



TOWN OF WAKEFIELD NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

APRIL 17, 2023

Approved

Don Stewart Chairman via Zoom	✓	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	✓		Public Hearing	✓
Robert Baxter	✓			

Others present: Bryan Berlind, Doug Stewart, Muhamed and Stephanie Cajdric and Michelle Keating from Clearview TV.

Mr. Frothingham opened the meeting at 7:00

Seat Alternates

Mr. Baker was seated for Mr. Crowell.

Public Hearing

Variance Application: submitted by Bryan Berlind, LLS, of Land Technical Service Corp., for property owned by Muhamed and Stephanie Cajdric, 29 Windy Point Road North, Wakefield, NH 03872, TM 40-48, to allow construction of an addition with a lower garage and carport. The applicants seek relief from the sideline setback requirements of 10'. They proposed a 5.4' setback to the roof dripline of the addition, and 4' to the nearest open carport corner. The applicants are seeking relief from Wakefield Zoning Ordinance, Article 3, Table 2, Minimum Setbacks, noted as 10' for a preexisting, nonconforming lot in the Residential II Shorefront Zone.

Mr. Berlind pointed out on the map where the property is located. The Cajdric's would like to build a 22'x 18.5' addition to the north side of their home for visual and architectural purposes. They proposed a 5.4' setback to the roof dripline of the addition, and 4' to the nearest open carport corner. This lot is 100' wide not the required 150'. If they placed the addition on the other side of the home which would require no variance, it would require a whole remodeling of the home and the added cost would make it unfeasible. They own property across the street but a restriction in the deed says it's not for building purposes.

He also had a letter of no objection from the Marrs Revocable Trust which he submitted tonight.

March 23, 2023

RE: Muhamed and Stephanie Cajdric property
29 Windy Point Road N
Sanbornville, NH 03872
Map 40 Lot 48

Dear Muhamed and Stephanie

I understand that you are interested in obtaining approval to build an addition to your home. As a portion (corner of the carport and corner of addition roof line) of this proposed work is less than 10 feet of our common property line (my property Map 40 Lot 47), it is my understanding that you need written permission concurring with the proposed project. For this purpose, I state that I have no objections to the proposed work.

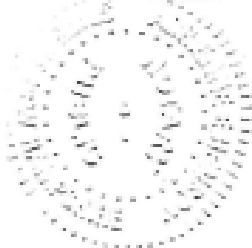
Sincerely,



DANIEL F MARRAS

Adrienne E. Henson
Notary Public
STATE OF NEW HAMPSHIRE
CITY OF STRAFFORD

ADRIENNE E HENSON
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
April 17, 2024



Mr. Berlind read the applicants answers to the 5 criteria:

1. The proposed use is an expansion and an improvement to an existing dwelling on a waterfront lot. Improving the existing condition to a better and more valuable use will not diminish surrounding Property values.

2. The proposed improvement will improve the aesthetics of the home and lot when viewed from the road. The real estate will increase in assessment, thus increasing town revenues. The proposed use is an expansion to a private residential use having no negative impact on the public interest.

3. It allows land owners to improve their living conditions and real estate on a valuable waterfront lot it allows landowners to have a garage and carport, thus better protecting their vehicular asset/s, The proposed use will better enable snow removal, snow storage, and vehicular parking. It allows a building expansion on a too narrow lot (per zoning ordinance) with challenging topography.

Per architect it allows a building expansion at the only side feasible.

4. The ordinance isn't intended to be punitive. It allows a building expansion on a pre-existing non-conforming lot only 100' wide where the ordinance demands 150' of width. It allows land owners to improve their living conditions and real estate on a valuable waterfront lot.

5. Per Architect's opinion, denial of the variance would render impossible the ability to add an addition with lower garage without a major overhaul of the existing house. A hardship exists because of a deed restriction stating the second parcel "may not be used for building purposes". A hardship exists because of the steep slopes of the lot. This proposal allows land owners to maximize their storage and parking spaces, to include snow storage. Denial of the proposal denies land owner's ability to improve their living condition in a practical and environmentally careful Way.

Mr. Vinagro said that the application was properly submitted, fees paid, notice run and abutters noticed.

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

Mr. Cajdric explained that the steepness of the driveway will be lessened by the slope being taken down by moving the addition. He said the slope is dangerous and there will be no slope because the garage will be right there. Mr. Baker said the abutters have no objection to the encroachment so he doesn't.

Mr. Frothingham asked if anyone would like to speak for the variance.

Mrs. Cajdric said the snow coming off the roof would be more of a problem if they didn't angle the addition. She has two college age children who are there part of the year and they need more room.

Mr. Frothingham asked if anyone would like to speak in opposition to the variance.

No comments.

Mr. Frothingham closed the Public Hearing at 7:19.

Mr. Baxter had a suggestion about alleviating the driveway slope. Mr. Cajdric reiterated that there won't be much of a slope when the project is complete. The driveway will be regraded and paved.

Mr. Frothingham read the five criteria:

1. The proposed use would not diminish surrounding property values.

Mr. Stewart made a motion, seconded by Mr. Baxter, that the applicant has met the burden on criteria 1. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

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

Mr. Stewart made a motion, seconded by Mr. Baxter, that the applicant has met the burden on criteria 2. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

3. Granting the variance would do substantial justice

Mr. Stewart made a motion, seconded by Mrs. DesRoches, that the applicant has met the burden on criteria 3. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

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

Mrs. Robbins made a motion, seconded by Mrs. DesRoches, that the applicant has met the burden on criteria 4. Roll call: Baker nay, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 4-1)

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

Mr. Stewart made a motion, seconded by Mrs. DesRoches, that the applicant has met the burden on criteria 5. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

Mrs. Robbins said she believes the uniqueness of this property is the woodlands.

Mr. Stewart made a motion, seconded by Mr. Baxter, to grant the variance. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

Board Business

Meeting day change

Mr. Stewart made a motion, seconded by Mrs. DesRoches, to change the meeting date from the third Monday of the month to the second Tuesday of the month. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

Approval of Rules of Procedure

Mr. Vinagro said last Wednesday he and Mr. Frothingham were to meet with the Selectmen about paying the fees to have decisions posted in the newspaper. A fee increase has to be approved by the Selectmen. The Selectmen cancelled that agenda item. Because there was no approval from the Selectmen the Rules of Procedure could not be published. It was determined that the Selectmen will not be agreeing to pay these fees. Article 5 page H6 on page 15 of the

Rules of Procedure; there is one line that says these decisions should be published in the newspaper.

Mr. Frothingham made a motion, seconded by Mrs. DesRoches, that we remove the line that says these decisions should be published in the newspaper from our rules. Roll call: Baker no, Baxter abstain, DesRoches aye, Stewart aye, Frothingham aye (Vote 3-1-1)

Correspondence

None

Approval of Minutes

Mr. Stewart made a motion, seconded by Mrs. DesRoches to approve the minutes of March 20, 2023. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 4-0-1)

Set Next Meeting Date

Tuesday May 9, 2023, if needed.

Mr. Frothingham made a motion, seconded by Mrs. DesRoches, that the next meeting, if needed, will take place on May 9, 2023. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

Mr. Stewart and Mr. Frothingham thanked Mr. Vinagro for attending tonight's meeting.

Adjournment

Mrs. DesRoches made a motion, seconded by Mr. Stewart, that we adjourn the meeting at 7:49. Roll call: Baker aye, Baxter aye, DesRoches aye, Stewart aye, Frothingham aye (Vote 5-0)

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath, ZBA Secretary