

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

April 3, 2024

David Swift
62 Sleepy Hollow Rd
East Wakefield, NH 03830

Re: 62 Sleepy Hollow Rd
East Wakefield NH Tax Map 81, Lot 33

Dear David:

After reviewing your application to add a deck to your home I have to deny your building permit. The proposed deck will be in the 50' shoreline setback per Wakefield Zoning Ordinance.

Table 2 -Minimum Setbacks

Residential II Shorefront- 50 (ft.) required from the shoreline.

Please contact our Land Use Clerk, Amber Marcoux at 603-522-6205 x312 to set up an appointment with the Zoning Board to apply for a variance. 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

**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: 4/11/24 By: AM

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

*Cert. Mail \$ 8.14 @ 6 = \$ 52.14
*(Owner, applicant, counsel/agent, abutters, interested parties) Cost per current USPS rates

Total Received: \$ 302.14 Check# 3072

APPLICATION FOR VARIANCE

Property Owner:

Name: David Swift Telephone No. (203) 913-8619
Mailing Address: 53 Laurel Ave Town: Milford
State CT Zip 06460 E-mail: dswift5802@gmail.com

Applicant (if different):

Name: _____ Telephone No. _____
Mailing Address: _____ Town: _____
State _____ Zip _____ E-mail: _____

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

Agent or Legal Counsel: only if needed

Name: Jeff Eldridge Firm: J.A. Eldridge Carpentry & Maintenance LLC
Mailing Address: PO Box 1206 Town: Wolfeboro
State NH Zip 03894 Telephone No. _____
E-mail: eldridgecarpentrymaintenance@gmail.com

Description of Property: Wakefield Tax Map #: 000081 **Lot #** 033000

The 911 street address, the acreage or square foot area, length of road and water frontage, and any special characteristics of property: 62 Sleepy Hollow Rd East Wakefield NH 03830

Driving Directions to Property: (How do members and public find the property for a site walk?)

Turn off Rt 153 onto Old Pine Road South take 1st left and then bear left again following signs for Swift. White cottage with maroon trim on top of hill with street number on lamp pole. 62 Sleepy Hollow Rd

Applicant's Initials: DS Owner's Initials: DS Date: 4-12-2024

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: _____

D. Proposed Use:

Please explain why you need a variance: _____
The proposed deck is within the 50 ft. shoreline setback per Wakefield zoning ordinance

E. Applicable Zoning Ordinance Provision:

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

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

Applicant's Initials: RS Owner's Initials: RS Date: 4-12-2024

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:
see attachment.

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

3. Granting the variance would do substantial justice because:
see attachment.

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

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

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: DS Owner's Initials: DCS Date: 4-12-2024

(page 3 attachment)

David Swift

62 Sleepy Hollow variance application

1. The proposed would not diminish surrounding property values because:

The proposed deck would not diminish surrounding property values because it will not obstruct or interfere with neighboring properties and would be an improvement to the existing deck which is almost 30 years old.

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

Granting the variance promotes responsible development and will have a positive impact to the value and appeal of the neighboring area.

3. Granting the variance would do substantial justice because:

Granting the variance will provide more deck space to enjoy the lake, sunset views and allow for a table and chairs for outdoor dining. The current deck is not large enough for a table and chairs.

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

The proposed deck provides more deck space which will increase the functionality and value of the property without diminishing the value of the surrounding properties.

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

Because the original location of the camp when it was built by my grandfather in 1936 is within the 50' setback there is no way to add more deck space without encroaching on the setback.

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: *Paul C Swift* Date 4-12-2024
Property Owner's Signature: *Paul C Swift* Date 4-12-2024
Agent or Legal Counsel's Signature: _____ Date _____

Applicant's Initials: *PS* Owner's Initials: *PS* Date: 4-12-2024

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: David Swift Telephone: (203) 913-8619

Project Address: 62 Sleepy Hollow Road, Wakefield, NH 03830

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>000081 036000</u>	<u>Carpenito, Michael A & KA,</u>	<u>17 Sampson Road Medford, MA 02155</u>
<u>000081 037000</u>	<u>Jones, Theodore D & Norma, Carroll Trust, Pamela A</u>	<u>151 Topsfield Rd Ipswich, MA 01938</u>
<u>000081 026000</u>	<u>Melton, Scott E & Sirena,</u>	<u>24 Partridge Way North Easton, MA 02356</u>
<u>000081 032000</u>	<u>Pine River Associates - same address as Jones, Vasquez and David Swift (applicant)</u>	
<u>000081 034000</u>	<u>Torsey, Allen G & Torsey, Asenath H,</u>	<u>14 Lincoln Street Beverly, MA 01915</u>
<u>000081 030000</u>	<u>Torsey, Mark S,</u>	<u>14 Lincoln Street Beverly, MA 01915</u>
<u>000081 031000</u>	<u>Torsey, Allen G, Torsey & Asenath H,</u>	<u>14 Lincoln Street Beverly, MA 01915</u>
<u>000080 003000</u> (use additional pages if necessary)	<u>Vasquez, Martin B + ANN H</u>	<u>27 Washington Ave #1 Winthrop, MA 02152</u>

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): David Swift
Date Prepared: 4-12-2024

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

Signature of Preparer: *David Swift*

Signature of Applicant: *David Swift*

Signature of Owner (if different from applicant): —

Applicant's Initials: *DS* Owner's Initials: *DS* Date: 4-12-2024



100 feet Abutters List Report

Wakefield, NH
April 16, 2024

Subject Property:

Parcel Number: 081-033000
CAMA Number: 081-033000-000-000
Property Address: 62 SLEEPY HOLLOW ROAD

Mailing Address: SWIFT, DAVID C
53 LAUREL AVENUE
MILFORD, CT 06460

Abutters:

Parcel Number: 080-003000
CAMA Number: 080-003000-000-000
Property Address: 43 OLDE PINE ROAD

Mailing Address: VASQUEZ, MARTIN B & ANN H
27 WASHINGTON AVE #1
WINTHROP, MA 02152

Parcel Number: 081-026000
CAMA Number: 081-026000-000-000
Property Address: 101 SLEEPY HOLLOW ROAD

Mailing Address: MELTON, SCOTT E & SIRENA M
24 PARTRIDGE WAY
NORTH EASTON, MA 02356

Parcel Number: 081-030000
CAMA Number: 081-030000-000-000
Property Address: SLEEPY HOLLOW ROAD

Mailing Address: TORSEY, MARK S
14 LINCOLN STREET
BEVERLY, MA 01915

Parcel Number: 081-031000
CAMA Number: 081-031000-000-000
Property Address: SLEEPY HOLLOW ROAD

Mailing Address: TORSEY, ALLEN G TORSEY, ASENATH
H
14 LINCOLN STREET
BEVERLY, MA 01915

Parcel Number: 081-032000
CAMA Number: 081-032000-000-000
Property Address: SLEEPY HOLLOW ROAD

Mailing Address: PINE RIVER ASSOCIATES
,

Parcel Number: 081-034000
CAMA Number: 081-034000-000-000
Property Address: 60 SLEEPY HOLLOW ROAD

Mailing Address: TORSEY, ALLEN G TORSEY, ASENATH
H
14 LINCOLN STREET
BEVERLY, MA 01915

Parcel Number: 081-036000
CAMA Number: 081-036000-000-000
Property Address: 58 LESLIE ROAD

Mailing Address: CARPENITO, MICHAEL A & KATHIE
17 SAMPSON ROAD
MEDFORD, MA 02155

Parcel Number: 081-037000
CAMA Number: 081-037000-000-000
Property Address: 41 OLDE PINE ROAD

Mailing Address: JONES, THEODORE D & NORMA E
CARROLL TRUST, PAMELA A
151 TOPSFIELD ROAD
IPSWICH, MA 01938



www.cai-tech.com

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.

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) | <u>X</u> |
| b. The correct Map # and Lot #, as well as 911 address, square foot and frontage information is included (Page 1) | <u>X</u> |
| 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) | <u>X</u> |
| d. The Zone is specified (check and circle the applicable zone) (Page 2) | <u>X</u> |
| e. Questions A, B, C, and D are answered on page 2, completely and fully | <u>X</u> |
| f. Complete the "Criteria" statements (paragraphs 1,2,3,4 and 5) on page 3, with all reasons and facts supporting each statement | <u>X</u> |
| g. Answer questions G., H. and I. (Page 3) | <u>X</u> |
| h. Read, sign & date the Certification (Page 4) | <u>X</u> |
| 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 | <u>X</u> |
| 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. | <u>X</u> |
| k. Attach drawings, sketches, or plans which show detail of the property, all structures and specifically, the use for which this Variance is requested | <u>X</u> |
| 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" | <u>X</u> |
| m. Attach copy of Code Enforcement letter or other denial notice | <u>X</u> |
| n. Read "Plan or Sketch Requirements" (Page 3 of these instructions) | <u>X</u> |
| o. Initial and date at the bottom of each page, where indicated | <u>X</u> |
| p. Sign this page at the bottom, and include with your "Application for Variance" | <u>X</u> |
| q. Include a copy of your current deed with the application | <u>X</u> |
| r. Make a copy of these instructions and keep with a copy of your completed "Application for Variance" | <u>X</u> |

Applicant or Agent's Signature: *Paul C. Quift* Date 4-12-2024



Town of Wakefield, NH

62 SLEEPY HOLLOW



<search results < feature details

Buffer Options

100 + Feet

Subject Features (1)

081-0530000-000

Abutting Parcels (8)

081-0260000-000

081-0340000-000

081-0360000-000

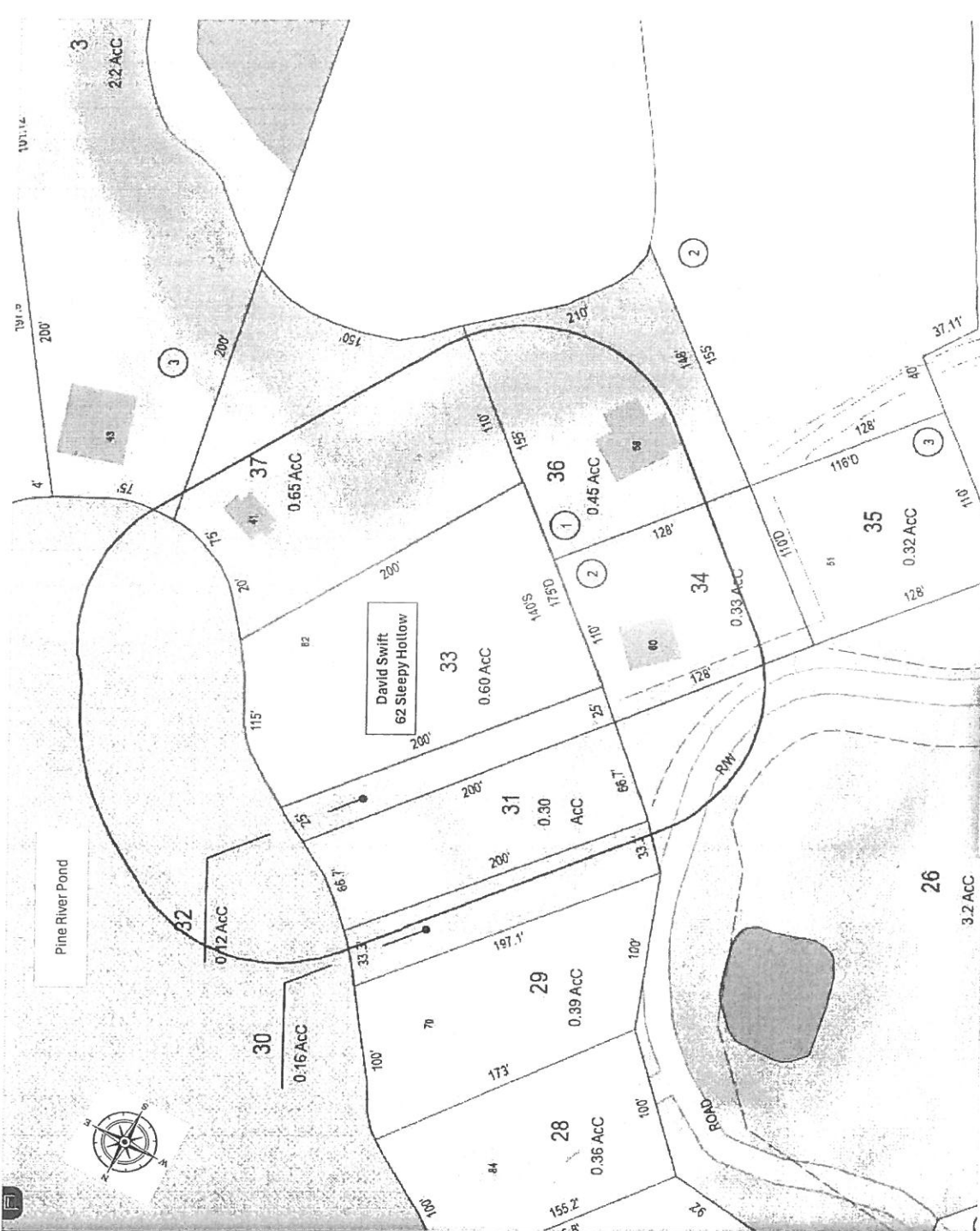
081-0300000-000

081-0310000-000

081-0320000-000

081-0370000-000

080-0030000-000





Property Card: 62 SLEEPY HOLLOW ROAD
 Town of Wakefield, NH



Parcel ID: 081-033000-000
PID: 000081033000000000

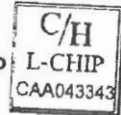
Owner: SWIFT, DAVID C
Co-Owner:
Mailing Address: 53 LAUREL AVENUE

 MILFORD, CT 06460

General Information		Assessed Value	
Map: 000081 Lot: 033000 Sub: 000000 Land Use: 1F RES WTRFRNT Zone: R2PPP PINE RIVE Land Area in Acres: 0.6 Current Use: N Neighborhood: N-S Frontage: 0 Waterfront: 115 View Factor: N		Land: \$771,300 Buildings: \$117,600 Extra Features: \$1,100 Total: \$890,000	
		Sale History	
		Book/Page: 3031-139 Sale Date: 10/10/2012 Sale Price: \$0	
Building Details			
Model Description: CAMP Living Area: 984 Year Built: 1936 Building Grade: AVG+10 Stories: 1.00 STORY FRAME		Condition: VERY GOOD Depreciation: 0 No. Bedrooms: 2 No. Baths: 1 Adj Bas: 0	

Doc # 0012414 Oct 10, 2012 2:42 PM

Ann P. Anton
Register of Deeds, Carroll County



QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that I, SUSAN S. DeWITT, single with an address of 31 Hicock Drive, Southbury Connecticut 06488 for consideration paid, grant to DAVID C. SWIFT, with an address of 69 Georges Lane, Monroe, Connecticut 06468, with QUITCLAIM COVENANTS all of my right, title and interest in:

A certain parcel of land, with any improvements thereon, situate in the Town of Wakefield, County of Carroll and State of New Hampshire, known as 62 Sleepy Hollow Road and being more particularly bounded and described as follows:

Beginning at a stake set at the shoreline at the northwesterly corner of land now or formerly of Leslie R. and Elizabeth S. Jones at a distance of 170 feet, more or less, from the corner of a proposed right of way leading to the Pond, which point is the boundary of land formerly owned by Leslie J. Nutting with land formerly owned by Charles E. Stevens;

thence running westerly along the shoreline as it trends a distance of 115 feet, more or less, to a point opposite a stake, the same being the northeasterly corner of a right of way running to the Pond;

thence turning and running in a general southeasterly direction a distance of 200 feet, more or less, to a stake at other land formerly of Leslie J. Nutting;

thence turning and running easterly on a line which shall not be less than 200 feet from the curved shoreline at any point at high water mark a distance of 175 feet, more or less, to a stake at the southwesterly corner of land now or formerly of Leslie R. and Elizabeth S. Jones;

thence turning and running northeasterly along the westerly sideline of said Jones land a distance of 200 feet, more or less, to the point of beginning.

Together with a right of way one (1) rod wide to and from the above property which is located not less than 75 feet from the shoreline and subject to a right of way located at least 70 feet from the shoreline of high water mark, those to form a continuous right of way with a right of way on either side of the described premises.

BK3031 PG 1 39

Granting also such rights, if any, as the Grantor may have in and to a 15-foot strip adjoining the above-described premises and on the westerly side thereof formerly owned by Pine River Associates.


Subject to an easement granted by Susan S. DeWitt, David C. Swift, Pamela A. Carroll, Theodore D. Jones, and the Nutting Estate Trust granted to Stoneham Road Builders, LLC in Easement Deed dated November 3, 2005 and recorded in the Carroll County Registry of Deeds at Book 2484, Page 487.

MEANING AND INTENDING to describe and convey all of my interest in those same premises conveyed to Susan S. DeWitt and David C. Swift by Quitclaim Deed of Richard C. Swift and Martha B. Swift dated April 25, 2002 and recorded in the Carroll County Registry of Deeds at book 2022, Page 013.

This is not homestead property.

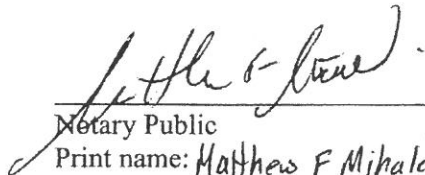
This conveyance is exempt from transfer tax pursuant to NH RSA 78-B:2 IX.

EXECUTED this 4 day of September 2012.


Susan S. DeWitt

STATE OF CONNECTICUT
COUNTY OF New Haven

This instrument was acknowledged before me on the 4 day of September 2012 by Susan S. DeWitt.


Notary Public
Print name: Matthew F Mihalcik
My commission expires:



My Commission Expires
Jan. 31, 2015

BK3031PG1140



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

SHORELAND IMPACT PERMIT 2023-02514

NOTE CONDITIONS

PERMITTEE: DAVID SWIFT
53 LAUREL AVE
MILFORD CT 06460

PROJECT LOCATION: 62 SLEEPY HOLLOW ROAD, WAKEFIELD
TAX MAP #81, LOT #33

WATERBODY: PINE RIVER POND

APPROVAL DATE: NOVEMBER 16, 2023 EXPIRATION DATE: NOVEMBER 16, 2028

Shoreland Permit Application 2023-02514 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

PERMIT DESCRIPTION:

Impact 1,164 square feet of protected shoreland in order to provide a temporary access to the work area, replace in kind a retaining wall, construct a deck onto the nonconforming primary structure, and plantings.

Impervious Surface Percentage: 9.2%

Natural Woodland Area Required per RSA 483-B:9, V(b): 3,673 Square Feet

THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):

1. All work shall be in accordance with plans by Fox Survey Company dated September 5, 2023 as received by the New Hampshire Department of Environmental Services (NHDES) on October 16, 2023 pursuant to Env-Wq 1406.15(f).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
3. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
4. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

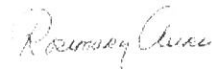
TDD Access: Relay NH 1 (800) 735-2964

2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Rosemary E. Aures
Shoreland/Shoreline Specialist, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))



PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required, if any)