



TOWN OF WAKEFIELD NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
MAY 16, 2022
HELD IN PERSON AND ON ZOOM
Approved

Site Walk

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

Others present: Jen Czysz and Heather Scott. Also Max Gearing from Clearview TV

Pledge of Allegiance and call the meeting to order

Chairman Stewart called the meeting to order at 5:00 and led those present in the flag salute and introductions were made.

Seat Alternates as necessary

Robert Baxter was seated for John Crowell.

Approval of Minutes

Mrs. Robbins made a motion, seconded by Mr. Baxter, to approve the minutes of April 18, 2022. (Vote 4-0)

Board Business

Mission Statement

Mr. Stewart made a motion, seconded by Mr. Baxter, that we officially and formally adopt what Mr. Frothingham drafted and subsequently we publish that to the community.

Mrs. Robbins said she would vote no unless the statement discussed; In that case the ZBA should consider providing relief (*to a properly presented argument that the applicant has made*) while preserving the overall good purposes of that regulation, were added

Mr. Stewart withdrew his original motion and Mr. Baxter withdrew his second.

Mr. Stewart made a motion to officially and formally adopt what Mr. Frothingham drafted and subsequently publish that to the community. With all credit to Mr. Frothingham Mr. Stewart called for the vote: **(Vote 4-0)**

The approved Mission Statement for the Wakefield ZBA is as follows:

The ZBA provides a valuable service as a safety valve that prevents our important zoning regulations from being considered unconstitutional.

Occasionally an otherwise good restriction will, in that specific situation, create a hardship by preventing a reasonable use but not make any significant advancement to the good purpose of that restriction.

In that case the ZBA should consider providing relief to a properly presented argument that the applicant has made while preserving the overall good purposes of that regulation.

Workshop: ZBA Rules of Procedure – Review & Update

Mr. Stewart suggested that the Rules be sent to Town Council for review before accepting or modifying them. The Board agreed. Ms. Czysz's assistant Ms. Scott made the revisions to the Rules of Procedure. Mr. Frothingham had a conversation with the Town attorney about publishing their decisions at the Registry of Deeds. The attorney said you don't need to record a denial only approvals. The notices of decision have been written by Mr. Vinagro and Mr. Frothingham but the letters have not had the approval of the Board.

Mr. Vinagro said his dealing with the Carroll County Registry with the Planning Board is that they're trying to limit the amount of recordings. We no longer record things like site plans, they won't take them. He suggested someone check to see if the Registry would even accept the decisions and said there would also be recording fees to consider. Mr. Stewart said Ossipee advertises their decisions in the newspaper. Mr. Vinagro said the decisions are posted at Town Hall, on the website and the decision goes to the applicant. Mrs. Robbins said how do we condense the many opinions into the letter of decision? She said there is a worksheet in the handbook called Findings of Facts. She would like to see another town's finished product of Findings of Facts.

Ms. Czysz said the Board members can use this worksheets as they are going through their deliberations. She said the Board should have a conversation about each criteria prior to making a motion like what evidence did you hear, what evidence was missing and make notes. One person can be designated to jot down bullets. You need to say why you're granting or why you're denying. That does not have to be articulated in the motion, You can say adequate evidence has been submitted and I move to approve criteria 1. But if you're going to deny then you have to specify in the motion the reasons why you're denying according to the law. The person writing the decision will take the elements of the conversation on each criteria and incorporate them into the decision. There are two ways to write a notice of decision if it was granted you just have to say it was granted and see the minutes. If it was denied you say it was denied and here are the reasons.

If you know a case is going to get appealed, you'd develop a narrative that is a findings of facts section. The person writing the notice would go back in the record and say this is what was presented and it was shared on this day, here is the evidence received, and document that case.

Essentially, you're summarizing in the notice of decision and then attaching the minutes. Mr. Stewart asked Ms. Scott to send a clean copy with the deletions, additions and changes to him. Mrs. Robbins said under Authorities and Duties she'd like to add Equitable Waiver of Dimensional Requirements. She went to a training on May 3rd and they said everyone should be part of the deliberation. Under Waiver of Procedures. The Board would have to formally vote to waive a procedure as long as it is not contrary to the law. She asked if vote required should be in the Rules. The Board felt that wasn't necessary. Mr. Stewart said that a clean copy will be sent to Town council, and it will come back to the Board for review and adoption.

Mr. Stewart made a motion, seconded by Mr. Baxter, to take a clean copy of the Rules of Procedure, ask Town Council for review, and upon his feedback bring it back to our Board for further discussion. (Vote 4-0)

Mr. Vinagro will check see that the Clerks name is added to the website if it isn't already there. Mr. Vinagro said at one time there was a Land Use Clerk and that job was taken over by the Code Enforcement Officer.

Mrs. Robbins went to the training and they stressed that you should never reply all to an email even if it's as simple as if you can attend a meeting.

Set Next Meeting Date

June 22, 2022, 7:00 if there are any applications

Adjournment

Mr. Frothingham made a motion, seconded by Mrs. Robbins, to adjourn the meeting at 8:17. (Vote 4-0)

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath, ZBA Secretary