



TOWN OF WAKEFIELD, NEW HAMPSHIRE  
LAND USE DEPARTMENT

2 HIGH STREET  
SANBORNVILLE, NEW HAMPSHIRE 03872  
TELEPHONE 603.522.6205 x 308 FAX 603.522.2295

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING  
20 March 2017

Approved 5/15/17

| MEMBERS                           |   | ALTERNATES            |   | OTHERS  |   |
|-----------------------------------|---|-----------------------|---|---|---|
| John Napekoski,<br>Chairman       | H | George<br>Frothingham | H | Nathan Fogg, Land Use Clerk &<br>Code Enforcement Officer | H |
| Sharon Theiling, Vice<br>Chairman |   | Doug Stewart          | H | Rick Sager, Town Counsel                                  | H |
| Ceily Arnone                      |   | Judi DesRoches        | H |   |   |
| John Crowell                      | H | Don Stewart           | H | S- Site Walk<br>H- Public Hearing                         |   |
| Steve Brown                       |   |                       |   |   |   |

**Also present were:** Austin Turner, Paul Bauer, another individual with the representatives from Sanbornville DG, Jackie Moriarty, Dawn Fairbanks, Skylar LaMontagne, Scott Lebs, Priscilla Colbath, Joyce & George Gilbert, Heidi Marshall, Tim Marshall, Peter Charest, Nancy Charest, Lynn Shaffer, John Shaffer, Mike Parker, Cheri Schlenker, Sandra Johnson, Paul Johnson, Stephen Royle, Norman Royle, Nancy Perkins, Jeff Perkins, Carl Nickerson, Rita Smith, Lynn Rapoza, Angie Nichols, Leigh Nichols, Lynne Weeks, Connie Twombly, David Tibbetts, Phil Twombly, Cynthia Akers, James Akers, Diane Swain, Elizabeth Hunt-Nickerson, Kevin Carnevale, Jacob Kilroy, Mark Evenson, Cameron Currier, Megan Kilroy, Mike Venturi, Tammi Jo Cameron, Kenneth Fogg, Tracy Kolb, and Jerry O'Connor.

**CALL TO ORDER**

1. J Napekoski called the meeting to order at 7:00 pm following the pledge of allegiance. Alternates George Frothingham, Judi DesRoches, and Don Stewart were seated for members Sharon Theiling, Ceily Arnone, and Steve Brown.

**PUBLIC HEARINGS**

2. **Variance Application: submitted by Sanbornville DG, LLC** on Property located at 224 Meadow St (corner of Burroughs Ave), Wakefield NH (Tax Map 180-48) owned by Michael & Anne Wiggin. The applicants are requesting a variance from zoning article 3, table 3, requiring a maximum building width of 70 feet parallel to a street in the Village/Residential Zoning District.

**MOTION:** To accept the Variance application submitted by Sanbornville DG LLC.  
**Made by:** George Frothingham  
**Seconded by:** Judy DesRoches  
**Discussion:** None.  
**Vote:** 5-0

3. Austin Turner representing Sanbornville DG LLC addresses board with potential plans designed by Lisciotti Development, and talks about lighting which will be LED and placed sparingly and used as a minimal security source when building is not open. Building will have significant landscape plans; Sanbornville DG LLC is willing to work with the town on building architecture appearance.
4. Austin Turner addresses the support of granting the Variance.
  1. The proposed use would not diminish surrounding properties values as per Economic & Property Value Impact Assessment done by an independent consultant company R K G Associates Inc.
  2. Granting the variance would not be contrary to the public interest. Article III of the Zoning Ordinance allows retail buildings up to 25,000 square feet is permitted by right. The proposed building is only 7,500 square feet.
  3. Granting the variance would be substantial justice because Zoning allows up to a 21,500-square foot building based on maximum building coverage allowed. Restricting the dimension of the building to 70 feet restricts the building to a maximum of 4,900 square feet.
  4. The propped project is not contrary to the spirit of the ordinance, as the proposed use is allowed by right.
  5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the ordinance allows 25,000 sq. ft. but literal enforcement of the building width would only give 4,900 sq. ft. and not being able to use the allowable maximum potential of the property.
5. J Napekoski opened the hearing for public comment. He noted that there are 2 letters in folder 1 in favor by Jim Miller and 1 against by Elizabeth Hunt-Nickerson. A third letter was submitted at the meeting against granting the variance by Joyce & George Gilbert.
6. Pricilla Colbath asked for more definition for criteria #1. John Napekoski explains that criteria #1 is stating it would not be detrimental to the surrounding property values or public interest.
7. Tammi Jo Cameron asked why can't it be 70 ft. X 70 ft. Austin Turner replies that the building proposed to be 85'X85' with front entrance making it 94'.

8. Nancy Charest comments on lot size and will it be enough for dumpsters and tractor trailers? John Napekoski states we are only here to address the building size and if approved Planning Board will address those items.
9. Carl Nickerson is there any overlap in the current building to the proposed building? Austin Turner yes there is an overlap, explains on the proposed plan where the existing building is located. Carl Nickerson also stated that this size store would be detrimental to the community and is opposed to the Dollar General.
10. Tracy Kolb recites a section from Wakefield's master plan and how if it is approved it will be open more for bigger stores to do the same. Austin Turner master plan also promotes businesses on Route 109. The master plan mentions both.
11. Jerry O'Connor 2 of the 5 conditions seems more like a threat. They keep choosing lots that create the same situation rather than finding a suitable lot for their store like Route 16, and the real estate study says it won't affect the property values but we feel as though it will. Route 109 corridor runs from Brookfield all the way to Maine not just the downtown area. Master plan was picturing small businesses, locally owned businesses, not big box stores.
12. Lynn Shaffer why are we only allowed to comment on the 70x70 and not all the criteria. Aren't you voting on all 5? John Napekoski yes but the criteria are still related to the 70x70 building size impact, we can't take on the Planning Board's issues. This board has a very defined function and looking at the variance to the table and other 4 criteria are in respect to the footage.
13. Jerry O'Connor noted that if Dollar General doesn't believe that multilevel buildings will work, he suggests Dollar General to look at the Kittery Trading Post.
14. G Frothingham asked the ZBA to consider whether 86 feet by 94 feet was any more harmful than 70 feet by 70 feet.

**MOTION:** Criteria #1 not enough evidence to support that the proposal will not have any effect on property values.

**Made by:** John Napekoski

**Seconded by:** Don Stewart

**Discussion:** Don Stewart property values will diminish. The proposal is not consistent with the Development Regulations. George Frothingham questioned if values would change due to building being larger than 70x70, not whether the occupant is Dollar General or not and stay with the question at hand. Judi DesRoches report doesn't reflect data with a comparable survey with the same demographics. Concord is not comparable.

**Vote:** 4-1 opposed by George Frothingham

**MOTION:** Criteria #2 does not meet the requirement of not being contrary to the public interest  
**Made by:** John Napekoski  
**Seconded by:** Don Stewart  
**Discussion:** J Napekoski noted that 25,000sq.ft. is a maximum but ordinance does not say we have to give that to anyone and 25,000 sq.ft. is up to the table and criteria of the Ordinance's.  
**Vote:** 4-1 opposed by George Frothingham

**MOTION:** Criteria #3 would not do substantial justice  
**Made by:** Don Stewart  
**Seconded by:** Judi DesRoches  
**Discussion:** none  
**Vote:** 4-1 opposed by George Frothingham

**Motion:** Criteria #4 the proposal meets the spirit of the ordinance.  
**Made by:** George Frothingham  
**Seconded by:** John Napekoski  
**Discussion:** John Napekoski felt they meet criteria similar to Mobil, I G A. Don Stuart no similar use in that general area.  
**Vote:** 5-0

**Motion:** Criteria #5 failed to prove unnecessary hardship.  
**Made by:** Don Stewart  
**Seconded by:** John Napekoski  
**Discussion:** Don Stewart questioned, does it make literal sense for the town to allow and the applicant came before us knowing both roads had a 70ft restriction and still chose to come before the board with similar conditions of that of the previous application with the Sanborn House. J Napekoski agree on the same grounds. G Frothingham noted that all things considered, the literal enforcement is an unnecessary hardship. If the literal enforcement of the zoning laws were always ruled we wouldn't need the Zoning Board. ZBA exists for a mission to look at certain situations. J Napekoski noted that the ZBA has granted many variances and always considers the abutters viewpoints.  
**Vote:** 4-1 opposed by George Frothingham

**Motion:** To deny the variance based upon the fact that they did not prove the 5 criteria.  
**Made by:** Don Stewart  
**Seconded by:** Judi DesRoches  
**Discussion:** None.

**Vote:** 4-1 opposed by George Frothingham

### **BOARD BUSINESS**

15. To recommend and nominate John Crowell as a member and Judi DesRoches as an alternate to the ZBA to the Board of Selectmen.

**Motion:** To recommend and nominate John Crowell as a member and Judi DesRoches as an alternate to the ZBA to the Board of Selectmen.  
**Made by:** George Frothingham  
**Seconded by:** John Napekoski  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

### **APPROVAL OF MINUTES**

**Motion:** To approve the minutes from February 27<sup>th</sup>, 2017.  
**Made by:** Don Stewart  
**Seconded by:** George Frothingham  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

### **SET MEETING DATE**

There will likely be a meeting in April, which will be on April 17<sup>th</sup>.

### **ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:18 pm.  
**Made by:** John Napekoski  
**Seconded by:** George Frothingham  
**Discussion:** None  
**Vote:** 5-0

Respectfully submitted,  
Bridget Passariello  
Land Use Dept