

Mr. Stewart advised Mr. Farley that he will receive a Notice of Decision in the mail and mentioned that there is a 30-day appeal period of the Board's decision.

APPROVAL OF MINUTES

A Motion was made and seconded to approve the Minutes of the November 22, 2010 Meeting as corrected. Winckler/Arnone – Unanimous.

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

There was no new business to come before the Board.

ADJOURNMENT

A Motion was made and seconded to adjourn the Meeting at 7:40 PM. Winckler/Arnone – Unanimous.

Respectfully submitted,

Anna Williams, Secretary
Zoning Board of Adjustment