



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
30 October 2017

Draft: 10/31/17

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

Also present were: Donna Martin videographer, Greg Chase, Sarah Chase, Ted Jones, Norma Jones, Mike Kennedy, Donna Goldberg.

SITE WALKS

1. Chair J Napekoski called each site walk to order. No one was present at the Jones site walk. Mike Kennedy showed the group where he planned to place a garage and explained the usage of the right-of-way next to his parcel.

CALL TO ORDER

2. Chair J Napekoski called the meeting to order at 7:00 pm following the pledge of allegiance.

BOARD BUSINESS

3. J Napekoski asked the Chases to come forward. The letter from Randy Walker, representing the Gaudettes (abutters to the Chases) was distributed and read. The ZBA wanted to move ahead and would make sure to be very clear in their motions relating to the screening of the Chases garage.
4. The garage is 28 feet deep along the property line (and 32 feet wide.) 50 feet of screening to block the garage and boulders appears excessive. Boulder are not part of the garage and not subject to screening.

5. The Chases would like to put up a fence. The ZBA feels that planting arborvitae is more appropriate.
6. The ZBA discussed making several motions to make sure that the conditions are very clear. The ZBA also noted that the garage is only 4 or 5 feet closer to the line than is allowed and that the garage would be visible even if it were the required 10 feet off the property line.

MOTION: To require planting twelve (12) arborvitae along the side of the garage, including one ahead of the garage and one behind the garage.

Made by: George Frothingham

Seconded by: Don Stewart

Discussion: None

Vote: 3-0

MOTION: To require the plantings to be 3 feet to 5 feet apart depending on obstructions in the soil.

Made by: Don Stewart

Seconded by: John Napekoski

Discussion: None

Vote: 3-0

MOTION: To require the plantings are to be 5 feet in height on average.

Made by: Don Stewart

Seconded by: George Frothingham

Discussion: None

Vote: 3-0

MOTION: To require the arborvitae to be planted 2 feet off the property line.

Made by: George Frothingham

Seconded by: Don Stewart

Discussion: None

Vote: 3-0

MOTION: To require the plantings to be planted prior to June 30th 2018.

Made by: Don Stewart

Seconded by: John Napekoski

Discussion: None

Vote: 3-0

MOTION: The ZBA finds this to be sufficient screening for the Chases' garage.

Made by: George Frothingham

Seconded by: Don Stewart

Discussion: None
Vote: 3-0

PUBLIC HEARING

7. **Variance Application**, submitted by Theodore Jones, for property owned by Theodore & Norma Jones, located at 41 Olde Pine Road, Tax Map 81, Lot 37. The applicants are requesting a variance from the Wakefield Zoning Ordinance, Article 3, Table 2, minimum shoreline setback to allow a deck on the lakeside of their house.

The ZBA conducted a **Site Walk on Saturday, October 28th 2017, at 9:30am.**

8. J Napekoski informed the applicant that they are entitled to be heard by a full board of 5 members and asked if the applicant would like to proceed. The applicant agreed to be heard by the 3-member board present.
9. 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 Jones Variance Application as complete.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 3-0

10. Ted Jones explained that the two decks on the side of the house were once connected by a walkway. They added the deck along the front of the house in the spring of 2014 and their builder said that they were all set. The deck is closer than 30 feet to Pine River Pond.
11. The ZBA noted that deck was 8 feet wide, which would be allowed by the NH Department of Environmental Services. No one had complained about the deck, it was picked up by the Assessing Department earlier this year.

Motion: To grant the variance of the distance of the deck to the lake with the condition that the deck receive a building permit and be checked to make sure that it meets the building code and is safe.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 3-0

12. The applicant was informed that any aggrieved party can appeal this decision for a period of 30 days.

13. **Variance Application**, submitted by Michael Kennedy, for property owned by Michael Kennedy, located at 79 Wansor Road, Tax Map 108, Lot 20. The applicants are requesting a variance from the Wakefield Zoning Ordinance, Article 3, Table 2, minimum street setback to allow a garage to be added to their house.

The ZBA conduct a **Site Walk on Saturday, October 28th 2017, at 10:00am**. Mike Kennedy was present to show the members present where he planned to place the garage.

14. J Napekoski informed the applicant that they are entitled to be heard by a full board of 5 members and asked if the applicant would like to proceed. The applicant agreed to be heard by the 3-member board present.

15. 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 Kennedy Variance Application as complete.
Made by: George Frothingham
Seconded by: Don Stewart
Discussion: None
Vote: 3-0

16. Mike Kennedy explained that he had placed his house all the way to the right of his property back in 1988 to allow room for a future garage. He believed that he had planned properly, however was denied a building permit because of the distance to his sideline, which is actually a right-of-way line. The right-of-way setback is 20 feet and a sideline setback is 10 feet for a non-conforming parcel. He noted that parcels that used this right-of-way as access to the property have been absorbed by abutting properties and the right-of-way is only a walking path for back lots to get to the Lake Ivanhoe.

17. The ZBA agreed that this is now more like a sideline and that no benefit to the public is received by preventing MR Kennedy from building his garage as planned.

Motion: To grant the variance as requested and construct a garage as shown on the plan included with his application.
Made by: George Frothingham
Seconded by: Don Stewart
Discussion: None
Vote: 3-0

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

19. The ZBA recessed for several minutes and then resumed with Board Business.

APPROVAL OF MINUTES

20. Approval of September 18th were considered. Don Stewart noted errors in sections 9, 15, & 17 where "had not been met" needed to be changed to "have been met".

MOTION: To approve the minutes of the September 18th meeting with the corrections discussed.
Made by: Don Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 3-0

BOARD BUSINESS

21. J Napekoski asked if one of the members present would like to be vice-chair to chair the board in his absence. Both Don Stewart and George Frothingham noted that they would be willing.

MOTION: To elect Don Stewart to serve as vice-chair of the zoning board until next March.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 3-0

22. Don Stewart asked that we add notify applicants that it is recommended that the owner of their representative attend the site walk. It can be very helpful to have questions answered at the site walk while viewing the site. N Fogg will add that to the notice.

23. Don Stewart asked that J Napekoski share his 'cheat sheet' for running a meeting. J Napekoski noted that he took it directly from the Zoning Handbook. N Fogg will send the publication to all members.

24. The ZBA noted that they are down to two alternates. N Fogg will place a notice on the Town's website.

SET MEETING DATE

25. November 20th will be the next meeting date.

ADJOURNMENT

MOTION:	To adjourn the meeting at 8:07 pm.
Made by:	Don Stewart
Seconded by:	John Napekoski
Discussion:	None
Vote:	3-0

Respectfully submitted,
Nathan Fogg
Land Use Clerk