



TOWN OF WAKEFIELD, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
HELD IN THE SELECTMEN'S CONFERENCE ROOM
Monday, August 16, 2021
Approved

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

Alternates present for ZBZ meeting

Robert Baxter and Doug Stewart

Others present for the ZBA meeting

Susan H Pease, Jim Kelley, and Jim Miller with Clearview Community TV.

Pledge of Allegiance & Call the meeting to order

The meeting was called to order at 7:00. Introductions were made.

Seat Alternates as necessary

Alternate Natalie Kelley will sit in for Mrs. DesRoches.

Public Hearings

Variance Application: submitted by Robert Pease Jr. for property owned by Robert A and Susan H Pease, TM94 L78, Cove Road. The applicant is seeking an approval of a Variance Application from the Town of Wakefield Zoning Ordinance Article 3, Table 3-Density and Minimum Dimensional Requirements; Minimum Living Area Requirements for a Single Family Residence is 800 sq. ft. and the applicant would like to construct a Seasonal Residential Dwelling of 480 sq. ft.

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

Mrs. Robbins made a motion, seconded by Mr. Don Stewart to accept the application as complete and proceed with the Hearing. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

Mrs. Pease said the camp would be 20x24 and it would only be used seasonally. She then read the five criteria along with her answers:

1 . The proposed use would not diminish surrounding property values

There are already several properties within this neighborhood that do not meet current size requirements. Additionally, the existing camper, which does diminish surrounding property values would be replaced by a 400-600 square foot permanent structure.

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

In general, a smaller footprint in the vicinity of the lake combined with a shelter used only occasionally, would have a smaller impact on the environment. Indeed, Granting the variance would be in the public interest.

3. Granting the variance would do substantial justice

Prevailing timber prices are literally 200-300% above what they were just months ago. Land, construction, and development costs are rapidly putting ownership of vacation (and all) homes into the domain of only the well-to-do. Simple affordable and minimum-impact lifestyles should not be discouraged.

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

We can only imagine that the ordinance was intended, righteously, to make sure that families had a permanent year round adequate minimum living space, and that given the long dark days of harsh winters in this area, this ordinance is reasonable. Our intended use of this dwelling would preclude any such concerns since it would not be used year round.

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

Funds are scarce, future finances are uncertain and the state permits will expire perhaps before enough funds are accumulated to meet the 800 square foot minimum requirement.

Mr. Don Stewart asked Mrs. Pease if she had any information of what the cost would be for a 480 sq. ft. building versus an 800 sq. ft. building. She said the prices are all over the map based on the construction materials.

Chairman Frothingham opened up the Public Hearing at 7:09. There were no comments for or against the application.

Chairman Frothingham read the five criteria for the Board to discuss and vote on.

1 . The proposed use would not diminish surrounding property values

Mr. Vinagro said that there are grandfathered lots in that area that were preexisting prior to zoning that vary from 460-800 sq. ft. Mr. Frothingham feels that what they are proposing to do would improve the neighborhood not diminish it. Mrs. Robbins said there are six similar lots in that area so it's not unique. She also asked Mr. Vinagro if an 800 sq. ft. camp was built on that

lot would it meet all the setbacks. Mr. Vinagro said that is unknown as there isn't a plan. Mr. Frothingham said the necessary requirements could be met by adding a second floor.

Mr. Don Stewart made a motion, seconded by Mrs. Robbins to address each criteria one at a time and vote accordingly. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

Mr. Don Stewart made a motion, seconded by Mrs. Robbins that the conditions relative to Criteria number one have been met. Roll call vote: Mr. Crowell nay, Mrs. Robbins aye, Mrs. Kelley nay, Mr. Don Stewart nay, Mr. Frothingham aye (3-2)

Chairman Frothingham said all five criteria need to be met for the variance to be granted by the ZBA.

Mrs. Robbins made a motion, seconded by Mr. Don Stewart, to proceed with the rest of the criteria. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

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

Mr. Frothingham felt that this would be an improvement. The camper would be removed.

Mr. Frothingham made a motion, seconded by Mr. Don Stewart that Criteria number two has been met. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

3. Granting the variance would do substantial justice

Mrs. Pease said with costs of materials up 200-300% it's getting cost prohibited to have vacation homes. Mrs. Robbins said that the costs have actually dropped. They purchase lumber and the price has come down considerably. Mr. Frothingham said he would hate to think that a persons right to do something reasonable with his property is more available to the wealthy than the poor. He also feels that the 800 ft requirement may be excessive for people in a lake area who are using the dwelling seasonally. He asked Mr. Vinagro if the Planning Board might consider a different size requirement for a camp. Mr. Vinagro said they may want to look at it. Mrs. Robbins pointed out that there are cost savings in building a seasonal structure like heating system, insulation etc.

Mrs. Robbins made a motion, seconded by Mr. Don Stewart that Criteria number three has not been met. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham nay (4-1)

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

Mr. Frothingham said this is a seasonal use so it is not contrary to the spirit of the ordinance. Mr. Don Stewart feels that it is contrary.

Mr. Don Stewart made a motion, seconded by Mrs. Robbins to deny criteria 4. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham nay (4-1)

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

Mr. Frothingham believes making someone build a year round building when they wish to have a seasonal building is a hardship. Mr. Don Stewart's position is contrary to that. He said they have

to look at whether there is anything unique about the property that would not support an 800 sq. ft. building and the applicant has the opportunity to meet the town requirements.

Mr. Don Stewart made a motion, seconded by Mrs. Robbins to deny criteria 5. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

Mr. Frothingham said the applicant or any citizen, has 30 days to file an appeal of this decision. Chairman Frothingham closed the Public Hearing at 7:38.

Board Business

None

Correspondence

None

Meeting Minutes

Mr. Don Stewart made a motion, seconded by Mr. Crowell, to approve the minutes of May 17th. Roll call vote: Mr. Crowell aye, Mrs. Robbins abstain, Mrs. Kelley abstain, Mr. Don Stewart aye, Mr. Frothingham aye (3-0-2)

Adjournment

Mr. Don Stewart made a motion, seconded by Mrs. Robbins, to adjourn the meeting at 7:46. Roll call vote: Mr. Crowell aye, Mrs. Robbins aye, Mrs. Kelley aye, Mr. Don Stewart aye, Mr. Frothingham aye (5-0)

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath,
ZBA Secretary