Page 1 of 5

TOWN OF WAKEFIELD ZONING BOARD OF ADJUSTMENT

2 High Street, Sanbornville, NH 03872 Phone: (603) 522-6205 Ext.309 Fax: (603) 522-2295

Case #:_	Date Rec'd: 10	31 7By: AM
FEES:	Application - \$125	Amt. Pd \$ 125.
	Public Notice - \$125 (Includes newspaper notice)	Amt. Pd \$ 125. 4
	Cert. Mail - \$8.53 each* applicant, counsel/agent, abutte urrent USPS rates for certified/	

APPLICATION FOR VARIANCE -

D	
Property Owner:	T. I
Name: Margaret M. Baird	Telephone No. 207-317-2231
Mailing Address: 111 Heath Road	
State NH Zip 03872 E-mail:	802mbaird@gmail.com
Applicant (if different): Not applical	ble
	Telephone No
Mailing Address:	Town:
StateZipE-mail: _	Town:
	tate applicant's interest in the property:
Agent or Legal Counsel: Not applica	able
Name:	Firm:
Mailing Address:	Firm: Form: Town: phone No
State Zip Tele	phone No
E-mail:	
The 911 street address, the acreage or	rax Map #: 190 Lot # 013 square foot area, length of road and water frontage, perty: 111 Heath Road, 0.24 A, road 100.6' (rear: 100' on Salmon Falls River)
site walk?) from North: Route 109 S is 1st left, #111 is approx from South: Route 109 N	ow do members and public find the property for a south immediately across ME/NH state line, Heath Road imately 1/4 mile on left (blue ranch) North immediately before ME/NH state line Heath Road ximately 1/4 mile on left (blue ranch) road is a vacant lot.)
property under consideration is loca	ach district in which all or a portion of the ated) 1. Residential I; 2. Residential II;
Applicant's Initials: Owner's	Initials: Date: 10 27 23

3. Residential III; 4. Business and Commercial; 5. Village/Residential; 6. Light Industrial; 7. Agricultural; 8. Aquifer Conservation (Overlay); 9. Wetland Conservation (Overlay); 10. Historic (Overlay); 11. Floodplain Development (Overlay); 12. Farming-Prime Soils (Overlay).		
A. Existing Variances or Special Exceptions:		
Are there any existing Variances or Special Exceptions on the property? YesNo_X If yes, please explain when and why such was required:		
B. Previous Denials:		
Has an application for a Variance or Special Exception on this property ever been denied? (If you are unsure of the answer to this question, please ask the Zoning Board's Clerk or request that the Zoning Board Chairman be contacted) Yes No_X If yes, please explain when and why:		
C. Material Differences if Previously Denied: If you were denied previously, state how this particular application and use proposed is now materially different from that which was denied: Not applicable		
D. Proposed Use:		
Please explain why you need a variance: To have a front porch added; proposed project exceeds the set back		
E. Applicable Zoning Ordinance Provision:		
This application is for Variance to the following Ordinance Article(s) and Section(s):		
Article 3 , Section, Table 2 - of the Zoning Ordinance. Article , Section, Minimum of the Zoning Ordinance. Set Backs		
Applicant's Initials: R Owner's Initials: R Date: 10 27/23		

F. Criteria your application must meet for a Variance: Complete sections 1 through 5 thoroughly and with facts and assertions in support of your position.
The proposed use would not diminish surrounding property values because: Please see attached
Granting the Variance would not be contrary to the public interest because: Please see attached
Granting the variance would do substantial justice because: Please see attached
The use is not contrary to the spirit of the ordinance because: Please see attached
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: Please see attached
G. Does your proposed use also require Subdivision Approval by the Planning Board? Yes No_X_
H. Does your proposed use also require a Site Plan Approval by the Planning Board? Yes No_X
I. Is this application required as a prerequisite to or otherwise necessary for a Site Plan Approval by the Planning Board? Yes No _X
CERTIFICATION
I/We hereby certify that:
Applicant's Initials: R Owner's Initials: B Date: 10 27 23

1. The values of surrounding properties are not diminished.

The proposed use will not decrease the value of surrounding properties and will likely increase the value of the subject property.

2. The variance will not be contrary to the public interest.

The proposed use (addition of a front porch) for which this variance is requested is reasonable. The proposed use would not adversely affect neighboring properties and the zoning goals generally. It would not alter the essential character of the neighborhood. The proposed use is not contrary to the public interest or injurious to the public or private rights of others. Substantial justice is done as the variance would not cause a harm to the general public that outweighs the benefit to the property owner. The proposed use will not decrease the value of surrounding properties and will increase the value of the subject property.

3. Substantial justice is done.

Substantial justice is done by the granting of the requested variance since it would not cause a harm to the general public that outweighs the benefit to the property owner (amenity provided from the enjoyment of use of a front porch and likely increase in property value) and the request meets the other four qualifying criteria.

4. The spirit of the ordinance is observed.

The proposed project (front porch) and use would not have an undesirable impact on the surrounding properties, would not result in any dangerous consequences or create any hazardous conditions and does not propose a "threat to the integrity of the zoning scheme". It would not alter the essential character of the area and would not threaten the public health, safety or welfare.

- 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (A) Fair and substantial relationship. Application of the ordinance would not advance the purposes of the ordinance provision in any fair and substantial way. The proposed project (front porch) and use would not have an undesirable impact on the surrounding properties, would not result in any dangerous consequences or create any hazardous conditions and does not propose a "threat to the integrity of the zoning scheme".
 - (B) Proposed use is reasonable. The proposed use is reasonable by the special conditions of the property (or of its setting or environment, as *Simplex* says). The proposed use [front porch] is reasonable and satisfies the hardship standard as established in *Simplex Technologies v. Town of Newington* 145 N.H. 727, 731 (2001): "... definition of unnecessary hardship has become too restrictive in light of the constitutional protections by which it must be tempered. In consideration of these protections, therefore, we . . . adopt an approach more considerate of the constitutional right to enjoy property."

Applicant's Initials:	Owner's Initials:	Date: 10	27	23
		-		

I/We have read the instructions for completing this application for Variance.

I/We have completed this application as completely and fully as possible.

I/We have completed the checklist provided in the instructions and have attached all evidence, including plans or sketches, I/We intend to discuss at the Public Hearing on the application,

I/We understand that if this application is incomplete, it will be returned within a reasonable time following its submission, and that this may delay the scheduling of a Public Hearing.

I/We understand that I/We must appear in person at the Public Hearing to present and discuss this application. If I/We cannot appear in person, I/We will notify the Chairperson of the ZBA, in writing, designating the name of the individual who will appear for me/us.

The ZBA has permission to enter the property in order to conduct scheduled site walks upon reasonable prior notice.

Applicant's Signature: Margaret M. Baird	Date 10/27/23
Property Owner's Signature: Margaret M. Baird	Date 10 27 23
Agent or Legal Counsel's Signature: Not applicable	Date

Applicant's Initials: Wowner's Initials: Date: 10 27 23

Revised December 15, 2022

ABUTTERS LIST

	d as any property either d from the property in quest	irectly adjacent to, diagonally across from, ion.	
Applicant's Name: _	Margaret M. Baird	Telephone: 207-317-2231	
Project Address:	111 Heath Road, Sanborn	ville NH 03872 (Map 190, Lot 013)	
	address of each abutter.	e that all abutters are listed.	
TAX MAP/LOT #	OWNER'S NAME	OWNER'S MAILING ADDRESS	
190 014 190 011 190 022 190 023 190 011 (use additional pages in Holders of conserve	Grooner Trust; Michael Nancy Lee Peavey Debra Lemay Russell & Cara Morton necessary)	139 Heath Road, Sanbornville NH 03872 Granger & Brian Rooney; 33 Mill Road, Durha PO Box 401, Sanbornville NH 03872 508 Silver Street, Rollinsford NH 03869 186 Heath Road, Sanbornville NH 03872 her easements to the subject property are	am NH 03824
as follows:	ation/preservation of ot	ner easements to the subject property are	
1. Name:		Address:	
Person who prepare		Margaret M. Baird	
I hereby certify that knowledge, correct.	all information presented	on this form is, to the best of my	
Signature of Prepare	m margaret	m. Baird	
Signature of Applica	ant Margare	t M. Baird	
Signature of Owner	(if different from applicant)	la	

Applicant's Initials: W Owner's Initials: M Date: 10/27/23

Revised December 15, 2022

Front Elevation
Dan Thornton
10/4/2023
(603) 252-104

Sale 14"=1"

Murperet Baind 111 Heath RJ Sanbarnville NH 03872 (207) 317 - 2231 Sale 1/4"=1"

Margnet Baird

III Heath Rd

Sankarnville NH 03872

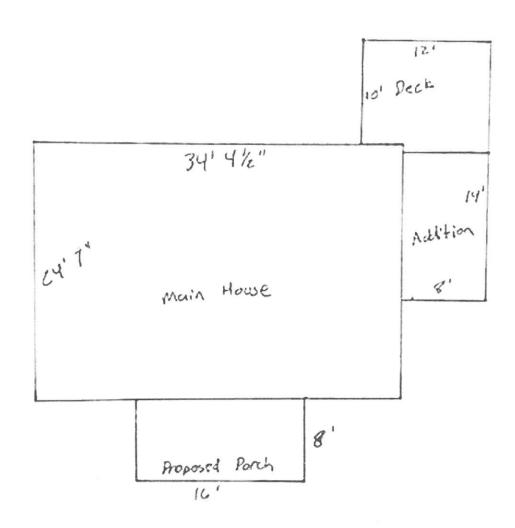
(207) 317 - 2231

Side Elevation
Dan Thomas
10/6/2023
(603) 252-1024

Man Drawing Dan Thornton 10/6/2023 (603) 252-1024

Scale 1/8" = 1'

Margaret Baird 1st Heath Rd Santornuille 184 03872 (207) 317-2231





Front Porch Building Permit

1 message

Peter Gosselin
bldginspector@wakefieldnh.com>

Tue, Oct 24, 2023 at 7:39 AM

To: "802mbaird@gmail.com" <802mbaird@gmail.com>

Cc: Amber Marcoux <welfaredept@wakefieldnh.com>, Larissa Mulkern <CodeAsst@wakefieldnh.com>, Jen Czysz <jczysz@strafford.org>

Good morning Margaret,

I am sorry to have to tell you that your building permit for your front porch has been denied. You are in the agricultural zone and are required to have a 25' setback off the street. I have looked up the property on our GIS mapping and I have you at around 22' without the porch. If you think this is wrong you would need to hire a surveyor and provide us with a detailed plot plan.

That being said, another option is to apply for a variance with the Zoning Board. I have added to this email some extremely talented ladies who can help you through this process. I will keep the permit application on file and once your variance, if you decide to try for one, goes through we can process the building permit.

Thanks,

Pete

Peter Gosselin

Town Of Wakefield

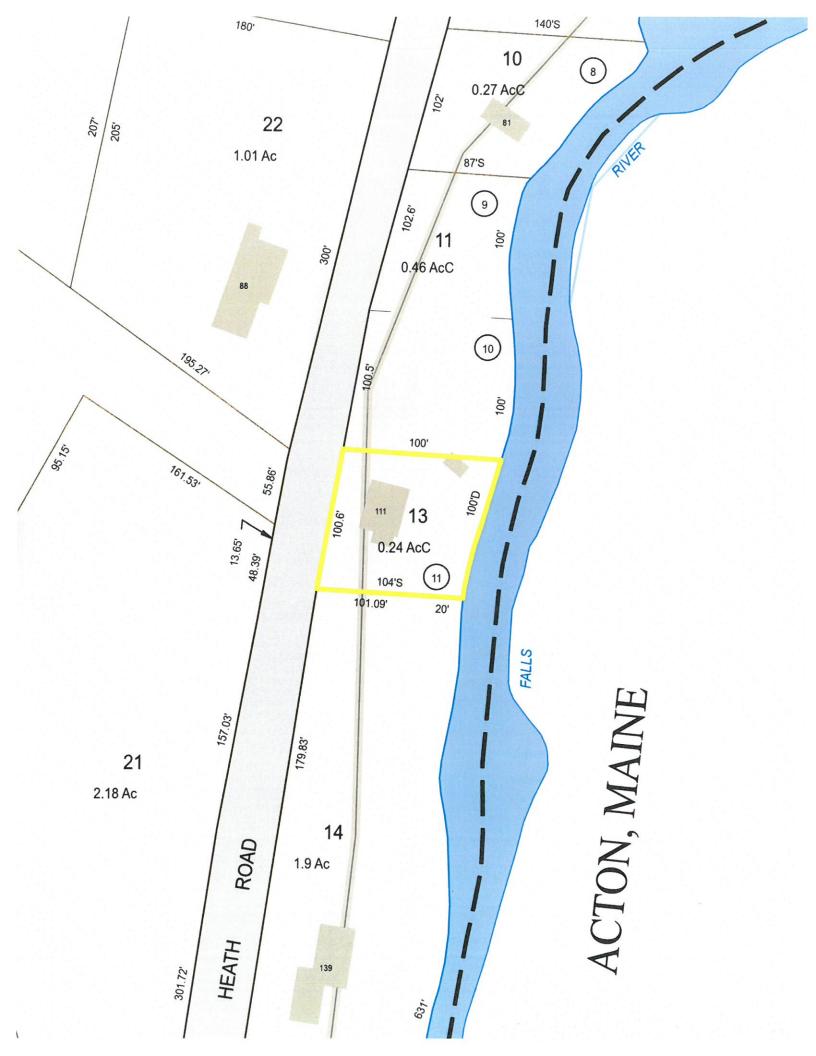
Building Inspector/ Code enforcement Officer

Shoreland Officer/ Health Officer

bldginspector@wakefieldnh.com

603-522-6205 x 309







Register of Deeds, Carroll County

Doc#0007981 Aug 25, 2015 2 21 PM

L-CHIP CM079313

たべた。公司の日本のはよってくた。 906153 \$ ****1197.00 79,800

08/25/2015

WARRANTY DEED

Adams, husband and wife, as joint tenants with rights of survivorship of Zephr Hills, FL 66541 KNOW ALL MEN BY THESE PRESENTS: That R Thomas Adams and Carole J

for consideration paid grant(s) to Margaret Baird, a single woman, Individually, of 6 Cano Drive, Barre, VT 05641 with Warranty Covenants:

Milton Mills on the west, bounded and described as follows: A certain tract or parcel of land together with buildings thereon situate in Wakefield, Carroll County, New Hampshire, between the Salmon Falls River in the east and the Horn's Mill Road so-called, to

Beginning on the easterly side of said Horn's Mill Road at a point approximately one thousand one hundred and thirty (1,130) feet southerly from Route 109 at land of Louis Young, thence running northeasterly by said Horn's Mill Road a distance of one hundred feet six inches (100 6") more or less, to land of Russell Dana Howell, known as Lot No. 10; thence turning and running South 69' 30' East on a line one hundred feet (100) distant from land of Louis Young, by Lot No. 10 to land of said Dana to the Salmon Falls River; thence turning and running southerly by said River one hundred feet (100') said Young to the aforesaid Horn's Mill Road and the point of beginning. more or less to land of said Young; thence turning and running North 69 degrees 30' West by land of

Meaning and intending to describe Lot No. 11 on Plan entitled, "Lot B" of Harold Roberts, Wakefield, New Hampshire, by John M. Lucier, "surveyor, dated October 1963, as recorded in the Carroll County

Horn's Mill Road and the Salmon Falls River, presently being subdivided This conveyance is made subject to the following restrictions for the benefit of Harold T. Roberts, his beirs and assigns, including but not limited to those who acquire tide to other lots in this area between

- construed thereon The above described parcel shall not be subdivided. There shall be one residential building
- The above described property shall not be used for any business or commercial purpose
- No tent, lean-to, shack or other temporary structure shall be erected or permitted to remain upon the above described property for a period of more than two years from the date hereof, and

2015-4770

BK3217PG

permanent structures shall be finished with clapboards, shingles, asbestos, painted aluminum or novelty-type wooden siding.

All construction shall meet the zoning and building requirements of the State of New Hampshire and the Town of Wakefield, New Hampshire.

Meaning and intending to describe the same premises conveyed by deed dated 8/8/1997 and recorded 8/11/1997 with CARROLL Registry of Deeds in Book 1710, Page 76.

We, the grantors herein, hereby release all rights of homestead in the above described premises.

Executed Twenty-first Day of August, 2015.

R Thomas Adams

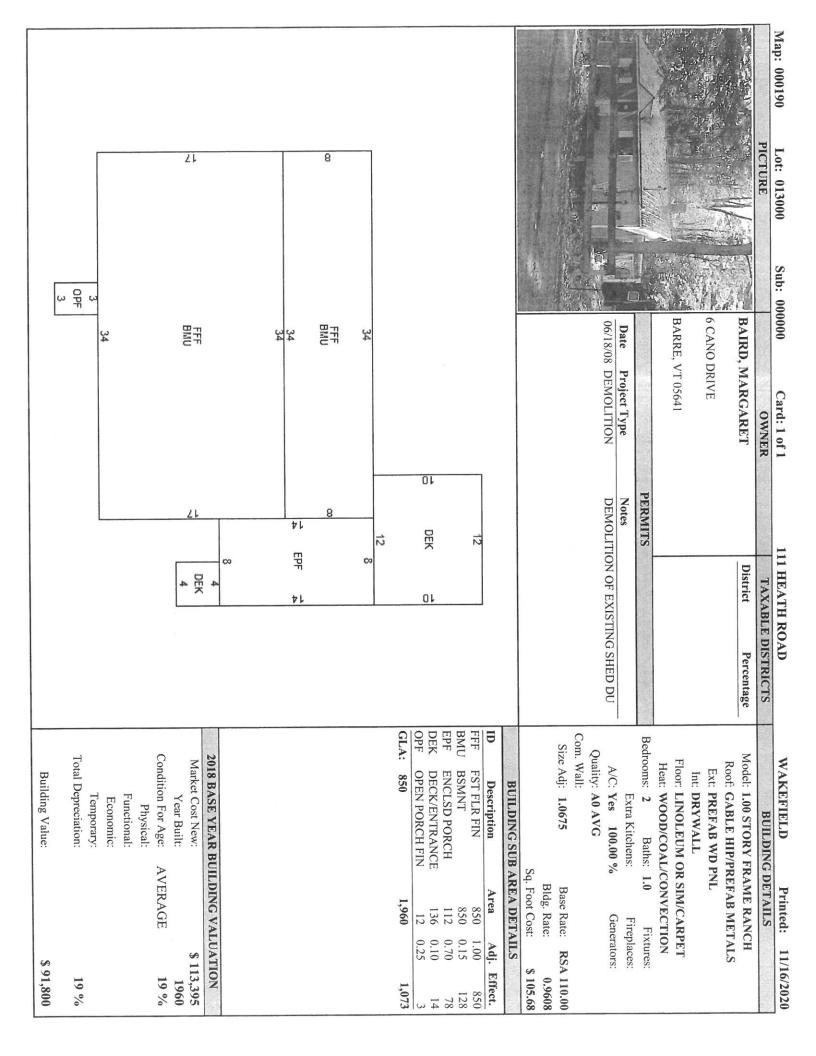
Carole J. Adams State of New Hampshire County of Cornell Then personally appeared before me Twenty-first Day of August, 2015 the said R Thomas Adams and Carole J Adams and acknowledged the foregoing to be his/her/their voluntary act and deed.

Commission Expiration: Oct 16,3018 Notary Public/Justice of the Peace

Sian & BC

2015-4770

8K3217P6 438



	Sub: 000000 Card: 1 of 1 111 HEATH ROAD	WAKEFIELD Printed: 11/16/2020
BAIRD. MARCARET	Date Rook Page Type Price Creater	PICTURE
6 CANO DRIVE	/2015 3217 437 Q1 7 /1997 1710 076 Q1 3	
BARRE, VT 05641		
LISTING HISTORY	NOTES	
08/20/20 BJLX 07/15/14 BJLX 10/16/09 BJLX 03/25/09 BJLX 10/13/04 BJLX 04/01/00 NOH 10/18/99 NOH	GREY; YB=EST 4/00 ADD DEK AP(OLDPID:000008 000009 000000) 3/09 REMOVE SHED BJL 10/09 NOH CHG DECK TO EPF BJL 7/14 NOH P/U PTO BJL 8/2020 NOH P/U A/C, REMOVE PATIO BJL	
	EXTRA FEATURES VALUATION	MUNICIPAL SOFTWARE BY AVITAR
Feature Type Units SHED-WOOD 128	Units Lngth x Width Size Adj Rate Cond Market Value Notes 128 16 x 8 185 7.25 100 1,717 1,700 1,700	WAKEFIELD ASSESSING OFFICE
		PARCEL TOTAL TAXABLE VALUE Year Building Features Land 2018 \$ 91,300 \$ 1,900 \$ 36,600 Parcel Total: \$ 129,800 2019 \$ 91,300 \$ 1,900 \$ 36,600 Parcel Total: \$ 129,800 Parcel Total: \$ 36,600 Parcel Total: \$ 36,600
	LAND VALUATION	LAST REVALUATION: 2018
Zone: SFAG SALMON FALLS Minimum Acreage: Land Type Units Base Rate	Acreage: 5.00 Minimum Frontage: 200 Base Rate NC Adi Site Road DWay Tonography Cond Ad Valorem SDI	D Tay
1F RES WTRFRNT 0.240 ac 100.000 wf 100.240 ac 0.240 ac	100 MODERATE/ 100 29,100 100 7,500 36,600	29,100 7,500 36,600

TOWN OF WAKEFIELD ZONING BOARD OF ADJUSTMENT

2 High Street Sanbornville, New Hampshire 03872

INSTRUCTIONS - APPLICATION FOR VARIANCE

Please read carefully prior to filling out the attached application.

ALL BLANKS MUST BE FILLED IN FULLY AND COMPLETELY. APPLICATION MUST BE CONSIDERED COMPLETE ENOUGH TO PROCEED IN ORDER TO SCHEDULE A HEARING.

The Board strongly recommends that before making any appeal to the Board, including the requesting of a variance, that you become familiar with the Wakefield Zoning Ordinance, and the New Hampshire Statutes, RSA Chapters 672-677. You may review or purchase a copy of the Zoning Ordinance at the Town Hail. It is also available online at www.wakefieldnh.com.

VARIANCE: A Variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the terms of the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all five (5) of the following conditions, which you must address on the application, as well as at the public hearing where your application will be heard.

In order to be granted a variance, you will need to prove the following:

- x 1. The proposed use would not diminish surrounding property values,
- x2. Granting the variance would not be contrary to the public interest,
- x3. Granting the variance would do substantial justice, and
- x4. The use is not contrary to the spirit of the ordinance.
- ×5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

If you are applying for a Variance, you will usually have some form of determination that your proposed use is not permitted without a Variance. Most often, this determination is a denial of a building permit or some other document from the Code Enforcement Department. A copy of this determination, whether it is a copy of a letter or notice, <u>must</u> be attached to your application. Email notice attached

You must also prepare and provide a list of all abutting property owners and attach a copy to your application. You must prepare four (4) sets of mailing labels for the abutters, owners, and Association if your property is in an Association Subdivision. Information (tax maps, etc.) to assist you in compiling the abutters list is available at the Town Hall. NOTE: The abutters list must be current, with names and addresses being no older than 5 days prior to the date of the Variance Application.

Please submit five copies of the completed Variance Application, along with five copies of the plot plan on 11" x 17" sized paper, and one full size copy of the plan.

There is no plot plan for this project

Once your application is complete, you may either deliver the completed application, together with attachments, to the office of the Board of Selectmen or send the application by mail to the Clerk, Zoning Board of Adjustment, together with the following fees:

Application fee......\$125.00 Public notice fee..... 125.00 Abutter mailing...... 42.65

- Application Fee \$125.00
- Public Notice Fee \$125.00, to include newspaper notice.

Total.. \$292.65

Certified/Return Receipt Mail Fee - \$_____ each for applicant, each agent for applicant, each attorney for applicant, each abutter and each interested party entitled to notice under New Hampshire Law. *Per current rates for certified/return receipt mailing. Check postage rates with the Town Land Use Clerk. \$8.53 × 5 abutters = \$42.65

The total check or money order must be made payable to the Town of Wakefield and must be paid in full at the time of filing your application.

Note: The applicant shall pay for all additional fees for public notice and certified mail as may be required by the Board's Rules of Procedure.

When the properly completed application is received, the Board will schedule a Public Hearing to occur within 30 days of the receipt of the completed application. Public Notice of the hearing will be posted in the Granite State News at least 5 days prior to the hearing, and notices of hearing will be mailed to you and to all abutters at least 5 days prior to the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons and give other information in support of the application.

During the Public Hearing, the Board will reach a decision to grant, conditionally grant, deny or continue the Public Hearing if deemed necessary by the Board to obtain further information. At the conclusion of the hearing or continued hearing, the Board will vote on your application, and you will be sent a Notice of Final Decision.

If you believe the Board's decision is erroneous, you and any other person directly affected thereby has a right to appeal. To appeal, you <u>must</u> (before proceeding to any Court) request a Rehearing in writing, stating all reasons why the decision was erroneous under the law, unlawful or unreasonable, and/or present facts which were not presented, or were not available at the time of hearing, or were not considered by the Board in its determination of the case which would render the decision unlawful or unreasonable. This request, known as a *Motion for Rehearing*, must be received by the Board's Clerk or filed with the Selectmen's Office, no later than 30 days following the date of hearing. The request for rehearing may be in the form of a letter, signed by you or your agent/counsel, and must contain all bases for rehearing as described above. The request must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable.

With regard to Rehearings, please review RSA 677:3 (I) and (II), regarding the procedure followed by the Board when it receives such a request. With regard to appellate procedure following Rehearing, please review RSA 677:4.

PI.AN OR SKETCH REQUIREMENTS ZONING BOARD OF ADJUSTMENT

A plan or detailed sketch is required as part of your application and presentation of your application to the ZBA. Since a similar plan is usually necessary for a building permit application and for the Planning Board in a Site Review, that plan may serve both purposes. Although a hand-drawn sketch may be used, it must be to scale, be detailed enough to provide dimensions of property, applicable structures and specific to the use or activity you intend and which is subject of the application. The more information you provide on the plan or sketch, the better the Board will understand your appeal.

For all appeals seeking dimensional relief, a stamped, certified survey may be required. However, all plans submitted should include as much of the following information as is reasonable:

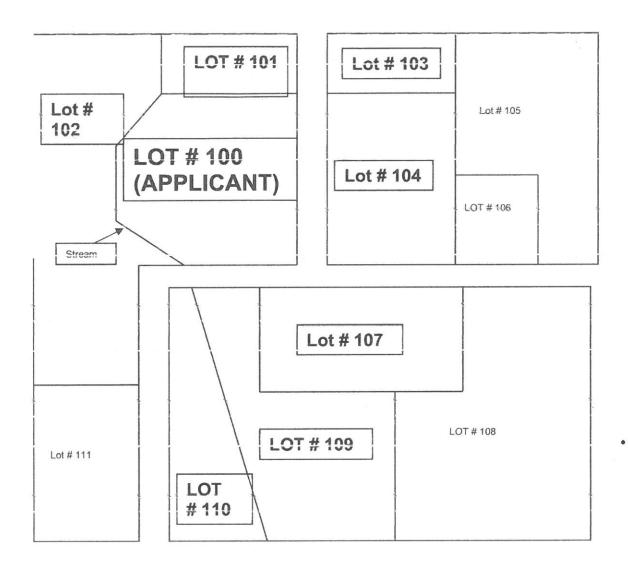
- 1. Submitted plans must be current and up to date.
- 2. Drawn to scale, with drawing number and north arrow.
- 3. Signature and name of the plan preparer.
- 4. The lot dimensions, bearings and any bounding streets and their right-of-way widths or half sections.
- Lecation and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights-of-way, streams, drainage, conservation or other easements, wetlands, steep slopes.
- 6. All existing buildings or other structures with their dimensions including encroachments.
- 7. All proposed buildings, structures with their dimensions and encroachments indicating "proposed" on the plan for each.
- 8. All setback dimensions.
- 9. Elevations, curb heights and contours.
- 10. Location and numbering of parking spaces and lanes with their dimensions. Indicate how required parking spaces are computed.
- 11. Dimensions and directions of traffic lanes and exits and entrances.
- 12. Any required loading and unloading and trash and snow storage areas.

The original prints of the contractor's drawings for the construction of the porch were submitted with the Building Permit application. The attached are printed from a text message so are not as good quality.

This checklist must be completely filled out and submitted with your Application For Variance. Follow the following checklist to ensure you have properly filled out the application, as well as you have attached the required documents and fees.

a.	All "property owner" and "applicant" information is complete (Page 1)	X
b.	The correct Map # and Lot #, as well as 911 address, square foot and frontage information is included (Page 1)	X
c.	The "Driving Directions to Property" section is complete. Provide detailed directions from the Wakefield Town Hall, with mileage and landmarks, when needed (Page 1)	X
d.	The Zone is specified (check and circle the applicable zone) (Page 2)	X
e.	Questions A, B, C, and D are answered on page 2, completely and fully	X
f.	Complete the "Criteria" statements (paragraphs 1,2,3,4 and 5) on page 3, with all reasons and facts supporting each statement	X
g.	Answer questions G., H. and I. (Page 3)	X
h.	Read, sign & date the Certification (Page 4)	X_
i.	Complete the Abutter's List, page 5, and/or attach an Abutters List – information (tax maje to assist you in compiling this list is available at the Town Hall	ps, etc.
j.	Provide the requested information, signatures, and date on the bottom of the Abutters Lis 5, whether or not the list is used or another listing, such as one obtained through informat available at the Town Hall.	
k.	Attach drawings, sketches, or plans which show detail of the property, all structures and specifically, the use for which this Variance is requested	X
1.	Attach the required fees for the application (Page 2 of these instructions) in the form of a check or money order payable to "Town of Wakefield"	X_
m.	Attach copy of Code Enforcement letter or other denial notice	X
n.	Read "Plan or Sketch Requirements" (Page 3 of these instructions)	X
€.	Initial and date at the bottom of each page, where indicated	X
p.	Sign this page at the bottom, and include with your "Application for Variance"	_X
q.	Include a copy of your current deed with the application	?
ř.	Make a copy of these instructions and keep with a copy of your completed "Application for Variance"	Х

Applicant on Agentia Signature: Margaret M Baird Date 10 27/23



AN ABUTTER IS DEFINED AS ANY PROPERTY EITHER <u>DIRECTLY</u> <u>ADJACENT TO</u>, <u>DIAGONALLY ACROSS FROM</u>, OR <u>ACROSS THE STREET OR STREAM FROM</u> THE PROPERTY IN QUESTION. IN THE EXAMPLE ABOVE, WITH THE LOT IN QUESTION BEING #100, THE ABUTTERS WOULD BE THE FOLLOWING: 101, 102, 103, 104, 107,109 AND 110,