



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET
SANBORNVILLE NH 03872
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Notice of Decision Map 195, Lot 046 ZBA Variance - Granted

Applicant: Monette Cotreau

Date: December 19, 2023

Owner: Monette Cotreau

Location: 668 Brackett Rd, TM 195-046

Subject: Request for a variance seeking relief from Wakefield Zoning Ordinance, Article 15, Sections A-F, Performance Standards for Areas Within the Residential II Shorefront District in order to re-build a previously existing boathouse and repair or replace the existing dug-in concrete basin.

Findings:

1. The Zoning Board of Adjustment (ZBA) conducted a site walk on December 9, 2023 to view the subject property.
2. The ZBA held a hearing on December 14, 2023 to consider the Variance Application.
3. Mr. Stewart explained to the applicant that there was not a full board present at the meeting. The applicant consented to proceed with only 3 members of the board present.
4. The subject parcel is .46 acres located in the Residential II (Lovell Lake) Zone.
5. The applicant proposes to rebuild a boathouse of the same size as the prior boathouse that was 12' x 22' and replace the existing dug in concrete basin that averages 4'to 6' tall along the slope with a 2' wide concrete foundation.
6. The applicant has been granted a state shoreland permit that expires June 10, 2023.
7. As a result of a previous storm, a large branch landed on the existing compromised boat house structure, rendering it a safety risk. At that time the structure was removed.
8. At the site walk the board members present saw the dangerous and deteriorated foundation that remained after removal of the structure.

9. The applicant works with the Acton Wakefield Watershed Alliance to manage stormwater runoff on the property to protect lake health.
10. As part of the proposed rebuilding of the boat house, foundation pouring would have to be done during the winter drawdown.
11. The new boathouse structure is proposed to be situated on the same footprint as the original structure.

Decision:

Relative to each of the following five variance criteria, the board voted 3-0-0 to use the applicant's submission, and approve the criteria.

1. The value of surrounding properties would not be diminished because the rebuilding of the previous boathouse in the same size and configuration, as well as repair/replace the dug-in basin, would add value to the property. The previous structure was in a compromised state with rotted rafters and created a safety hazard and eyesore to the community.
2. The variance is not contrary to the public interest because it will allow the applicant to rebuild the previous boathouse over a dug-in basin on the same footprint. It will not impede the views or access to the lake for the abutters. The project will meet the requirements of Wakefield Zoning Ordinance Article 15, Sections A through F.
3. Granting the variance would do substantial justice because it will allow the applicant to replace a docking structure in the same location, with the same surface area and same number of boat slips and is no more impacting to the environment or abutting properties than the original structure.
4. The spirit of the ordinance would be observed because the project was started to protect the health and safety of the lake. Construction will be completed during lake drawdown. The temporary impact for access and construction will be 440 sq. ft. and within 5 feet of the structure's footprint. No additional boat slips will be provided because of the project. No area will be made suitable as a dwelling. No material will be dredged from areas that were flowed over by public waters prior to the dug-in basin being constructed. There will be no increase in the exterior dimensions of boathouse structure.
5. Literal enforcement of the ordinance would result in an unnecessary hardship because the property's unique setting of a boathouse, of which only a concrete basin remains, creates a safety hazard to the lake and community. Pieces of the concrete have broken, and blocks have begun to dislodge. It would create a hardship for the lake to have unnecessary debris in the lake and a hardship for the applicant if the property cannot be used as it was initially intended with a proper boathouse and docking facility.

The board voted 3-0-0 to GRANT the variance request.

Please note that the selectmen, any party to the action, or any person directly affected has the right to appeal this decision within 30 days from the Notice of decision. Before any appeal to the courts, the appellant must apply to the ZBA for a rehearing of the original application, but submitting a signed written request for hearing and specifying therein all grounds on which the rehearing is requested. See RSA 677:2 and 677:3 to ensure full compliance. See also RSA 677:4 for appeal procedures, in the event of a decision by the Board on motion for rehearing. The statutes are available online or in the Wakefield Land Use office.



Don Stewart, Zoning Board of ZBA

12/20/2023
Date