



**TOWN OF WAKEFIELD, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT**

2 High Street  
Sanbornville, New Hampshire 03872  
Telephone: (603)522-6205 Fax: (603)522-2295

**MINUTES OF THE PUBLIC MEETING  
20 May 2013**

Approved  
18 November 2013

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Chairman	X	Sharon Theiling	X	W David Stephen, Building Insp	
George Frothingham, Vice Chairman	X	John Napekoski	X	Nathan Fogg, Land Use Clerk	X
Cecille Arnone	X	Steve Brown			
Judy Sjostrom	X				
John Crowell	X				

Also present were: Toni Sanborn, Steven Sanborn, Peg Crawford, Hugh Crawford, Deb White, Jim White, Cheri Schlenker, Barry Ellis, Janet Gagnon.

SITE WALK

The ZBA met at the site at 6:30pm. The Board was lead around the exterior of the building by Jim & Deb White. Property corners were located, parking behind the building was reviewed, the Boundary Line Adjustment between the subject parcel and the parcel to the south was reviewed, and existing exterior entrances for the second floor noted. The site walk ended by 6:40pm.

PUBLIC MEETING

Chairman Frothingham called the meeting to order at 6:45pm following the Pledge of Allegiance.

BOARD REORGANIZATION

G Frothingham noted that it was time to elect new officers.

MOTION: To nominate Doug Stewart as the Chair of the ZBA.  
 Made By: G Frothingham  
 Seconded By: C Arnone  
 Discussion: None  
 Vote: 5-0 in favor of the motion

G Frothingham turned over the meeting to Doug Stewart.

MOTION: To nominate George Frothingham as the Vice Chair of the ZBA.  
Made By: J Sjostrom  
Seconded By: C Arnone  
Discussion: None  
Vote: 5-0 in favor of the motion

Chairman Stewart noted that he would resign as a member of the ZBA and ask to sign up as an alternate to the board. He is busy with other positions and would like to free up a position on the board to allow a current alternate to become a member.

Vice Chair Frothingham also noted that he would also like to step down and become an alternate to free up a seat on the ZBA for an alternate to become a board member.

C Arnone noted that she has also been on the board a long time, however she misses many meetings which gives alternates a chance to fill in on the board.

Sharon and John both indicated interest in becoming ZBA members. The board can make a recommendation to put forth to the selectmen at their next meeting. It was noted that any board member can be the chair or vice chair regardless of their length of time on the board.

### BOARD INTRODUCTION

Members of the Board introduced themselves to the audience.

Chairman Stewart reviewed the procedure that would be followed for the public hearing.

### PUBLIC HEARINGS

Variance Application for James W White, on property owned by H & M Magilacutty LLC, located at 26 High Street. The variance is to allow the second floor of the building to be converted from a single residential rental unit back to two residential rental units.

MOTION: To accept the application as complete.  
Made By: Ceily Arnone  
Seconded By: Judy Sjostrom  
Discussion: None  
Vote: 5-0 in favor of the motion

Mr White came forward and presented the Board with copies of an updated floor plan. Mr White reviewed his family's long history in Wakefield.

Ms White has long been involved with crafting, home accent, and those types of businesses. She would like to open this type of business on the first floor of the building, but they would need two residential units on the second floor to make this type of venture feasible.

Peg Crawford is the current owner. Her daughter had a shop on the first floor and combined the two units into one owner-occupied unit about 7 or 8 years ago. Prior to that date the second floor had been two units for approximately 100 years. The building has always had 2 separate entrances to the second floor.

Chairman Stewart noted that converting the building back to two second floors units was what the ZBA was reviewing. The Building and Life Safety Codes would need to be reviewed by the Building Inspector through the building permit process.

It was noted that since the second floor of the building been a 2-unit for the vast majority of its history, that it was a reasonable use of the property. Also it was obvious that there were two existing entrances for the second floor.

Mr White noted that there are still obvious signs inside the building showing that the second floor was once two units. If the Variance is approved, they look forward to opening a shop in town and becoming part of the downtown business area.

Mr White noted that the parking for the apartments would be behind the building and that the shop parking would be on the road and in the parking area in front of the building. The back of the building is gravel and cleaning up the brush would allow ample space for on-site parking.

It was noted that the previous business closed in November 2011. As long as a similar business opens within two years no new Site Plan approval would likely be required.

The subject of minimum dwelling square footage was discussed. Vice Chair Frothingham noted that he felt that approving the Variance also approved the proposed square footage presented by Me White. The rest of the Board was in agreement.

Chairman Stewart asked if the Board had any more comments or questions for the applicant. There were none.

The Public Comment section was opened. High Crawford, co-owner of the property, spoke in favor of the application. He noted that the existing bathrooms are the same ones that existed when there were two units upstairs. Toni Sanborn wanted to clarify

that the Whites would be running a business on the first floor and would rent out the two units on the second floor. The Whites confirmed that statement.

There were no further comments for the application. There were no public comments against the application.

Chairman Stewart closed the Public Comment portion of the Hearing.

Chairman Stewart asked if the Board had any further comments or questions. Ms Arnone noted that she thought the application was a good idea.

Chairman Stewart noted the five criteria that needed to be met in order to approve the Variance. The applicant's responses for the five criteria were accepted as reasonable.

MOTION: That the ZBA has considered and feel that the five criteria have been met and therefore the Variance be granted for this application.

Made By: George Frothingham  
Seconded By: Ceily Arnone  
Discussion: None  
Vote: 5-0 in favor of the motion

The Chair asked if there were any conditions to be placed on the Variance. There were none and the Board agreed that the square footage of the units as presented by Mr White was covered by the Variance.

The Applicant will receive a Notice of Decision within five business days. Any party aggrieved by the Board's decision has up to 30 days from the Notice of Decision to file an appeal. Mr White was cautioned that moving ahead before the 30 day appeal period had lapsed would be at his own risk.

## OTHER BUSINESS

1. The Board reviewed a letter in the file from Attorney Hawthorne with regard to the Silcocks' case heard back in October 2012 asking when the clock for the Salvage Yard begins. The board discussed the issue and agreed that the 10-year period for cleaning up the salvage operation started on 15 October 2012, the date the Variance was granted.

MOTION: That the clock for the 10-year salvage yard started upon the date of the ZBA Notice of Decision.

Made By: Doug Stewart  
Seconded By: George Frothingham  
Discussion: None  
Vote: 5-0 in favor of the motion

Mr Fogg will send a response to Attorney Hawthorne's letter.

2. Mr Stewart read a letter from Gerry & Beth Luke thanking the Board for the approval of their application and apologizing for their mistake that caused the problem in the first place. They look forward to many happy years living in town.

### APPROVAL OF MINUTES

1. Silcocks, 15 October 2012. The Board discussed who was responsible for the cleanup of the Salvage Yard. David Silcocks appears to have some arrangement with the owner, but ultimately the responsibility falls on the owner of the property. These minutes were not previously approved because Don Silcocks name was not listed as attending the site walk. His name has now been added.

MOTION: To approve the 15 October 2012 minutes as amended.  
Made By: George Frothingham  
Seconded By: Judy Sjostrom  
Discussion: None  
Vote: 4-0-1 in favor of the motion

2. Silcocks Appeal, 26 November 2012.

MOTION: To approve the 26 November 2012 minutes as printed.  
Made By: Judy Sjostrom  
Seconded By: George Frothingham  
Discussion: None  
Vote: 4-0-1 in favor of the motion

### ADJOURNMENT

MOTION: To adjourn the meeting at 7:45 pm  
Made by: Judy Sjostrom  
Seconded by: Ceily Arnone  
Discussion: None  
Vote: 5-0 in favor of the motion

Respectfully submitted,  
Nathan Fogg  
Town of Wakefield NH  
Land Use Clerk