



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
SANBORNVILLE NH 03872
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Notice of Decision
Map 081, Lot 008
ZBA Variance - Granted

Applicant: Dube-Plus Construction

Date: December 19, 2023

Owner: Laurie M. Murphey Revocable Trust

Location: 21 Fay Way, TM 081-008

Subject: Request for a variance seeking relief from Wakefield Zoning Ordinance, Article 3, Table 2, Minimum Setbacks in order to expand the existing deck.

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 0.243 acres located in the Residential II Pine River Pond Zone.
5. The current deck dates to the 1990s and is in need of repair.
6. The applicant proposes to repair and expand the existing deck, squaring it off by infilling an area of unused walkway with new decking.
7. The new section of deck will be supported by 2 sono tubes.
8. As part of the proposed repairs and deck expansion, the applicant will be eliminating a set of stairs and adding code compliant railings for the entire existing deck plus the new section.
9. The applicant maintains the natural recharge area.
10. Most of the house and the deck are in the 50' setback from the water's edge.
11. The State has approved a Shoreland Permit by Notification.

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 deck will not be visible to abutters, would be an improvement, would make usable space, and will also creating a safer deck by removal of the 2 steps.
2. The variance is not contrary to the public interest because the infill will not intrude closer to the water, squares off the existing deck, and will not exceed extents of the existing stair or walkway location.
3. Granting the variance would do substantial justice because it will provide more deck space to enjoy the lake. The space will become useful as opposed to a primary walkway.
4. The spirit of the ordinance would be observed because the expansion will not encroach further onto the lake.
5. Literal enforcement of the ordinance would result in an unnecessary hardship because the original location of the house and deck within the 50' setback leaves little that can be done without encroachment upon the setback.

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