



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
SANBORNVILLE, NEW HAMPSHIRE 03872
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
17 April 2017

Approved 5/15/17

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

Also present were: Donna Martin (videographer), Kerry Fox, Tom Dube, Todd Wallace, Sue Watkins, Colleen Nicastro, Joe Arnone.

SITE WALKS

1. G Frothingham, C Arnone viewed all three requested variance sites beginning at 5:30. J DesRoches joined the group for the third site walk. Kerry Fox represented the applicants at the first site (Nicastro), Tom Dube represented the applicants at the second site walk (Crones), and Ms Watkins represented the applicants for the third site walk (Spiech.) No abutters were present for any site walks.

CALL TO ORDER

2. Alternates George Frothingham, Judi DesRoches, and Doug Stewart were seated for members, John Napekoski, Sharon Theiling, and Steve Brown.

MOTION: To appoint George Frothingham as the chair of the committee for this meeting
Made by: Ceily Arnone
Seconded by: Doug Stewart
Discussion: None.
Vote: 5-0

3. George Frothingham called the meeting to order at 7:00 pm following the pledge of allegiance.

BOARD BUSINESS

4. Sanbornville DG – Motion for Rehearing, 224 Meadow Street, TM 180-48 (No public input from the applicant or public will be received.) N Fogg handed out copies of the Motion for Rehearing to the members that had not reviewed the motion received. (The ZBA took several minutes to review the Motion for Rehearing.)

Motion: To stand by the ZBA's decision and deny the Sanbornville DG-motion for rehearing.
Made by: Doug Stewart
Seconded by: Judi DesRoches
Discussion: None
Vote: 3-1-1 with Ceily Arnone abstaining. The Motion for Rehearing is denied.

PUBLIC HEARINGS

5. **Variance Application submitted by Fox Survey Company** for property owned by The Nicastro Family Revocable Trust of 2016, located at 393 Belleau Blvd, Wakefield, NH (Tax Map 45-51). The applicants are requesting a variance from Zoning Ordinance, Article 3, Table 2, requiring a street building setback of 20 feet in the Residential-II Zoning District. The applicants would like to build a garage on the property and are requesting relief from the street setback.

MOTION: To accept the Variance application submitted by Nicastro Family Revocable Trust
Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

6. Kerry Fox described the requested variance was to allow a modest size (24' x 24') garage to be placed on the property. This parcel is a non-conforming lot of record. The building envelope between the lake and the road is only 19 feet in the area where the garage can be placed. They would also like to add a small, 8' wide by 6' deep deck on the second floor of the lake side of the garage to view the lake. The proposed garage would meet side and shoreline setbacks. They are requesting a reduction to 9 feet from the property line, which is approximately 13 feet at its closest point to the travel way of Belleau Boulevard.
7. George Frothingham asked Kerry Fox to show the plan to the audience. N Fogg noted that no communication had been received regarding this application. Kerry Fox noted other areas on the property where the well and septic system are located. This is the

only reasonable place on the property for a garage. N Fogg asked if the garage could be moved 6 feet closer to the lake with the deck into the 50-foot setback. Kerry Fox was unsure.

8. G Frothingham opened the hearing for public comment. Tom Dube noted the he is the road agent for Belleau Lake Property Owners Association and they have no problem with the proposed distance from the garage to the travel way. The public input portion of the public hearing was closed.
9. G Frothingham noted that they would discuss the five criteria separately.
10. Criteria 1, property values. Ceily feels that the proposed garage will not affect surrounding property values.

MOTION: That the first criteria has been met
Made by: Ceily Arnone
Seconded by: John Crowell
Discussion: None
Vote: 5-0

11. Criteria 2, public interest. Ceily felt that it was not contrary to the public interest because it will not have any effect the general public.

MOTION: That the second criteria has been met
Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

12. Criteria 3, substantial justice. Ceily felt that it would do substantial justice.

MOTION: That the third criteria has been met
Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

13. Criteria 4, spirit of the ordinance. Adding a garage does not go against the spirit of the ordinance.

MOTION: That the fourth criteria has been met
Made by: Ceily Arnone
Seconded by: John Crowell
Discussion: None

Vote: 5-0

14. Criteria 5, literal enforcement. D Stewart noted that because of the size of the parcel and that they were looking to place a typical 2-car garage on the property, he felt that the literal enforcement criteria had been met.

MOTION: That the fifth criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

15. G Frothingham asked for a motion relating to the overall variance request.

MOTION: To grant the variance since the five criteria have been met.
Made by: Judi DesRoches
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

16. G Frothingham noted that the variance had been granted and that there is a 30-day appeal period where an interested party could appeal the decision of the ZBA.

17. **Variance Application** submitted by Dube Plus Construction for property owned by Michael & Sarah Crones Revocable Trust, located at 38 Camp Road, Wakefield, NH (Tax Map 57-10). The applicants are requesting a variance from Zoning Ordinance, Article 3, Table 2, requiring a shoreline building setback of 30 feet in the Residential-II Zoning District. The applicants are rebuilding on the property and would like to build a deck on front of the structure and are requesting relief from the shoreland setback.

MOTION: To accept the Variance application submitted by Michael and Sarah Crones Revocable Trust
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

18. Todd Wallace & Tom Dube explained the variance request. The Crones plan to remove the existing residence and out-buildings and replace them with a new house. They would like to add an 8-foot deck to the lake side of the building. The new structure cannot be moved back because of extensive landscaping on the property, that the proposed septic system needs to be located on the road side of the house, and the house would be too close to the garage. The proposed deck would not require any trees to be removed.

19. G Frothingham explained his understanding of the application. The state allows decks to go 12 feet towards the lake on houses built from the primary building line. They could do that and then tear down the whole building and deck and replace it in the same location, so what is the difference between that and what they are proposing. C Arnone agreed.
20. Tom Dube noted that the proposed house was slightly smaller than the existing house. They are adding a mudroom, but that is in an area that is currently a concrete slab. N Fogg confirmed that if they were not adding the deck closer to the lake, there would be no need for them to obtain a variance. They could tear down and rebuild in the same spot without a variance. N Fogg suggested that if the ZBA is in favor of the variance, that they make it conditional upon receipt of a State Shoreland Permit being received.
21. D Stewart asked what would be placed under the proposed deck to promote infiltration. T Dube noted that they will comply with our current zoning regulations that require a dripline trench under the eaves. Under the 8-foot deck will be stone or pervious pavers. T Dube noted that there should not be a roof over the deck to make sure that water continues down between the decking boards and infiltrates into the ground. He would be fine with that being a condition of the variance.
22. T Dube reiterated that no vegetation would be removed and the existing owners have done a very good job of leaving the vegetation in place including leaving saplings, shrubs, and ground cover. Also, the existing landscaping includes stone lined infiltration areas and rain gardens to promote infiltration.
23. Relocating the septic system to allow the house to move back would require the removal of trees from the property. The owners like the trees and want to keep the feeling of being in the woods.
24. G Frothingham opened the hearing for public comment. Hearing no comments, the public input portion of the public hearing was closed.
25. Criteria 1, property values. D Stewart noted that the request was in keeping with other properties in the area and would not negatively impact surrounding property values.

MOTION:	That the first criteria has been met
Made by:	Doug Stewart
Seconded by:	John Crowell
Discussion:	None
Vote:	5-0

26. Criteria 2, public interest. C Arnone felt that it was not contrary to the public interest because it is a small deck and will not have any effect the general public. D Stewart noted that the proposed infiltration area under the deck will mitigate the runoff.

MOTION: That the second criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

27. Criteria 3, substantial justice. D Stewart noted that this variance would allow them to do what they would like on their property while adequately protecting the lake and shoreland area. Not moving the house back allow the septic system to be installed under the driveway and no further removal of trees is necessary.

MOTION: That the third criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

28. Criteria 4, spirit of the ordinance. D Stewart noted that the owners could have built a 12-foot deck from the primary building line towards the lake. They are asking for 8 feet.

MOTION: That the fourth criteria has been met
Made by: Doug Stewart
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

29. Criteria 5, literal enforcement. D Stewart noted that literal enforcement would require existing landscaping and trees to be disturbed or removed. Allowing the deck to go towards the lake would be a better solution.

MOTION: That the fifth criteria has been met
Made by: Doug Stewart
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

30. G Frothingham asked for a motion relating to the overall variance request.

MOTION: To grant the variance with conditions because the five criteria have been met.
Made by: Ceily Arnone
Seconded by: Judi DesRoches

Discussion: None
Vote: 5-0

31. G Frothingham asked for the conditions. J DesRoches noted that no roof should be constructed over the deck.

MOTION: Condition added to the variance that no roof be constructed over the deck.

Made by: Ceily Arnone
Seconded by: Doug Stewart
Discussion: None
Vote: 5-0

MOTION: Condition added to the variance that the deck and the area below the deck remain pervious.

Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

32. G Frothingham noted that the variance had been granted and that there is a 30-day appeal period where an interested party could appeal the decision of the ZBA.

33. **Variance Application** submitted by owners John & Patricia Spiech, located at 1026 Lovell Lake Road, Wakefield, NH (Tax Map 202-29). The applicants are requesting a variance from Zoning Ordinance, Article 3, Table 2, requiring a street building setback of 20 feet in the Residential-II Zoning District. The applicants would like to expand an entry deck on the front of residence and are requesting relief from the street setback.

34. G Frothingham asked if the application was complete, properly noticed, and fees paid. N Fogg confirmed that all was complete.

MOTION: To accept the Variance application submitted by John & Patricia Spiech
Made by: Judi DesRoches
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

35. Sue Watkins lives next to the Spiech's and they are her parents. Her parents would like to expand their front entryway from 4 feet by 4 feet to 6 feet by 14 feet. This would allow them to sit and enjoy the view of the lake. The entryway needs to be rebuilt and they would like to expand it to get greater enjoyment from their property. The existing entryway does not meet the street setback and this entryway will be 2 feet closer to the

road. They also plan to put in a full-size front door. The existing door is narrow. They also would like to place a roof over the new entryway/deck.

36. N Fogg explained that steps are exempt from setbacks. The building department allows steps and 4-foot wide entryways to be exempt from setbacks. The fact that they wish to expand to 6 feet wide is the reason that they are asking for a variance from the ZBA. The street setback is 20 feet from the travel way or right of way whichever is closer. N Fogg believes that the house is not 20 feet back from the right of way. He noted that there is good separation of the house from the road. The house and yard is several feet above the road and there is a ditch along the road to provide good separation from the front entryway.

37. G Frothingham opened the hearing for public comment. Nobody spoke against the application. Joe Arnone spoke in favor of the application. The public input portion of the public hearing was closed.

38. G Frothingham noted that they would discuss the five criteria.

39. Criteria 1, property values. D Stewart noted that they are asking for a very minor variance and that property values would not be affected and that the criteria has been met.

MOTION: That the first criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

40. Criteria 2, public interest. C Arnone felt that it was not contrary to the public interest because it will improve the appearance of the property.

MOTION: That the second criteria has been met
Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

41. Criteria 3, substantial justice. D Stewart feels that this will provide a safer egress from the building and therefore would do substantial justice.

MOTION: That the third criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None

Vote: 5-0

42. Criteria 4, spirit of the ordinance. D Stewart noted that this is a minor change to the structure and a minor variance request and therefore does not go against the spirit of the ordinance.

MOTION: That the fourth criteria has been met
Made by: Doug Stewart
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

43. Criteria 5, literal enforcement. D Stewart noted that what they are asking for is minor and because of the safety issue he felt that the literal enforcement criteria had been met.

MOTION: That the fifth criteria has been met
Made by: Doug Stewart
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0

44. G Frothingham asked for a motion relating to the overall variance request.

MOTION: To grant the variance since the five criteria have been met.
Made by: Ceily Arnone
Seconded by: Judi DesRoches
Discussion: None
Vote: 5-0

45. G Frothingham noted that the variance had been granted and that there is a 30-day appeal period where an interested party could appeal the decision of the ZBA. A written notice of decision will be mailed to the applicant.

APPROVAL OF MINUTES

46. None.

BOARD BUSINESS

47. N Fogg still expects J Napekoski to resign both as chair and as a member. Hopefully one of the alternates will step up to become a member to fill out J Napekoski's term. Once that position is filled, we can elect chair and vice-chair.

48. The ZBA discussed voting on the motion for rehearing. N Fogg spoke with R Sager earlier and he would like as many of the seated members and alternates as possible to vote on the motion for rehearing. N Fogg believes that they did the best they could with the members and alternates in attendance this evening.

SET MEETING DATE

49. There will be a meeting on May 15, 2017.

ADJOURNMENT

MOTION:	To adjourn the meeting at 8:05 pm.
Made by:	George Frothingham
Seconded by:	Ceily Arnone
Discussion:	None
Vote:	5-0

Respectfully submitted,
Nathan Fogg
Land Use Dept