

**These minutes were approved by the Zoning Board at the August 16, 2010 meeting.**

**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**  
**July 19, 2010**

These minutes were approved by the Zoning Board at the August 16, 2010 meeting.

**FINAL**

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

<b>MEMBERS</b>		<b>ALTERNATES</b>		<b>OTHERS</b>	
Doug Stewart, Chair	x	Judith Sjostrom	x	Arthur Capello, Code Enforcement Officer	x
Paul Winckler, Vice-Chair	x	Sandy Lebel	x	Peter Kasprzyk, Selectmen's Rep.	x
Cecille Arnone	x	Sharon Theiling	x	Rick Sager, Town Counsel	
George Frothingham	x	John Napekoski		Lynn Shaffer, Secretary	x
John Crowell	x	John Ciardi	x		

Other attendees as signed in:

Craig Farley                      George Vokey                      Julie and Bill Ross                      Steve Brown

Following the Pledge of Allegiance, Chairman Stewart asked the members of the Board to introduce themselves. He advised that all Board members are present and would hear the case. He explained that the Board reviews the checklist, and then invites the applicant to come forward and discuss the application, the Board will ask questions, and the Code Enforcement Office can also offer information. Once this is completed, the meeting is opened to the public to express opinions for and against the application, and for people to ask questions. Once the public hearing is closed, the voting members of the Board begin deliberations, and no further questions or comments can be taken from the applicants or public.

MOTION:            To hear the applications.  
 Made by:           Paul Winckler  
 Seconded by:     George Frothingham  
 Vote:                Unanimous

**PUBLIC HEARING**

**Case #2010-3 Wakefield Tax Map 120, Lot 11** – George A. Vokey, 89 Boxwood Lane, Dover NH, property owner, for property located at 98 Stoneham Road, Wakefield, NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3, Table 1 – Permitted Uses. The applicant is seeking to operate a retail antique shop in the Residential III District.

Chairman Stewart invited Mr. Vokey to come forward to present his case. Mr. Vokey distributed copies of his site plan, and advised that he is having a house built at 98 Stoneham Road in order to return to Wakefield. He is also having built a 16x20 foot framed building, which he would like to use as an antique shop for himself, his wife and his son. He is not interested in a big business, just something to be open a few days a week, maybe weekends. Mr. Vokey stressed several times to the Board that he has no intention of expanding and running a big business; this is simply a pastime for his family. His neighbors, the Ross's, expressed concern about the business expanding, and whether they would have to go through this again in the future if the Vokey's no longer own the property. They were advised that the variance goes with the property, so that the Board would consider conditions be imposed if the Variance is granted. Mr. Vokey again assured the Board that he is not interested in expansion and would not be storing things outside. Selectmen's rep Kasprzyk expressed his support of the project since there are similar ventures around town and it is good to encourage people to work. Member Winckler agreed, and stated that he did not see a problem if the venture is contained within the 16x20 foot building. Chairman Stewart expressed his concern that retail is prohibited in the Residential District, however there are other allowed uses such as

contractor yards, which have a greater impact on the surrounding areas. Hearing no further comments, Chairman Stewart closed the public hearing and the Board began deliberations.

Member Frothingham expressed his agreement with sentiments expressed by Mr. Kasprzyk and member Winckler. He reminded the Board that everything that comes before the Board is due to a violation of the zoning ordinance, and he agrees that the Board can grant the variance. He expressed his belief in conditions that would keep the applicant from expanding. Chairman Stewart affirmed with the Code Enforcement Officer that if the Board grants the Variance, Mr. Vokey would not need to go before the Planning Board again.

Chairman Stewart then asked if the Board was ready to vote. Due to the Board being familiar with the situation, Chairman Stewart suggested the Board vote on the entire variance rather than going through all criteria.

**MOTION:** To grant the variance, with conditions.  
**Made by:** George Frothingham  
**Seconded by:** Cecille Arnone  
**Vote:** Unanimous

Discussion followed concerning conditions to be imposed.

**MOTION:** The business will be confined to the 16x20 foot shed, with any display of wares to be no more than 20 feet from the building.  
**Made by:** Paul Winckler  
**Seconded by:** Cecille Arnone  
**Vote:** Unanimous

**MOTION:** All customer parking will be on the property.  
**Made by:** George Frothingham  
**Seconded by:** Paul Winckler  
**Vote:** Unanimous

**MOTION:** The business will be an antique shop.  
**Made by:** Paul Winckler  
**Seconded by:** Doug Stewart  
**Vote:** Unanimous

Chairman Stewart advised Mr. Vokey that the variance has been granted, with conditions as noted above. He advised Mr. Vokey he would be receiving a Notice of Decision, and that any interested party can appeal this decision within 30 days.

**Case #2010-4 Wakefield Tax Map 5, Lot 47** – Craig Farley, applicant, for property owners Shawn and Kim O’Brien, 134 Sleeper Circle, Fremont NH, for property located at 102 Point Road, East Wakefield, NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 3, Table 2 – Minimum setbacks. The applicant is seeking to construct a 6’ by 30’ deck, a portion of which will encroach up to 5 feet into the 30’ wetland setback, and 3+/- feet into the 10’ side setback.

Chairman Stewart invited Mr. Farley to come forward to present his case. Mr. Farley advised that he is a local contractor who is acting as the agent for the O’Brien’s. They have asked him to build a deck on a property that they have owned for well over 2 years. Part of the deck would encroach into the 30 foot wetland setback and the 10 foot side setback. All of the lots in that area are 50 feet wide, so that meeting the side setbacks is difficult. Initially there were deteriorated stairs that were removed by the side door, and there is also a concrete patio on the waterfront side. They need the deck in order to have safer egress to and from their home. Member Winckler expressed his concern about impervious surface being created, and he was advised that it is already there due to the concrete patio. CEO Capello advised the Board that no shoreland permit is required since there will be no increase in impervious surface, and that all digging will be done by hand. Discussion followed concerning putting crushed stone under the deck in order to help with water runoff, whether a survey is required, that the deck will make the structure safer and more accessible for emergency personnel, and that it would be dangerous to leave it as is.

Steve Brown expressed concern that a member of the Board was involved in the real estate transaction. Member Arnone acknowledged that she was the realtor representing the seller, and had considered recusing herself but was assured that would not be necessary. Members of the Board expressed confidence in Member Arnone, and that it would not be necessary for her to recuse herself. Mr. Brown again referenced a deck on another lake, which he feels is illegal and does not meet setbacks. He was advised by Alternate Member Ciardi that the deck he has continued to refer to in previous meetings is in compliance and has been for several years, and that this no longer an issue.

Chairman Stewart then closed the public hearing and the Board began deliberations. Chairman Stewart and Member Winckler agreed that the applicants are not asking for much since a 6 foot deck is not wide, that the patio is already there and that potentially gravel could help with concerns about runoff. Chairman Stewart again suggested the Board vote on the entire variance rather than going through all criteria.

**MOTION:** To grant the variance, with conditions.  
**Made by:** George Frothingham  
**Seconded by:** Paul Winckler  
**Vote:** Unanimous

Discussion followed concerning conditions to be imposed.

**MOTION:** In the area underneath the deck, the patio blocks will be removed and replaced with fresh stone, to a depth of six inches.  
**Made by:** Paul Winckler  
**Seconded by:** Doug Stewart  
**Vote:** Unanimous

Chairman Stewart advised Mr. Farley that the variance has been granted, with conditions as noted above. He advised Mr. Farley that he would be receiving a Notice of Decision, and that any interested party can appeal this decision within 30 days.

#### APPROVAL OF MINUTES

**MOTION:** To accept the April 19, 2010 meeting minutes as written.  
**Made by:** Paul Winckler  
**Seconded by:** Cecille Arnone  
**Discussion:** None  
**Vote:** Unanimous

**MOTION:** to adjourn the meeting at 8:00PM.  
**Made by:** Paul Winckler  
**Seconded by:** Cecille Arnone  
**Discussion:** None  
**Vote:** Unanimous

Respectfully submitted,

Lynn Shaffer, ZBA Secretary