



TOWN OF WAKEFIELD NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
NOVEMBER 21, 2022
APPROVED

Site Walk

Don Stewart Chairman		Robert Baxter Alternate	✓	Victor Vinagro, Land Use Clerk & Code Enforcement Officer	✓
George Frothingham, Vice Chairman	✓	Graham Baker Alternate	✓	Town Counsel Steven M. Whitley	
John Crowell	✓			Site Walk	✓
Judi DesRoches	✓			Public Hearing	✓
Annie Robbins					

Others present: Bryan Berlind, John Fredrikson, Mathew Kelley and Max Gearing from Clearview TV.

Pledge of Allegiance and call the meeting to order

Vice Chairman Frothingham called the meeting to order at 7:00 and led those present in the flag salute and introductions were made.

Seat Alternates as necessary

Alternate Robert Baxter was seated for Annie Robbins. Alternate Graham Baker was seated for Don Stewart

Public Hearings

The ZBA conducted a site walk on Saturday, November 19, 2022, at 9:30 a.m. at the property, 194 Doc Morrison Road. Present for the site walk were Victor Vinagro, George Frothingham, and John Fredrickson.

Variance Application: Submitted by Bryan Berlind, Land-Tech, LLC for property owned by John & Regina Fredrikson of Doc Morrison Road Realty Trust, Tax Map 143-28, 194 Doc Morrison Road. The applicant is seeking approval of a variance to construct a deck 39.3 feet from the reference line (shoreline.) Wakefield Zoning Ordinance, Article 3 - Table 2-Minimum Setbacks, Residential II, shoreland setback is 50 feet.

Mr. Vinagro stated that the fees have been paid, the abutters notified, the notice has run and the application is administratively correct.

Mrs. DesRoches made a motion, seconded by Mr. Baxter, to accept the application and proceed with the hearing. (Vote 5-0)

Mr. Berlind explained that technically in the states eyes the lake extends up the brook on this property due to the reference line. The .45 acre property is grandfathered, established in 1954. It's a nonconforming lot as it's too small and not enough water frontage. It should have 150' and has 135'. It has road frontage on a 10' ROW and that also is less than 150' it's 122'. This is a rare waterfront home that has no deck. Their views are limited because of the shrubbery along the shore and an elevated deck would give them a better view of the lake. He said all the surrounding properties have decks. This will increase the value of the property.

The deck would improve the property and will be the highest and best use of the home. The Shoreland Act RSA 483B-11:b says that a nonconforming structure allows one 12' extension of a deck into the waterfront zone with no variance but now realizes that this does not apply. Granting the variance will allow the owner to better enjoy the use of his home. He believes this meets the hardship element. If this passes it will go to the DES for a shoreland permit. Mr. Baxter asked if it was possible to swing the stairs ninety degrees. Mr. Berlind said yes.

Mr. Frothingham opened the Public Hearing at 7:13.

With no input Mr. Frothingham closed the Public Hearing at 7:13

Criteria 1 The proposed use would not diminish surrounding property values

Mr. Baker made a motion, seconded by Mrs. DeRoches, that the criteria has been met. Roll call vote (5-0)

Criteria 2 Granting the variance would not be contrary to the public interest

Mr. Crowell made a motion, seconded by Mrs. DesRoches, that the criteria has been met. Roll call vote (5-0)

Criteria 3 Granting the variance would do substantial justice

Mr. Crowell made a motion, seconded by Mrs. DesRoches, that the criteria has been met. Roll call vote (5-0)

Criteria 4 The use is not contrary to the spirit of the ordinance

Mr. Crowell made a motion, seconded by Mrs. DesRoches, that the criteria has been met. Roll call vote (5-0)

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

Mrs. DesRoches made a motion, seconded by Mr. Crowell, that the criteria has been met. Roll call vote (5-0)

Mr. Baker made a motion, seconded by Mr. Baxter, to approve the variance with the condition of DES approval. Roll call vote (5-0)

Mr. Frothingham announced that the variance has been granted.

The ZBA conducted a site walk on Saturday, November 19, 2022, at 9:00 a.m. at the property, DeBoer Lane. Present for the site walk were George Frothingham, Victor Vinagro, Matthew Kelley, Dawson Libby, Roger Libby, Joey Belanger, J. Hendrick

Equitable Waiver: Submitted by Matthew & Rachel Kelley of DeBoer Lane, Tax Map 113-16. The applicants are seeking an approval to grant an Equitable Waiver of Dimensional Requirements of a setback, 30 feet from the street. TM 113- 16, DeBoer Lane is Zoned

Residential III with a street setback of 50 feet.

Mr. Vinagro stated that the fees have been paid, the abutters notified, the notice has run and the application is administratively correct.

Mrs. DesRoches made a motion, seconded by Mr. Baxter, to accept the application and proceed with the hearing. (Vote 5-0)

Mr. Kelley said his foundation is 30' from the road, not 50' and he owns the road and the lot across the road, a total of 26 acres. This was a miscalculation pointed out by the bank. The town did not pick it up either. Mr. Vinagro said that other houses on that road are also closer than 50'. Mr. Vinagro said this decision will not affect any further subdivisions; any new homes will have to have the 50' setback

Mr. Frothingham made a motion, seconded by Mrs. DesRoches, to move to grant the Equitable Waiver so the foundation may remain where it is. (Vote 5-0)

Mr. Baxter made a motion, seconded by Mrs. DesRoches, to ask the Selectmen to consider refunding the application fees on the variance. (Vote 5-0)

Mr. Frothingham announced that the waiver has been granted.

Board Business

Approval of Rules of Procedure.

Postponed until December 19th

Correspondence

Approval of Minutes

Mr. Frothingham made a motion, seconded by Mr. Baker, to approve the minutes of June 20, 2022. (Vote 4-0-1)

Set Next Meeting Date

December 19, 2022.

Adjournment

Mrs. DesRoches made a motion, seconded by Mr. Crowell, to adjourn the meeting at 7:43. (Vote 5-0)

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath, ZBA Secretary