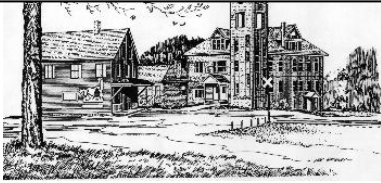


These minutes were approved by the Zoning Board at the September 20, 2010 meeting.

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
August 16, 2010

These minutes were approved by the Zoning Board at the meeting of September 20, 2010

Final

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

MEMBERS		ALTERNATES		OTHERS	
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		Sharon Theiling	x	Rick Sager, Town Counsel	x
George Frothingham	x	John Napekoski	x	Lynn Shaffer, Secretary	x
John Crowell	x	John Ciardi	x		

Other attendees as signed in:

Mark LaRoche	Kim Mendell	Ann Glidden	Bob Glidden
P.J. Lang	Janet Carr	Curt Carr	Fred Lau
Nancy Charest	Relf Fogg	Steve Doyle	

Following the Pledge of Allegiance, Chairman Stewart asked the members of the Board to introduce themselves. He asked Alternate Member Sandy Lebel to sit in due to the absence of Member Cecille Arnone. 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.

PUBLIC HEARING

Case #2010-5 Wakefield Tax Map 77, Lot 28 – Mark LaRoche, property owner, for property located on Province Lake 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 put a seasonal camper on the property, which would encroach 8 feet into the wetlands/pond setback.

Following the review of the checklist, Chairman Stewart invited Mr. LaRoche to come forward to present his case. Mr. LaRoche advised that he is asking for permission to put his camper on the site. He expressed his belief that his lot is 50 feet wide, so that the camper would encroach into the setbacks. He understands that it needs to be 30 feet from the water and 20 feet from the road. The camper is 8 feet wide, so he is asking for the camper to be allowed within 8 feet of the road. Chairman Stewart expressed his belief that the lot is not as wide as 50 feet due to the fact that the state has a 50 foot right of way from the center line of the road, so Mr. LaRoche's property line begins 25 feet from the center. Chairman Stewart stressed that while he is not a surveyor and the measurement is not exact, his measurements at the site walk showed that the property is closer to being only 39 feet wide at that point.

Discussion followed concerning allowing property owners to do what they wish with their property, the narrow configuration of the lot, and concerns about snow and safety, with the camper being so close to the road. Chairman Stewart reminded the Board that this is a very narrow property, and the idea behind enforcing setbacks is to protect the wetlands. Mr. LaRoche asked if it was permissible to park a camper on the lot. CEO Capello advised him that he can park a vehicle there, but that it must be driveable and can not be plugged into the electrical source. If it does not meet these criteria, he is not allowed to have the camper on the property.

Chairman Stewart then opened the hearing to the public. One person expressed her support and stated that the camper would not be there all the time and would not be an eyesore like so many other campers on other properties. Several abutters expressed their opinions against granting the variance. Questions included whether Mr. LaRoche plans to use it himself or rent it out. Mr. LaRoche stated that he does not live on waterfront property and is just trying to utilize his assets, so he plans to use this for himself and his family to fish, boat and enjoy the pond. He was also asked if his intent was to sell the property and he advised that is not his intent at this time and he has not been marketing the property. CEO Capello affirmed that the town Zoning Ordinance allows for a camper with no septic for 30 days, and that it does not specify seasons. However, in order to be able to plug the camper into the electrical and to leave the camper there, he would need to be able meet setback requirements and to have this Variance granted.

Chairman Stewart then asked if the Board was ready to vote. Due to the Board having reviewed all aspects of the application, Chairman Stewart suggested the Board vote on the entire variance rather than going through all criteria.

MOTION: To DENY the variance.
Made by: Paul Winckler
Seconded by: Sandy Lebel
Vote: Unanimous

Chairman Stewart advised Mr. LaRoche that the variance has been denied. He advised Mr. LaRoche he would be receiving a Notice of Decision, and that he or any interested party can appeal this decision within 30 days.

Case #2010-6 Wakefield Tax Map 48, Lot 14 Philip and Lisa Lang, property owners, for property located at 398 Ballards Ridge Road, East Wakefield, NH. The applicant is seeking a Special Exception from the Town of Wakefield Zoning Ordinance Article 9, Section E – Wetland Conservation Overlay Zoning District. The applicant is seeking approval for a drainage system which has been installed within 20 feet of the wetlands.

Following the review of the checklist, Chairman Stewart invited Mr. Lang to come forward to present his case. Mr. Lang explained they bought the property 4 years ago, and they have had problems with water in the basement. In order to solve the problem, they put in a 6 foot well tile and dug a trench with pitch to a seepage ditch. An anonymous caller complained to the CEO that this was done within 20 feet of the wetlands, so that's why they are meeting with the Zoning Board. Chairman Stewart expressed that this is actually being done in "reverse order" and that this meeting is simply a formality in order to have the proper steps followed. What the applicants did is allowed with a Special Exception, and the Board has the capability at this time of granting that. Member Winckler expressed his opinion that this was the best way for the Lang's to solve the problem in their basement, and that there is little to no impact to these wetlands. Mr. Fogg expressed that the spirit of the ordinance is to enhance and protect health, and that his is what the Lang's have done.

Chairman Stewart then closed the public hearing and the Board voted on the Special Exception.

MOTION: To grant the Special Exception
Made by: George Frothingham
Seconded by: John Crowell
Vote: Unanimous

Chairman Stewart advised Mr. Lang that the Special Exception has been granted, advised him that he would be receiving a Notice of Decision, and that any interested party can appeal this decision within 30 days.

Case #2010-7 Wakefield Tax Map 80, Lot 76 – Steven and Paula Doyle, property owners, for property located at 26 Concord Lane, East Wakefield, NH. The applicant is seeking an Appeal of Administrative Decision of the Code Enforcement Office – Subdivision Regulations, in which he is requesting to relocate a driveway from Concord Lane to a right-of-way not noted on the deed.

Chairman Stewart advised the public that he and Mr. Crowell would be recusing themselves from this hearing due to having personal relationships with Mr. Doyle. Chairman Stewart asked Vice-Chair Winckler to lead the meeting, and asked Alternate Members Theiling and Sjostrom to sit in. Vice-Chair Winckler invited Mr. Doyle to come forward to present his case.

Mr. Doyle advised that he had bought this land with the intent of building a garage, but is now planning on building a house due to zoning regulations. He advised that there is no way to have the driveway on Concord Lane due to the steep hill, and he would like to use the right of way which runs through his property. He advised that he has permission from the neighbor between his property and Route 153, and clarified that there is just this one neighbor who needs to grant permission. Attorney Sager confirmed that the Peterson ROW runs from Route 153 to the old Peterson camp at the end, and that legally Peterson is the only one who has a right to use it. However, if Mr. Doyle gets written permission from his neighbor, which Mr. Doyle assured Attorney Sager that he can get, that can get recorded and Mr. Doyle will have the legal right to use it. It was clarified that the Board has no authority in this matter since they cannot legally grant the right to use the ROW. Mr. Doyle was advised to get the easement from the neighbor signed and have it recorded, and he would then be legally entitled to use the right of way. Mr. Doyle stated that he would do so, and left the meeting.

APPROVAL OF MINUTES

MOTION: To accept the July 19, 2010 meeting minutes as written.
Made by: Paul Winckler
Seconded by: Sandy Lebel
Discussion: None
Vote: Unanimous

MOTION: to adjourn the meeting at 8:10PM.
Made by: Judy Sjostrom
Seconded by: George Frothingham
Discussion: None
Vote: Unanimous

Respectfully submitted,

Lynn Shaffer, ZBA Secretary