

# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET  
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## **Notice of Decision Map 111, Lot 008 ZBA Variance - Denied**

**Applicant:** Bryon McHugh

**Date:** January 11, 2024

**Owner:** Bryon McHugh

**Location:** 167 Dearborn Rd, TM 111-008

**Subject:** Request for a variance seeking relief from Wakefield Zoning Ordinance, Article 23B, Section E.1-Home Industry, in order to operate a home business to include cutting/selling firewood, welding and car repairs.

### **Findings:**

1. The Zoning Board of Adjustment (ZBA) conducted a site walk on January 6, 2024 to view the subject property.
2. The ZBA held a hearing on January 11, 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 4 members of the board present.
4. The subject parcel is .67 acres located in the Residential III Zone.
5. Zoning Ordinance, Article 23B Home Enterprises, Section E Home Industry, item 1, requires a minimum of 3 acres to operate a Home Industry.
6. Mr. McHugh during the hearing submitted to the Zoning Board of Adjustment pictures of his Home Industry operations and property.
7. Mr. McHugh testified that the operation utilizes about 200 square feet of exterior space.
8. Mr. Stewart circulated four letters of support that had been submitted to the Zoning Board.
9. Mr. Stewart advised the applicant and Zoning Board of Adjustment members that before the board is a decision on whether a lot of 0.67 acres is sufficient to support a home industry of firewood cutting and selling, welding, and car repairs, where 3 acres is required. Any

decision by the Zoning Board on the application does not approve the use or proposed home industry, which requires a conditional use permit from the Planning Board.

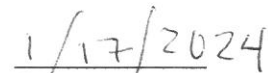
10. Mr. Mankus of the abutting Lake Forest Resort Campground testified that there are logging trucks that deliver lumber and cause road damage and provided photographic evidence of the height of the log piles that exceed that which was present at the time of the Zoning Board's site walk. Additionally, noise from the chain saw is disruptive and regularly yields complaints from campground residents and is damaging the campground's viability.
11. Mr. Martin, an abutter, testified to the loud volume of the chainsaws that is disruptive to the enjoyment of his home.
12. Mr. Gosselin, Building Inspector, noted a Cease and Desist was issued in October 2023 and that the applicant required a variance and conditional use permit to operate a Home Industry.
13. Mr. Stewart noted that based on the findings of the site walk and testimony provided to the Zoning Board the 0.67 acre lot is too small to support the proposed home industry.

**Decision:**

**The board voted 3-0-1 to DENY 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.

  
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Don Stewart, Zoning Board of ZBA

  
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Date