



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
SANBORNVILLE, NEW HAMPSHIRE 03872
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
18 September 2017

Approved: 10/30/17

MEMBERS		ALTERNATES		OTHERS	
John Napekoski, Chairman	S H	George Frothingham	S H	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	S H
		Doug Stewart		Rick Sager, Town Counsel	
Ceily Arnone		Judi DesRoches	S H		
John Crowell	H	Don Stewart	S H	Site Walk Public Hearing	S H
Steve Brown	S H				

Also present were: Donna Martin videographer, David Flint, Barbara Marsh, Paul Marsh, Atty John Ratigan, Ted Wright from Norway Plains.

SITE WALK

1. Chair J Napekoski called the site walk to order at 6:30 pm. The site walk concluded at 6:37 pm after a viewing the site and the surrounding neighborhood.

CALL TO ORDER

2. Chair J Napekoski called the meeting to order at 7:00 pm following the pledge of allegiance. Don Stewart was seated the vacated seat (Sharon Theiling), George Frothingham was seated for Ceily Arnone. The members introduced themselves.

PUBLIC HEARING

3. **Variance Application**, submitted by Norway Plains Associates, for property owned by Daniel, Anna, & David Flint, located on Fellows Road, Tax Map 197, Lot 44. The applicants are requesting a variance from the Wakefield Zoning Ordinance, Article 3, Table 3, minimum lot size to allow a 3-lot subdivision of their parcel.
4. J Napekoski confirmed that the hearing was properly noticed in the newspaper and directly to the abutters. N Fogg confirmed that both had taken place.

Motion: To accept the Nardone Variance Application as complete.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 5-0

5. Surveyor Ted Wright described the plan as proposed. They need a variance from the ZBA to divide the property into 3 lots. All access will be from Fellows Road. Route 109 would not be a safe point for access. The parcel is surrounded by residential uses except the lot behind which is in the agricultural zoning district. The agricultural zone appears to be a leftover from before the Residential-II zoning district was added. The ZBA discussed split zone lots and would a Conditional Use and/or Special Exception be useful to help solve this issue. N Fogg believe that the spilt zone section of the zoning ordinance is for uses, not lot sizing.
6. Attorney John Ratigan reviewed the 5 criteria for the variance. To summarize the lots proposed are similar in size to the surrounding lots. The proposed variance does not change the character of the neighborhood, not does it jeopardize the health, safety, or welfare of the surrounding area. The owners are proposing to put restrictions in the deed restricting the minimum house size to 1,200 square feet and not allowing manufactured housing to be placed on the property.
7. J Napekoski opened the public hearing for input from the public. Paul Marsh asked what the definition of agricultural is in our zoning ordinance. N Fogg read the definition of the agricultural zone from the zoning ordinance. He is in favor of the variance with the restrictions suggested. Barbara Marsh noted that any concerns that she and her husband had prior to the site walks have been answered and she is in favor of granting the variance. Hearing no further public input the public input portion of the hearing was closed.
8. Criteria #1- The proposed use would not diminish surrounding property values.
9. J Napekoski read the applicant's response from the application. G Frothingham feels that the criteria have been met.

Motion: Criteria #1 have been met.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 5-0

10. Criteria #2- Granting the variance would not be contrary to the public interest.

11.J Napekoski read the applicant's response from the application. S Brown noted that the agricultural zoning being present on the lot was not a mistake, only an unfortunate remnant from the limits of previous zoning district boundaries.

Motion: The conditions for Criteria #2 have been met.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 5-0

12.Criteria #3- Granting the variance would do substantial justice.

13.J Napekoski read the applicant's response from the application. Again, this is not a mistake, but an odd leftover or remnant.

Motion: The conditions for Criteria #3 have been met.
Made by: George Frothingham
Seconded by: Don Stewart
Discussion: None
Vote: 5-0

14.Criteria #4- The use is not contrary to the spirit of the ordinance.

15.J Napekoski read the applicant's response from the application.

Motion: The conditions for Criteria #4 have been met.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 5-0

16.Criteria #5- Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.

17.J Napekoski read the applicant's response from the application. J Napekoski noted that in his opinion, he does not see the hardship, because the subdivision give the owner an opportunity to profit at the town's expense. Don Stewart and G Frothingham both feel that this is a hardship to the owner. S Brown noted that there was not a zoning mistake, merely an odd remnant leftover.

Motion: The conditions for Criteria #5 have been met.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None

Vote: 4-0-1, with J Napekoski abstaining.

18. The ZBA discussed the conditions previously offered by the owner's counsel.

Motion: To place a condition on the variance, including minimum building footprint of 1,200 square feet, as offered by the applicant.
Made by: George Frothingham
Seconded by: Don Stewart
Discussion: None
Vote: 4-1

Motion: To place a condition on the variance to exclude manufactured housing as a permanent residence on the property.
Made by: George Frothingham
Seconded by: Don Stewart
Discussion: None
Vote: 4-1

Motion: To grant the variance with the conditions listed above.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 5-0

19. J Napekoski noted that there is a 30-day appeal period.

APPROVAL OF MINUTES

20. Approval of August 21st were considered.

MOTION: To approve the minutes of the August 21st meeting.
Made by: John Napekoski
Seconded by: George Frothingham
Discussion: None
Vote: 5-0

21. Approval of May 15th were considered.

MOTION: To approve the minutes of the May 15th meeting.
Made by: John Napekoski
Seconded by: George Frothingham
Discussion: None
Vote: 3-0-2 w John Crowell and Steve Brown abstaining.

22. The minutes of December 19th were tabled until notes and video could be reviewed.

BOARD BUSINESS

23. J Napekoski read a letter of resignation from Ceily Arnone. She is moving to South Carolina.

MOTION: To accept the resignation of Ceily Arnone with regret and thank her for her service.
Made by: Steve Brown
Seconded by: John Napekoski
Discussion: None
Vote: 5-0

24. George Frothingham would like to be considered to become a regular member of the ZBA to fill out C Arnone's term.

MOTION: To recommend George Frothingham to the Board of Selectmen as a ZBA member to fill out Ceily Arnone's term.
Made by: John Napekoski
Seconded by: Steve Brown
Discussion: None
Vote: 4-0-1, with George Frothingham abstaining

SET MEETING DATE

25. October 16th will be the next meeting date. An application has been received.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:58 pm.
Made by: Steve Brown
Seconded by: George Frothingham
Discussion: None
Vote: 5-0

Respectfully submitted,
Nathan Fogg
Land Use Clerk