



## TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

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### **ZBA SITE WALK 03/23/20- HARRISON FAMILY LIVING** **TRUST AT 1090 LORD ROAD.** **APPROVED**

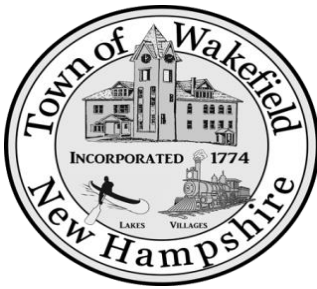
Site walk started at 6:15pm. Present at the site walk; Victor Vinagro, Don Stewart, Doug Stewart, George Frothingham, and James Rines from White Mountain Survey and engineering, inc.

The meeting started with Doug Stewart asking for James to explain the site plan to the ZBA. James stated that the project is too lift the house in order to Add a full basement, adding a larger entry porch with roof on the east side of the home to prevent roof runoff. On the west side of the home they would be slightly expanding deck. They will also be removing impervious patio and walkways returning it back pervious. The plans also show stormwater management by adding dripline trenches around the house. There will be a state approved septic system installed.

The board ask James to address the areas that needed relief. The westerly porch will be moved slightly further from the water but slightly closer to the sideline setback. The easterly porch will be increased (40 s.f.) in size in order to get a roof on for the entryway resulting in a slight decrease to the water setback (22.6 feet to 22.3 feet.) James took the board to lakeside of the house to explain the roof lines and to show the board the areas of concrete to be removed and restored to pervious.

The board ended the site walk at 6:30 pm and returned to the Town Hall for the Hearing.

Vmv



**TOWN OF WAKEFIELD, NEW HAMPSHIRE**  
**ZONING BOARD OF ADJUSTMENT**  
Monday, March 23, 2020

APPROVED

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

**Others present for the ZBA meeting**

James Rines and Clearview Community TV.

**Pledge of Allegiance & Call the meeting to order**

The meeting was called to order at 7:00.

**Seat Alternates as necessary**

Mr. Doug Stewart was seated for an absent member.

**Public Hearings**

**Variance Application submitted by James Rines for property owned by the Harrison Family Living Trust, Robert and Laura Harrison, Trustees, TM 67 Lot 50, 190 Lord Road. The applicant is seeking an approval of a variance application from the Town of Wakefield Zoning Ordinance Article 3, Table 2, Minimum Setbacks. The applicant is seeking relief of a sideline setback and a shoreland setback.**

Mr. Vinagro stated that the fees have been paid, the abutters have been notified, the public notice has run.

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, to accept the application. (Vote 4-0)**

Mr. Don Stewart suggested asking Mr. Rines if he wished to proceed with the four members present, it does constitute a quorum. Mr. Rines answered in the affirmative. Mr. Rines went on to say the lot has 111 feet on Pine River Pond. He pointed out on the map the existing conditions and the proposed conditions. The lot has 76.59 feet of road frontage on Lord Road. It is an existing non-conforming lot with an existing non-conforming structure. The structure is only 1.5 feet from one of the boundary lines and 9.9 feet from the other boundary line. They are planning to reconfigure the porch so that it is actually 2/10 of a foot further away from the water but will be 8/10 of a foot closer to the sideline. However, it will still be much further from then the 1.9 foot violation. They are also proposing an

expansion of the porch along the gable side of the home which will be fully compliant with the sideline setback. But it will be 3/10 of a foot closer to the water. The house will be lifted 2 feet vertically and be set on a new foundation. They are proposing stormwater mitigation where none presently exists around the eaves. There is currently a pre-1967 septic system that will be replaced and will be in chambers and placed below the existing driveway.

The Board will vote individually on each of the Criteria.

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

Mr. Rines said the changes would improve the water quality. Surface water and ground water would be improved by infiltration and the new septic system. The improvements increase the property value and do not diminish the surrounding property values. Mr. Don Stewart asked how much the reduction in impervious surface would be. Mr. Rines said it will be reduced by 113 square feet or 1.2%. Mr. Doug Stewart asked about the septic system and Mr. Rines explained how it works. He also confirmed there would be no changes to the driveway or right of way. He said the neighbors did not have a deeded right of way.

**Mr. Don Stewart made a motion, seconded by Mr. Crowell, that the applicant has met the conditions of criteria one. (Vote 4-0)**

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

Mr. Rines said lifting the home two feet higher and making the minor additions wouldn't violate the zoning objectives.

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, that the applicant through the requested variance would not alter the essential character of the neighborhood as it is a non-conforming structure on a non-conforming lot. (Vote 4-0)**

**3. Granting the variance would do substantial justice**

Mr. Rines said he feels by being allowed to do these improvements that substantial justice is done.

**Mr. Don Stewart made a motion, seconded by Mr. Crowell, that the applicant has met the third condition in that the variance would do substantial justice particularly with their stormwater management, insulation and sewerage disposal system. (Vote 4-0)**

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

Mr. Rines stated they will not be altering the essential character of the neighborhood nor threatening the public health and safety.

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, that the applicant has met the fourth condition in that granting the variance will not alter the essential characteristic of the neighborhood or would threaten the public health, safety or welfare of that area. (Vote 4-0)**

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

Mr. Rines said this is a non-conforming lot and the smallest lot in the subdivision. When it was developed it was developed closer to the shoreline than is permitted today and those are the special circumstances that distinguish this property from the others in the subdivision. Mr. Rines looked at the purpose of the ordinance and feels granting the relief will actually be consistent with the ordinance.

**Mr. Don Stewart made a motion, seconded by Mr. Crowell, that the applicant has met the conditions of item number five. (Vote 4-0)**

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, that the Zoning Board of Adjustment grant the variance to the applicant for all conditions. (Vote 4-0)**

## **Board Business**

### **Approval of Minutes of November 18, 2019**

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, to approve the minutes of November 18<sup>th</sup> with one spelling correction. (Vote 2-0)**

### **Election of Officers and Membership Renewal**

**Mr. Doug Stewart made a motion, seconded by Mr. Crowell, to appoint Mr. Frothingham Chairman and Mr. Don Stewart Vice-Chairman. (Vote 2-0-2)**

### **Correspondence**

Mr. Vinagro said there will be a request for a variance next month for the Garvin Building owned by the MacArthur's.

### **Set Next Meeting Date**

Monday April 20th.

## **Board Business**

Mr. Frothingham received a message from Annie Robbins asking if people could participate in the meetings via video. He suggested that the Board take the request under advisement and discuss it at their next meeting. The Board concurred.

### **Adjournment**

**Mr. Don Stewart made a motion, seconded by Mr. Doug Stewart, to adjourn the meeting at 7:30. (Vote 4-0)**

Respectfully submitted for approval at the next ZBA meeting,

Priscilla Colbath, ZBA Secretary

