



TOWN OF WAKEFIELD NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT  
MARCH 20, 2023  
HELD IN PERSON AND ON ZOOM  
Approved

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

**Others present:** Alternate Graham Baker, John Kenny, Fran Parisi, John Springer, Jack Hepburn via Zoom, Michelle Keating from Clearview TV.

**Pledge of Allegiance and call the meeting to order**

Chairman Stewart called the meeting to order at 7:00 and led those present in the flag salute.

**Seat Alternates as necessary**

Introductions were made.

**Public Hearings**

None

**Board Business**

**Whittier Communications, Inc. – Motion for Rehearing.**

Mr. Stewart said we are here tonight to address a motion for rehearing filed by Attorney Hepburn on behalf of Whittier Communications. We have received an opposition to the motion. The motion was for the decision that the Board made back in January on an appeal by Whittier regarding actions of the Planning Board. We had a hearing on whether Whittier had standing. Reviewing the four criteria on what standing entails out of very important court decisions we found that Whittier had not met it's burden achieving it's ability of having standing in order to file an appeal of the Planning Board's decision. The Board reviewed the four criteria and addressed the conditions. We found that Whittier had met one of the four criteria that had to do with participation. On the other three we found that Whittier had failed to meet its burden with a vote of 5-0 and the appeal was denied.

Mr. Stewart said that Whittier has asked for a rehearing. He has looked at the submittal from Whittier and does not see that they have offered any additional evidence or facts for consideration that would change his opinion. He asked each member to give their position. Mr. Frothingham responded that he agreed with Mr. Stewart and added that the Board took up each of the four criteria individually and voted on each separately. He feels the opposition was pretty clear. He sees no reason to change the vote. Mr. Crowell agrees. He said the Board looked

at all the evidence and all came up with the same conclusion. He sees no reason to change the decision. Mr. Baxter said he doesn't see any change from the last time we met. Mrs. DesRoches said she didn't see any new evidence to change her mind. She feels it's a rehash of what they originally presented without any new details. She sees no reason to change the Board's position on this matter. Mr. Stewart disagrees with Whittier's statement that our decision was unreasonable and unlawful.

**Mr. Frothingham made a motion, seconded by Mr. Crowell, to deny the motion for a rehearing. (5-0)**

Mr. Stewart said as a Board, we deny the motion for a rehearing and the matter is concluded.

Mr. Baker joined the Board at the table at 7:10

#### Approval of Rules of Procedure

Mr. Stewart suggested a slight modification of the rules of procedure by adding a section D to Article 3 in the index. Deleting the last line of section C of article 3 and adding a section D reading, "Participation when not designated as voting members, alternates, and regular members who are not sitting on an issue are encouraged to remain in the audience and listen and ask questions as a member of the community".

**Mr. Stewart made a motion, seconded by Mr. Frothingham to add in his suggested changes to the Rules of Procedure and republish the rules. (Vote 5-0)**

**Mr. Frothingham made a motion, seconded by Mr. Crowell, to approve the draft rules with the approved changes. (Vote 5-0)**

Mr. Vinagro will make the changes and publish as approved March 20, 2023.

#### Correspondence

Mr. Vinagro said the New Hampshire office of Planning and Zoning Spring 2023 Planning and Zoning Conference will be held as a free online conference on Saturday April 28<sup>th</sup> from 8:45am to 3:30pm. Mr. Vinagro was asked to send this out to all members and alternates.

#### Approval of Minutes

**Mr. Stewart made a motion, seconded by Mr. Baxter, to adopt the minutes of February 27, 2023. (Vote 4-0-1)**

#### Set Next Meeting Date

April 17, 2023.

#### Adjournment

**Mr. Frothingham made a motion, seconded by Mr. Crowell, to adjourn the meeting at 7:18. (Vote 5-0)**

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath, ZBA Secretary