

TOWN OF WAKEFIELD
ZONING BOARD OF ADJUSTMENT
Land Use Department
2 High Street, Sanbornville, NH 03872
Phone: (603) 522-6205 Ext. 312 Fax: (603) 522-2295

(For office use)

Case #: _____ Date Rec'd: 2/15/24 By: AM

FEES: **Application** - \$125 Amt. Pd \$ 125.00
Public Notice - \$125 Amt. Pd \$ 125.00
(Includes newspaper notice)

***Cert. Mail** \$ 11 @ 8.19 = \$ 95.59
*(Owner, applicant, counsel/agent, abutters, interested parties) Cost per current USPS rates

Total Received: \$ 345.59 Check# 256

APPLICATION FOR VARIANCE

Property Owner:

Name: Derek Robertson Telephone No. 978-317-1600
Mailing Address: 1 Beechtree Cir Town: Wakefield
State MA Zip 01880 E-mail: drob11@gmail.com

Applicant (if different): owner (2)

Name: Stephen Masella Telephone No. 978-818-4758
Mailing Address: 24 Swan St Town: Beverly
State MA Zip 01915 E-mail: Finehomeimprovements.sm@gmail.com

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

Agent or Legal Counsel:

Name: N/A Firm: N/A
Mailing Address: N/A Town: N/A
State N/A Zip N/A Telephone No. N/A
E-mail: N/A

Description of Property: Wakefield Tax Map #: 000009 Lot # 47
The 911 street address, the acreage or square foot area, length of road and water frontage,
and any special characteristics of property: 111-B Towle Farm Road
0.66 AC

Driving Directions to Property: (How do members and public find the property for a site walk?) 111-B Towle Farm Road, East Wakefield.
Follow Bonnyman Road to Towle Farm Rd. 111-B is
behind 111-A up hill

Applicant's Initials: SM Owner's Initials: DR Date: 2/12/24

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; 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 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: N/A

D. Proposed Use:

Please explain why you need a variance: As built condition has additional square footage

E. Applicable Zoning Ordinance Provision:

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

Article 23D, Section, G of the Zoning Ordinance.
Article N/A, Section, N/A of the Zoning Ordinance.

Applicant's Initials: SM Owner's Initials: DR Date: 2/12/24

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:

it aligns with the area's development trends and enhances the overall quality and appeal of the area.

2. Granting the Variance would not be contrary to the public interest because:

It promotes responsible growth and development and contributes positively to the neighborhood's vitality and appeal.

3. Granting the variance would do substantial justice because:

It enables us as homeowners to utilize our property more effectively while maintaining the integrity of the neighborhood.

4. The use is not contrary to the spirit of the ordinance because:

It respects the intencion of the zoning regulations as the additional sqft is comprised of a utility room, storage, & entry that will not be utilized as "living space" and enhances the functionality and value of the property with out altering the residential character of the neighborhood.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:**

It would hinder our ability to utilize our property effectively while still maintaining compliance with other zoning requirements and without negatively impacting the surrounding neighborhood.

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

Applicant's Initials: SM Owner's Initials: DR Date: 2/14/24

CERTIFICATION

I/We hereby certify that:

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

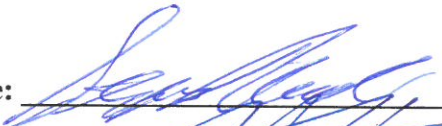
I/We have completed this application as completely and fully as possible.

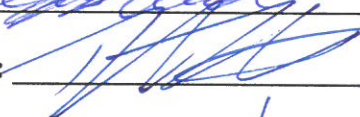
I/We have completed the checklist provided in the instructions and have attached all evidence, including plans or sketches, I/We intend to discuss at the Public Hearing on the application,

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 to conduct scheduled site walks upon reasonable prior notice.

Applicant's Signature:  Date 2/12/24

Property Owner's Signature:  Date 2/12/24

Agent or Legal Counsel's Signature: N/A Date N/A

Applicant's Initials: SM Owner's Initials: DP Date: 2/12/24

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 Masella Telephone: 978-818-4758

Project Address: 111-B Towle Farm Rd, East 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>see attached</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): Derek Robertson
Date Prepared: 2/12/24

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

Signature of Preparer _____

Signature of Applicant [Signature]

Signature of Owner (if different from applicant) _____

Applicant's Initials: SM Owner's Initials: DR Date: 2/12/24



100 feet Abutters List Report

Wakefield, NH
February 09, 2024

Subject Property:

Parcel Number: 009-047000
CAMA Number: 009-047000-000-000
Property Address: 111 TOWLE FARM ROAD

Mailing Address: ROBERTSON, DEREK T MASELLA JR,
STEPHEN J
1 BEECHTREE CIRCLE
WAKEFIELD, MA 01880

Abutters:

Parcel Number: 008-055000
CAMA Number: 008-055000-000-000
Property Address: 275 BONNYMAN ROAD

Mailing Address: HENEBURY FAMILY TRUST
JOHN J HENEBURY TRUSTEE 275
BONNYMAN ROAD
EAST WAKEFIELD, NH 03830

Parcel Number: 008-060000
CAMA Number: 008-060000-000-000
Property Address: PRENTICE WOODS ROAD

Mailing Address: MOOSE MOUNTAINS REGIONAL GREEN
PO BOX 191
UNION, NH 03887

Parcel Number: 009-033000
CAMA Number: 009-033000-000-000
Property Address: BRAGDON FARM ROAD

Mailing Address: TOWLE FARM COMMUNITY CORP
C/O DOROTHY HOWLEY PO BOX 70
EAST WAKEFIELD, NH 03830

Parcel Number: 009-042000
CAMA Number: 009-042000-000-000
Property Address: TOWLE FARM ROAD

Mailing Address: CHIASSON, PATRICIA C BELL, KEVIN
DAVID
1009 CREEKS BEND DRIVE
CASSELBERRY, FL 32707

Parcel Number: 009-044000
CAMA Number: 009-044000-000-000
Property Address: 91 TOWLE FARM ROAD

Mailing Address: LIVINGSTON, HECTOR & MAGDALENE
65 TAYLOR DRIVE
WOLFEBORO, NH 03894

Parcel Number: 009-045000
CAMA Number: 009-045000-000-000
Property Address: TOWLE FARM ROAD

Mailing Address: LIVINGSTON, HECTOR & MAGDALENE
65 TAYLOR DRIVE
WOLFEBORO, NH 03894

Parcel Number: 009-049000
CAMA Number: 009-049000-000-000
Property Address: 115 TOWLE FARM ROAD

Mailing Address: SORRENTINO, STEVEN & CHRISTINA
68 ALDRICH ROAD
WAKEFIELD, MA 01880

Parcel Number: 009-054000
CAMA Number: 009-054000-000-000
Property Address: 122 TOWLE FARM ROAD

Mailing Address: CONNELLY, LORNA J DAVIDSON
FOWLER, GAILE D
JAYNE A DAVIDSON TOMAN 20
WHITEHORSE ROAD
PLYMOUTH, MA 02360

Parcel Number: 009-063000
CAMA Number: 009-063000-000-000
Property Address: 153 BONNYMAN ROAD

Mailing Address: CREMMEN, JOSEPH J & ELIZABETH
60 OLD COUNTY ROAD
LEBANON, ME 04027

Parcel Number: 009-064000
CAMA Number: 009-064000-000-000
Property Address: 159 BONNYMAN ROAD

Mailing Address: TONKS, RICHARD J & DEBRA J
51 ROCKY HILL ROAD
ANDOVER, MA 01810



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Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

2/9/2024

Page 1 of 2



100 feet Abutters List Report

Wakefield, NH
February 09, 2024

Parcel Number: 009-065000
CAMA Number: 009-065000-000-000
Property Address: 165 BONNYMAN ROAD

Mailing Address: MACCORMACK, HUGH & SHIRLEY M
165 BONNYMAN ROAD
EAST WAKEFIELD, NH 03830



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2/9/2024

Page 2 of 2



26, 2022

Wakefield, NH

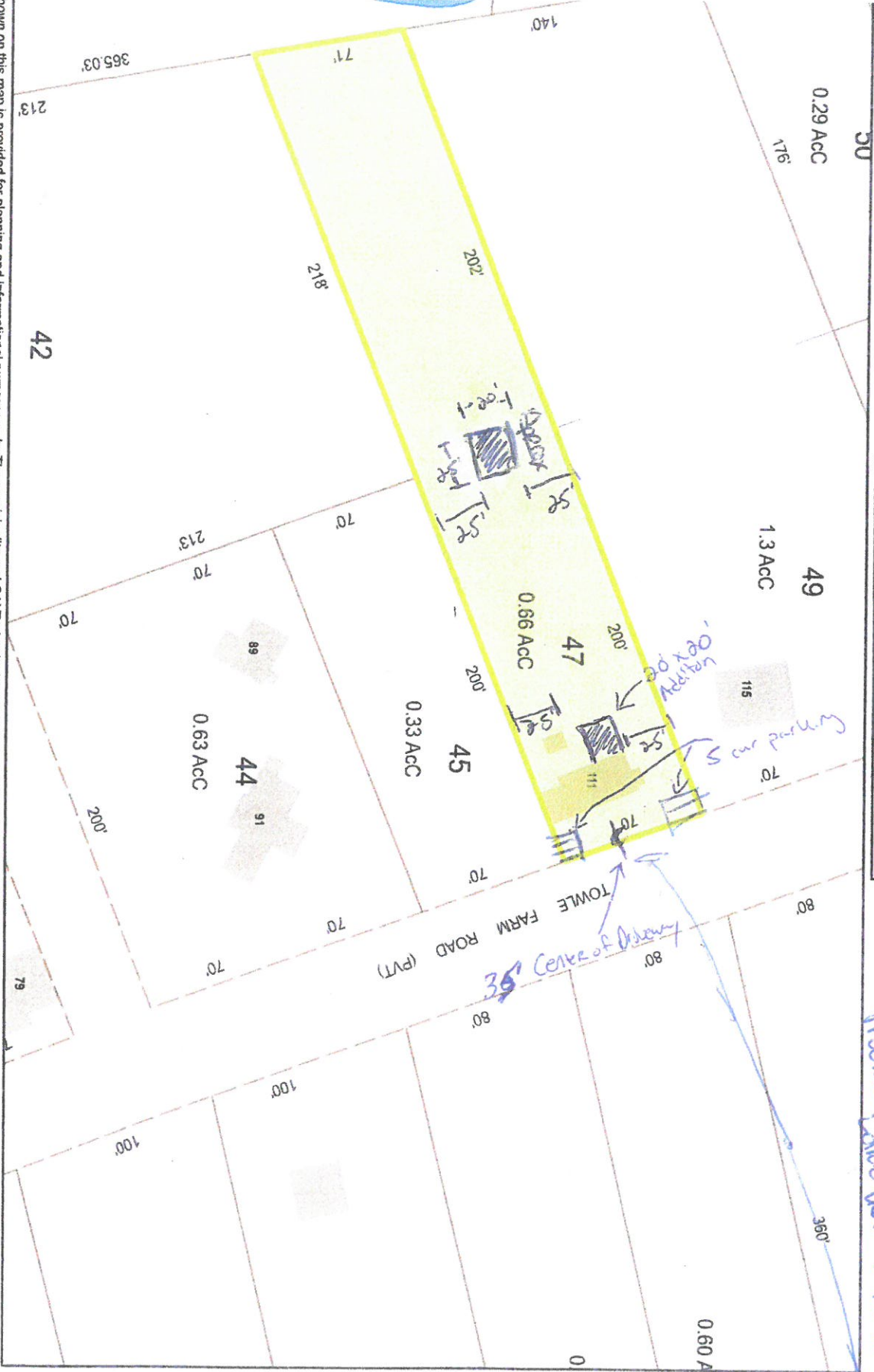
1 inch = 68 Feet



CAI Technologies

www.cai-tech.com

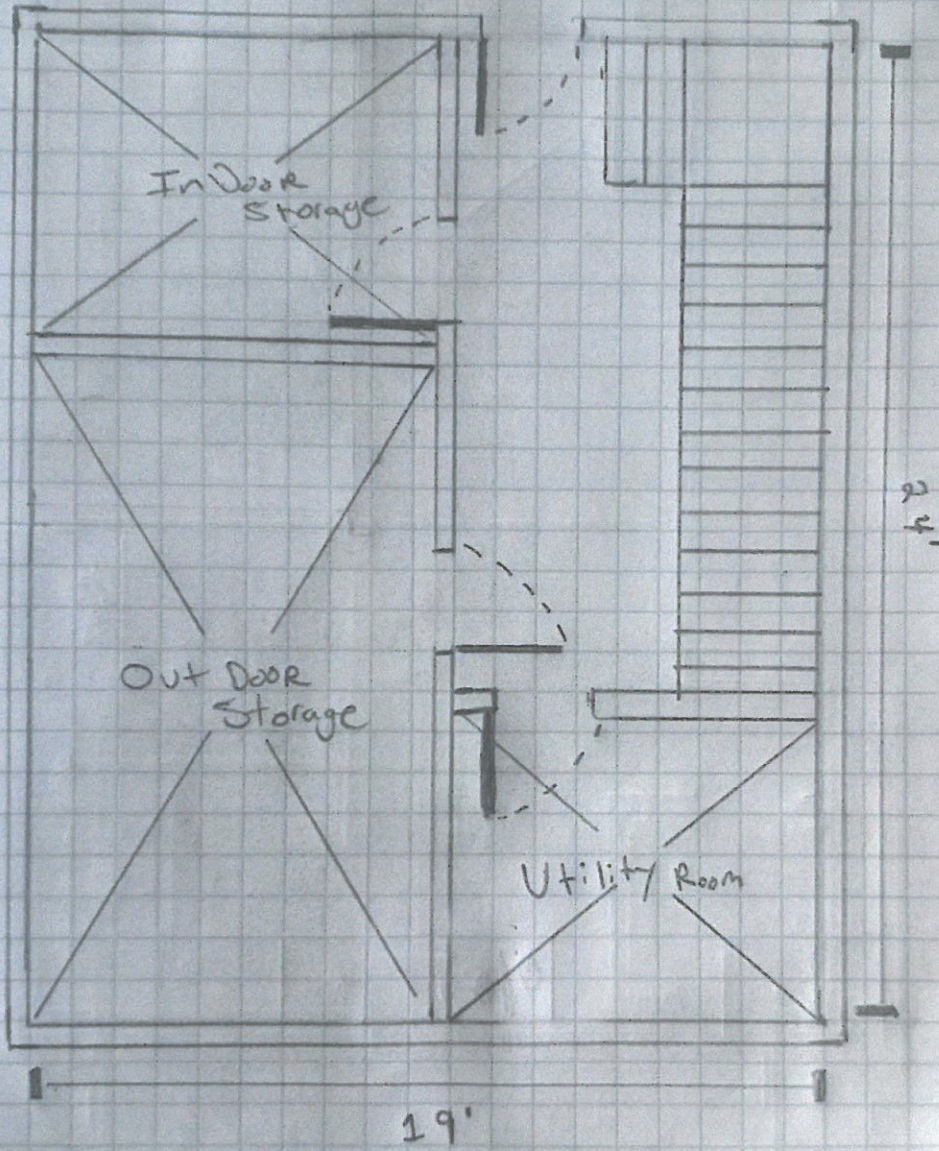
Provide water shed + 400 ft



Shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

GROUND FLOOR

Scale: 1/4" = 1'

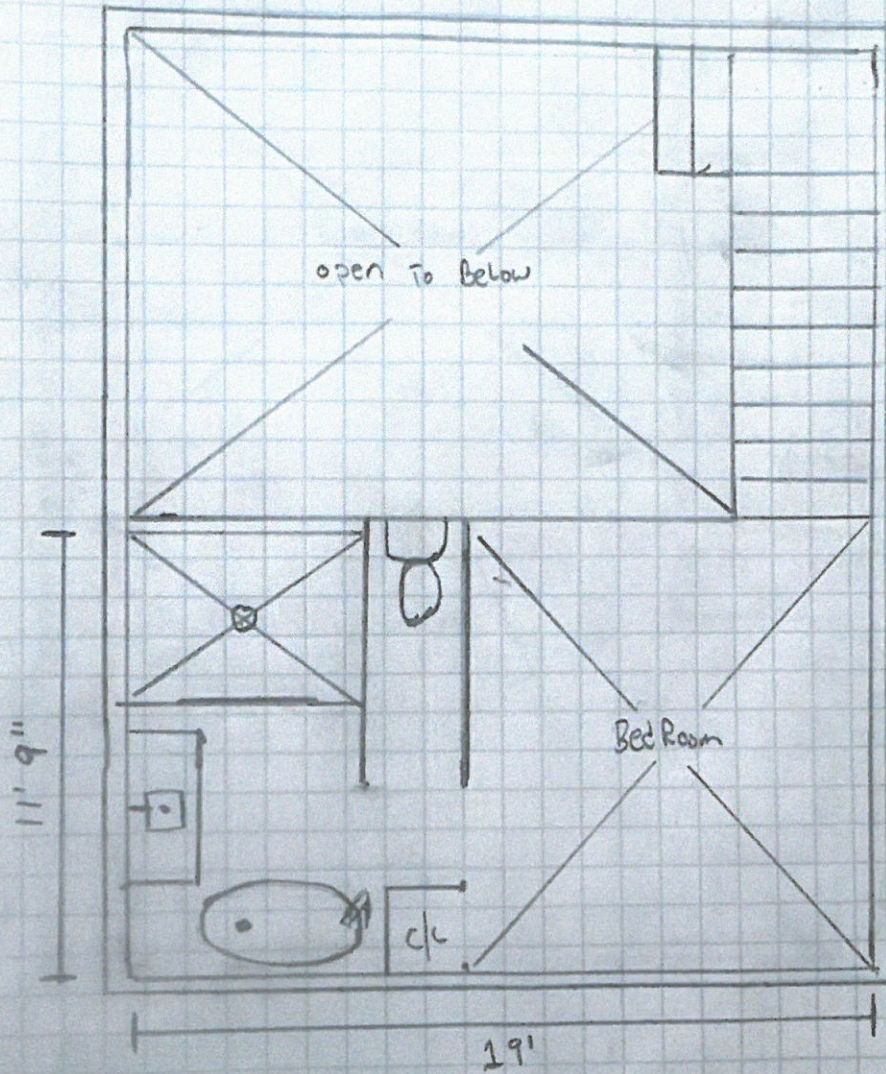


Stephan Maxwell
Stephan Maxwell

2/12/29

LOFT

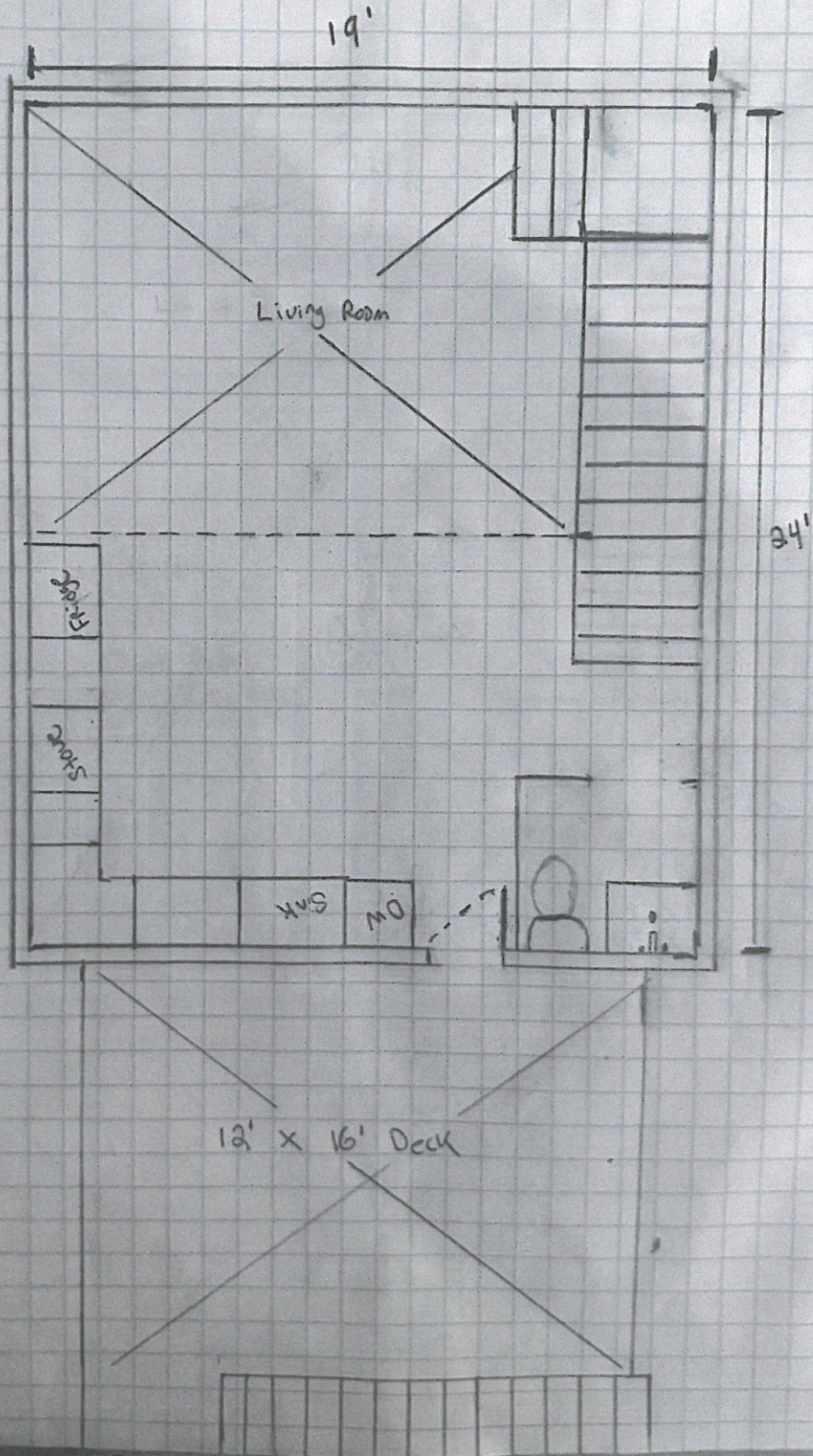
Scale: 1/4" = 1'



Stephen Mesella
Stephen Mesella 2/12/24

FIRST FLOOR

Scale: 1/4" = 1'



Stephen Maxwell
Stephen Maxwell

2/12/24



TOWN OF WAKEFIELD, NEW HAMPSHIRE
CODE ENFORCEMENT OFFICE

2 HIGH STREET
SANBORNVILLE NH 03872
TELEPHONE: (603) 522-6205 X308
FAX: (603) 522-2295
LANDUSECODEDEPT@WAKEFIELDNH.COM

Via Certified Mail, Return Receipt Requested & First-Class Mail

January 29, 2024

Derek Robertson
111 Towle Farm Rd
East Wakefield, NH 03830

Re: 111 Towle Farm Rd
East Wakefield NH Tax Map 09, Lot 47

Dear Derek:

This office has information to indicate that there is a Building Code violation on the above-referenced property. The specifics of the code violation are as follows:

Updated plans were sent in on 1/25/24 for an Accessory Dwelling Unit being constructed at 111 Towle Farm Rd. After close inspection of those plans, that were never pre-approved, additional living space was created in the ground floor level of the structure.

The original plans show a small entry space, closed-in conditioned, leading upstairs into the first floor. The remainder of the ground floor level was supposed to be "storage/shed" which was discussed as non-conditioned storage. Also included in the original plans was an open area taking up the remainder of the 500 sq ft.

Now the entry space is an open finished hallway of 88 sq ft. with an open stairway. There is also a 7'6"x9'6" room labeled "indoor storage" that is finished as well as a separate 9'x7'6" "utility room" that is conditioned. With this additional conditioned space, this puts you over the 750 sq ft. maximum per Wakefield Zoning Ordinance-Article 23D.

Article 23D-Accessory Dwelling Unit

G. The accessory dwelling unit shall not exceed 750 square feet and is a Permitted Use in all zones where single-family residences are permitted uses.

Please contact our Land Use Clerk, Amber Marcoux at 603-522-6205 x312 to set up an appointment with the Zoning Board to see if a variance will be required. You will need to send her an email with this request as well, and her email is landuseclerk@wakefieldnh.com

Thank you,
Peter Gosselin
Town of Wakefield
Building Inspector/Code Enforcement Officer
Shoreland Officer/Health Officer

Derek T. Robertson
7 Beechtree Cir.
Wakefield, MA
01880

SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

WARRANTY DEED

BE IT KNOWN that Kenneth E. Gatto and Joan Gatto, of 111 Towle Farm Road, East Wakefield, New Hampshire 03830, for consideration paid, grant to Derek T. Robertson, of 1 Beechtree Circle, Wakefield, Massachusetts 01880 and Stephen J. Masella, Jr., of 24 Swan Street, Beverly, Massachusetts 01915, as joint tenants with rights of survivorship, with warranty covenants, the following described property:

111 TOWLE FARM ROAD A/K/A TAX MAP 9-47

A certain lot with the buildings and improvements thereon situate at 111 Towle Farm Road in Wakefield, Carroll County, New Hampshire, being more particularly bounded and described as follows:

Beginning at a point on the westerly side of Towle Road at the easterly most point of the herein described lot; thence turning N 4° W and running 70', more or less, by Towle Road to an iron pipe; thence turning southwesterly and running 402', more or less, by land now or formerly of Ames and land now or formerly of Anzalone to a point; thence turning southerly and running 71', more or less, by land now or formerly of Prentice to a point; thence turning northeasterly and running 414' by land now or formerly of Ames and land now or formerly of Carson, Davidson and Faulkner to the point of beginning.

For reference see that 2005 Notice of Merger recorded at Book 2447, Page 24.

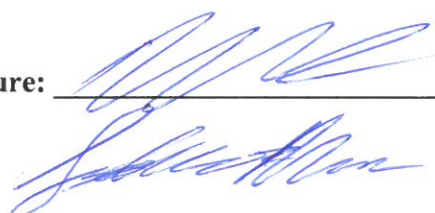
Meaning and intending to describe and convey the same property conveyed to Kenneth E. Gatto and Joan Gatto by Theodore Gatto and Helen E. Gatto by warranty deed dated September 24, 1990 and recorded on October 9, 1990 at Book 1428, Page 672 at the Carroll County Registry of Deeds.

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) ✓
- b. The correct Map # and Lot #, as well as 911 address, square foot and frontage information is included (Page 1) ✓
- 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) ✓
- d. The Zone is specified (check and circle the applicable zone) (Page 2) ✓
- e. Questions A, B, C, and D are answered on page 2, completely and fully ✓
- f. Complete the "Criteria" statements (paragraphs 1,2,3,4 and 5) on page 3, with all reasons and facts supporting each statement ✓
- g. Answer questions G., H. and I. (Page 3) ✓
- h. Read, sign & date the Certification (Page 4) ✓
- i. Complete the Abutter's List, page 5, and/or attach an Abutters List – information (tax maps, etc.) to assist you in compiling this list is available at the Town Hall ✓
- j. Provide the requested information, signatures, and date on the bottom of the Abutters List, page 5, whether or not the list is used or another listing, such as one obtained through information 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 ✓
- l. 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” ✓
- m. Attach copy of Code Enforcement letter or other denial notice ✓
- n. Read "Plan or Sketch Requirements" (Page 3 of these instructions) ✓
- o. Initial and date at the bottom of each page, where indicated ✓
- p. Sign this page at the bottom, and include with your “Application for Variance” ✓
- q. Include a copy of your current deed with the application ✓
- r. Make a copy of these instructions and keep with a copy of your completed “Application for Variance” ✓

Applicant or Agent’s Signature:



Date

12/12/24
2/12/24

BUILDING DETAILS
 Model: 1.00 STORY FRAME CAMP
 Roof: GABLE HIP/ASPHALT
 Ext: NOVELTY
 Int: CUSTOM WOOD/MINIMUM
 Floor: MIN PLYWD
 Heat: WOOD/COAL/CONVECTION
 Bedrooms: 3 Baths: 1.0 Fixtures:
 Extra Kitchens: Fireplaces:
 Generators:
 A/C: No
 Quality: A1 AVG+10
 Com. Wall:
 Size Adj: 1.2010 Base Rate: RCP 64.00
 Bldg. Rate: 1.0040
 Sq. Foot Cost: \$ 64.26

BUILDING SUB AREA DETAILS

ID	Description	Area	Adj.	Effect.
DEK	DECK/ENTRANCE	192	0.10	19
FFF	FST FLR FIN	680	1.00	680
PRS	PIERS	680	-0.05	-34
GLA:	680	1,552		665

2018 BASE YEAR BUILDING VALUATION

Market Cost New:	\$ 42,733
Year Built:	1958
Condition For Age:	GOOD
Physical:	15 %
Functional:	
Economic:	
Temporary:	
Total Depreciation:	15 %
Building Value:	\$ 36,300

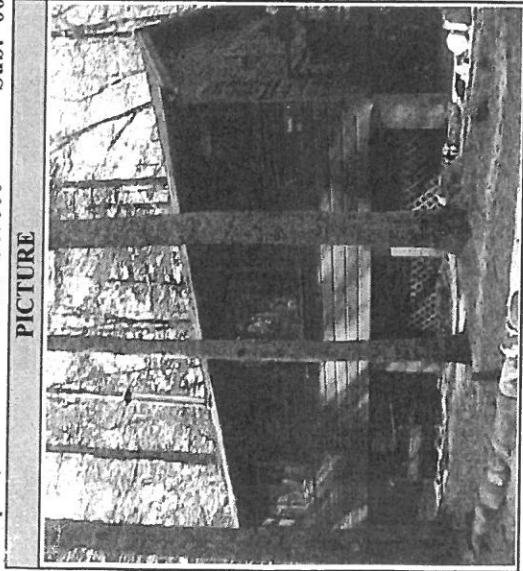
TAXABLE DISTRICTS

District	Percentage

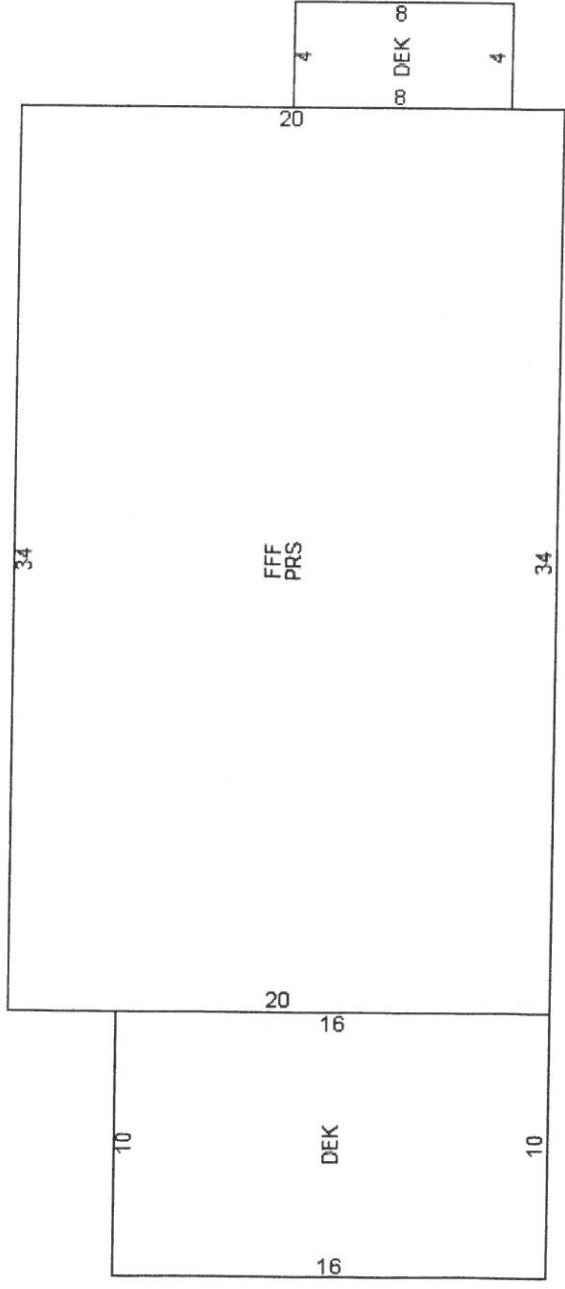
OWNER
 GATTO, KENNETH E & JOAN
 52 HAVEN WAY
 ASHLAND, MA 01721

PERMITS
 Notes

Date	Project Type	Notes



BUILDING DEPARTMENT COPY





Property Card: 111 TOWLE FARM ROAD
Town of Wakefield, NH



Parcel ID: 009-047000-000
PID: 000009047000000000

Owner: ROBERTSON, DEREK T
Co-Owner: MASELLA JR, STEPHEN J
Mailing Address: 1 BEECHTREE CIRCLE

WAKEFIELD, MA 01880

General Information

Map: 000009
Lot: 047000
Sub: 000000

Land Use: 1F RES WTR ACS
Zone: R2PL PROVINCE L
Land Area in Acres: 0.66
Current Use: N
Neighborhood: N-T
Frontage: 0
Waterfront: 0
View Factor: N

Assessed Value

Land: \$114,100
Buildings: \$141,000
Extra Features: \$1,200
Total: \$256,300

Sale History

Book/Page: 3685-409
Sale Date: 8/19/2022
Sale Price: \$212,700

Building Details

Model Description: CAMP
Living Area: 680
Year Built: 1958
Building Grade: AVG+10
Stories: 1.00 STORY FRAME

Condition: GOOD
Depreciation: 0
No. Bedrooms: 3
No. Baths: 1
Adj Bas: 0



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This information is believed to be correct but is subject to change and is not warranted.