

TOWN OF WAKEFIELD
ZONING BOARD OF ADJUSTMENT
2 High Street, Sanbornville, NH 03872
Phone: (603) 522-6205 Ext.309 Fax: (603) 522-2295

(For office use)

Case #: _____ Date Rec'd: 11/16/23 By: AM

FEES: Application - \$125 Amt. Pd \$ 125.00
 Public Notice - \$125 Amt. Pd \$ 125.00
 (Includes newspaper notice)
 Cert. Mail - ~~\$7.87~~ ^{4.48 + 2.22} each* Amt. Pd \$ 26.16
 *Owner, applicant, counsel/agent, abutters, interested parties)
 *or per current USPS rates for certified/return receipt mail

Total Received: \$ 276.16 Cash Check# 73876

APPLICATION FOR VARIANCE -

Property Owner: (Trustee)
 Name: Laurie M. Murphy, Revocable Trust Telephone No. 978-270-4121
 Mailing Address: 6 Hilltop Circle Town: West Newbury, MA 01985
 State MA Zip 01985 E-mail: _____

Applicant (if different):
 Name: Dube - Plus Construction (Steve O'Leary) Telephone No. 603-941-0326
 Mailing Address: 10 Bricketts Mill Road Town: Ham Peland
 State NH Zip 03841 E-mail: steve@dubepius.com

If applicant is not the owner, please state applicant's interest in the property: Builder

Agent or Legal Counsel:
 Name: _____ Firm: _____
 Mailing Address: _____ Town: _____
 State _____ Zip _____ Telephone No. _____
 E-mail: _____

Description of Property: Wakefield Tax Map #: 81 Lot # 8

The 911 street address, the acreage or square foot area, length of road and water frontage, and any special characteristics of property: 21 Fay way Wakefield, NH 03872; 20' deep. 48.92' road frontage. 146' water frontage; The home was built in 1962 and approx. 90% of the home was built inside the 50' water frontage. In 1962 and approx. 90% of the home was built inside the 50' water frontage. Driller including the deck.

Driving Directions to Property: (How do members and public find the property for a site walk?) North on NH 153, left on Bunker Road, left on Anglin Road. Slight right on ~~Fay way~~ and left on ~~Fay way~~ and 21 Fayway, 3rd house. James Ave; Bottom of hill straight on Fay LEFT (3rd house). (Log siding)

Zoning District(s): (Please circle each district in which all or a portion of the property under consideration is located) 1. Residential I; 2. Residential II;

Applicant's Initials: DM Owner's Initials: LM Date: 11-8-2023

- 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?
Yes ___ No 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 ___ . 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: _____

D. Proposed Use:

Please explain why you need a variance: Looking to infill a section of deck that had originally served as a walkway on the deck. Most of the home and all of the deck are within the 50' water front buffer. The variance is required to infill the deck where the walkway is not in use.

E. Applicable Zoning Ordinance Provision:

This application is for Variance to the following Ordinance Article(s) and Section(s):

3 Table 2 minimum setbacks
Article _____, Section, _____ of the Zoning Ordinance.
Article _____, Section, _____ of the Zoning Ordinance.

Applicant's Initials: LR Owner's Initials: JMY Date: 11-8-2023

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.

1. The proposed use would not diminish surrounding property values because:
This is an improvement to the existing deck as it makes the unusable space of a previous addition, usable deck.

2. Granting the Variance would not be contrary to the public interest because:
The initial idea on the deck essentially follows the existing deck. This will not protrude any closer to the lake and will not exceed the set-back on that currently is closer to the lake.

3. Granting the variance would do substantial justice because:
Allowing the deck in the area where the disabled walkway is located will provide more deck space to enjoy the lake as well as area of the deck makes usable rather than primarily a walkway.

4. The use is not contrary to the spirit of the ordinance because:
The deck expansion in all does not encroach on the lake anymore than the deck that currently exists, to include the main stairs to the deck.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:
Given the existing and original location of the home and deck area all within the 50' water set-back, there are very little options that we can do. The ordinance allows for additional usable deck space. (N.H. has approved a PBN for this work.)

G. Does your proposed use also require Subdivision Approval by the Planning Board? Yes No

H. Does your proposed use also require a Site Plan Approval by the Planning Board? Yes No

I. Is this application required as a prerequisite to or otherwise necessary for a Site, Plan Approval by the Planning Board? Yes No

CERTIFICATION

I/We hereby certify that:

Applicant's Initials: LD Owner's Initials: JMM Date: 11-5-2022

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: [Signature] Date 11-8-23
Property Owner's Signature: [Signature] Date 11/16/23
Agent or Legal Counsel's Signature: [Signature] Date _____

Applicant's Initials: [Initials] Owner's Initials: [Initials] Date: 11-8-23

ABUTTERS LIST

An abutter is defined as any property either directly adjacent to, diagonally across from, or across the street from the property in question.

Applicant's Name: Stephen O'Neil Telephone: 603-994-0325

Project Address: 21 Fay Way Wakefield, NH

List the name and address of each abutter.

It is the applicant's responsibility to ensure that all abutters are listed.

TAX MAP/LOT #	OWNER'S NAME	OWNER'S MAILING ADDRESS
<u>81 7</u>	<u>Lanzillo Intevocade Blvd.</u>	<u>939 Ocean Blvd Unit 3 Hampton, NH 03845</u>
<u>81 0</u>	<u>Bolen, Jeffrey D & Jill K.</u>	<u>2190 St James Drive Charleston, SC 29412</u>
<u>92 13</u>	<u>Regan, Michael & Lisa</u>	<u>9 Fair Road Medford, NH 02052</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(use additional pages if necessary)

Holders of conservation/preservation or other easements to the subject property are as follows:

- 1. Name: _____ Address: _____
- 2. Name: _____ Address: _____

Person who prepared this list (print name): Stephen O'Neil
Date Prepared: 11-16-23

I hereby certify that all information presented on this form is, to the best of my knowledge, correct.

Signature of Preparer Stephen M. O'Neil

Signature of Applicant Stephen M. O'Neil

Signature of Owner (if different from applicant) Sean M. Murphy, Townec

Applicant's Initials: SO Owner's Initials: SM Date: 11-16-23

BOLEN, JEFFREY D & JILL K
2190 ST JAMES DRIVE
UNIT A
CHARLESTON, SC 29412

\$4.98 each
alter certified

LANZILLO IRREVOCABLE TRUS
KENNETH F & KENNETH F JR TR
939 OCEAN BLVD UNIT 3
HAMPTON, NH 03842

+ .63

NICHOLS 2021 TRUST
DANIEL S & MARILYN NICHOLS TRU
4 OLIVE AVENUE
SALEM, NH 03079

- homeamer

- Dube Plus

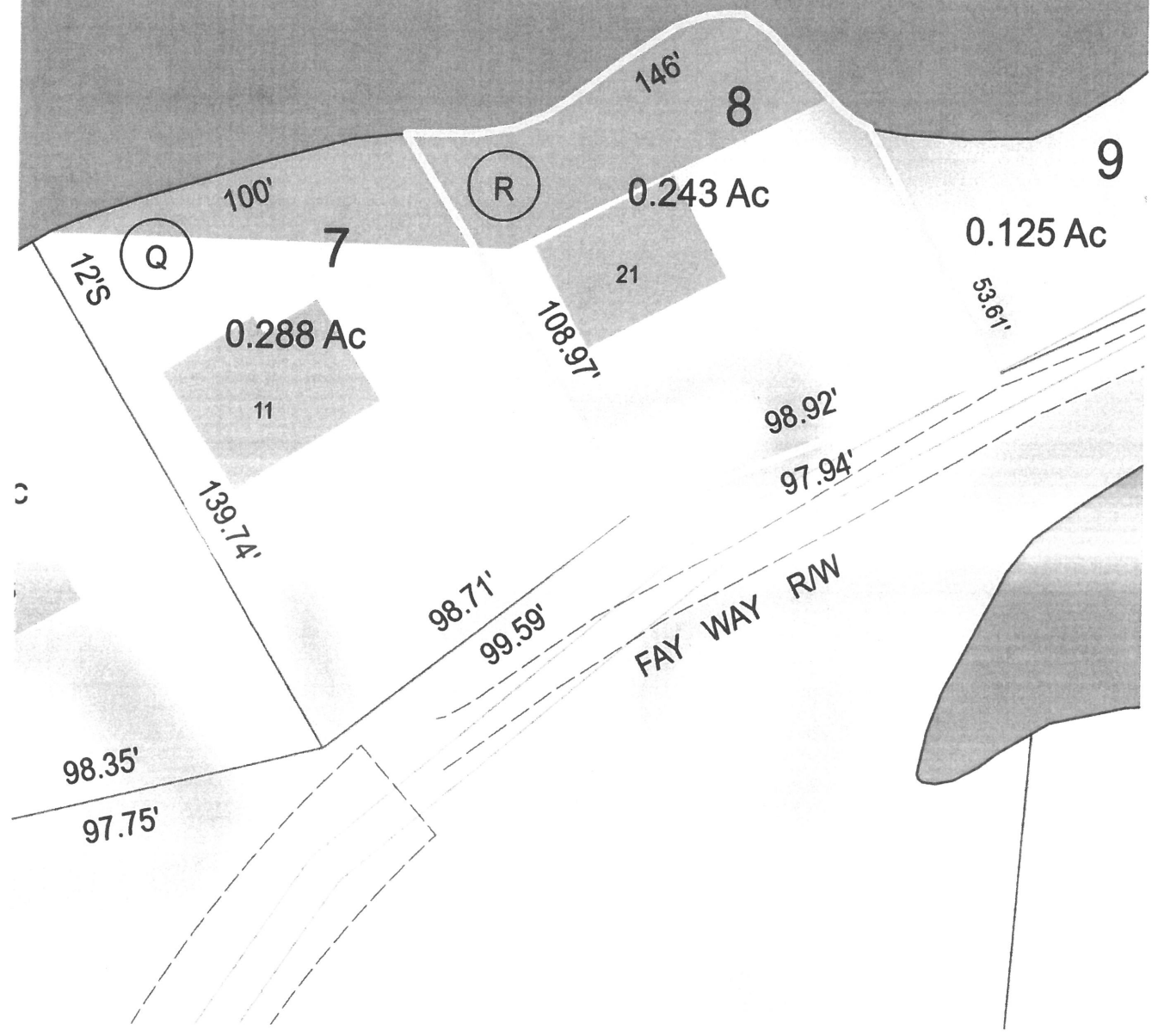
REGAN, MICHAEL & LISA
9 ERIK ROAD
MEDFIELD, MA 02052

SAMPSONIS, CHRISTINA
113 LAKE SHORE AVENUE
SOUTH HAMILTON, MA 01982

\$ 276.16

* send agenda to dube plus -

21 Fay Way
TM 081-008
Murphy Revocable Trust



OWNER INFORMATION

MURPHEY REVOC TRUST, LAURIE M
 LAURIE M MURPHEY TRUSTEE
 6 HILLTOP CIRCLE
 W NEWBURY, MA 01985

SALES HISTORY

Date	Book	Page	Type	Price	Grantor
02/10/2015	3186	361	U 138		MURPHEY, LAURIE M &
04/21/2011	2925	487	Q 1	350,000	WHITE, LAWRENCE R & ES
07/15/1991	1453	818	U 199		SCHROEDER/CORRECTIVE D

LISTING HISTORY

Date	Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Market Value	Notes
09/08/22	BLX							BRN LOG, FNDT= PC; DNYL LEVEL, ROLLING, PRP (OLDPID:000053 000010 000000) NOH EST WORK 100% ADD DEK+SHED BIL 6/07 NOH PUMP HSE
06/14/17	BLX							N/V CLUB 7/11 NOH BIL 10/11 NOH BIL 5/12 PULL DOWN FOR ATTIC N/V
10/16/12	RWO							REMOVE UFF, P/U FIREPLACE, CHG BDRM COUNT TO 3 BIL 6/12 CHG COND
05/18/12	BLO							FACTOR OF EXCESS FRONTAGE TO 15 RW 10/12 W/O HOUSE POORLY
10/24/11	BLX							INSULATED, ADD FUNC DEP RW CORRECT NOTES FOR 6/12 SHOULD
07/20/11	BLX							HAVE BEEN ADISUTED FOR TOPO OF EXCESS NOT DUE TO AMOUNT OF
5/07	CLBX							EXCESS WF 6/17 NOH BIL 9/22 NOH BIL
3/0/06	BLX							

EXTRA FEATURES VALUATION

Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Market Value	Notes
SHED-WOOD	77	11 x 7	268	8.00	90	1,486	
DOCKS PRIVATE	192	16 x 12	143	10.00	50	1,373	
FIREPLACE 1-1	1		100	2,500.00	100	2,500	
PATIO AREA	50	50 x 1	380	7.00	20	266	
DOCKS PRIVATE	64	4 x 16	310	10.00	0	0	SEASONAL
						5,600	

MUNICIPAL SOFTWARE BY AVITAR

WAKEFIELD ASSESSING OFFICE

Year	Building	Features	Land
2021	\$ 78,200	\$ 4,700	\$ 307,000
	Parcel Total: \$ 389,900		
2022	\$ 78,200	\$ 4,700	\$ 307,000
	Parcel Total: \$ 389,900		
2023	\$ 136,600	\$ 5,600	\$ 774,700
	Parcel Total: \$ 916,900		

LAND VALUATION

LAST REVALUATION: 2023

Zone:	R2PPP	PINE RIVER PO	Minimum Acreage:	1.00	Minimum Frontage:	150	Site:	AVERAGE	Driveway:	DIRT	Road:	DIRT		
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
IF RES WTRFRNT	0.243 ac	57,433	S	140	100	100	100	90 -- 7 WF AVERA	100	72,400	0	N	72,400	
IF RES WTRFRNT	100,000 wf	x 7,300	X	100				90 -- 7 WF AVERA	100	657,000	0	N	657,000	WF
IF RES WTRFRNT	46,000 wf	x 7,300	X	100				90 -- 7 WF AVERA	15	45,300	0	N	45,300	WF
	0.243 ac									774,700			774,700	