



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

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SANBORNVILLE, NEW HAMPSHIRE 03872
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
17 March 2014

Approved
13 May 2014

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Chairman	X	Sharon Theiling	X	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	X
George Frothingham, Vice Chairman	X	John Napekoski	X		
Cecille Arnone		Steve Brown	X		
Judy Sjostrom	X				
John Crowell	X				

Also present were: Rob Ward (videographer), Dennis Tyler, Gary Stevens, Roberta Stevens, John Meader, and Sharon Meader

Chairman Stewart called the meeting to order at 7:00 pm following the pledge of allegiance in the Opera House.

The board members introduced themselves. Sharon Theiling and John Napekoski were seated for members C Arnone and J Crowell (John Crowell was present, however, stepped aside so that the same members could take action on the Motion for Rehearing.)

PUBLIC HEARING

1. None.

BOARD BUSINESS

2. **Motion For Rehearing** concerning the ZBA's 1/20/14 decision of the Steven's Appeal of Administrative Decision. D Stewart noted that this was a ZBA matter, that this was not a public hearing, and that it would be discussed as part of the ZBA's regular meeting.
3. G Frothingham has reviewed the Motion for Rehearing. He found no new evidence in the motion and all the points made in their motion were discussed and considered at the public hearing on January 20th. He more recently received the Meaders' Objection and found the conclusions reached by the Meaders' attorney to be similar to his conclusions
4. S Theiling is not anti-business; however, this is not the right place for this business. This would open a can of worms in town. She feels that we should consider the ZBA decision.

5. J Napekoski noted that the decision that was previously considered was whether or not the PB had overstepped their bounds in their interpretation of the Boat and Marine Craft Dealer definition. He is confining his comments and decision to just the question before the ZBA tonight. He does not believe that there is any new reason presented to reconsider the ZBA's 1/20/14 decision.
6. S Theiling believes that this should have gone back to the PB for reconsideration.
7. G Frothingham noted that while may agree with many points that S Theiling has made, the question before the ZBA tonight is whether or not any new evidence was presented or any previous evidence shown to be not considered at their 1/20/14 public hearing. Whether or not the PB made the correct decision is not the question before the board tonight. The use is allowed by the Zoning Ordinance. Whether or not any of the ZBA agrees with that particular use being allowed in that Zoning District is not being debated by the ZBA. In fact removing those uses from the R-III zone was put before the voters at the March election and was voted down.
8. S Theiling & D Stewart both noted that many voters rely on the recommendation of the PB noted on the warrant articles. Members agreed.
9. J Sjostrom did not find that the PB overstepped their bounds and the ZBA found that there was no reason to overturn the PB decision. She also finds no new reason for the ZBA to grant a re-hearing.
10. D Stewart agreed with J Sjostrom. He noted that he voted against denying the ZBA Appeal. He also stated that after reviewing the Motion for Rehearing, he found no new information that would justify a rehearing of the case and doubts that a rehearing would yield a different result. He noted that if the case went forward to Superior Court that there might be merit to the retail sales portion of the PB approval.
11. Discussion regarding whether and where retail sales are allowed and the fact that Boat and Marine Craft Dealer is not defined in our Zoning Ordinance and that was part of the reason that this case was brought forward to the ZBA.
12. D Stewart asked if someone would be willing to make a motion.

MOTION: To deny the Motion for a Rehearing.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 4-1 in favor of the motion. S Theiling voting against.

13. N Fogg will send a Notice of Decision to the Stevens.

APPROVAL OF MINUTES

MOTION: To approve the minutes from November 18th as amended.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 5-0 in favor of the motion.

MOTION: To approve the minutes from January 18th.
Made by: Doug Stewart
Seconded by: George Frothingham
Discussion: None
Vote: 5-0 in favor of the motion.

MOTION: To approve the minutes from January 20th.
Made by: George Frothingham
Seconded by: Sharon Theiling
Discussion: None
Vote: 5-0 in favor of the motion.

BOARD BUSINESS

14. D Stewart noted that he had emailed S Brown regarding participation of alternate members during public hearings. Currently, as in the past, alternates are regarded as members of the public and have full discussion capabilities until the public input portion of a hearing is closed and the case deliberated. Alternates are allowed to sit at the table and there are usually name tags distinguish who are members and who are alternates.
15. S Brown questioned if that policy was in writing anywhere. N Fogg could not quote any RSA regarding alternates deliberating. N Fogg will send along the email address to NHMA Legal Inquiries to the members. S Brown noted that the PB does not follow that procedure.
16. S Brown noted that deliberation can lead to additional questions. G Frothingham noted that he has re-opened public input at past hearings to get additional input from applicants, alternates, and the public.
17. N Fogg asked if any members or alternates were up for re-nomination.
18. D Stewart & G Frothingham noted that they had discussed stepping down to alternate positions and allowing alternates to become members. S Theiling & J Napekoski are both willing to assume roles as members. They are the 2 longest serving alternates.
19. N Fogg said that he would have the forms filled out and ready to be signed on Tuesday. D Stewart & G Frothingham will plan to attend the next Selectmen's meeting to explain the wholesale changes to the ZBA. J Sjostrom will finish out her term on the ZBA. J Crowell wants to be re-nominated as a member.

MOTION: To re-nominate J Crowell as a member, S Brown as an alternate, nominate S Theiling and J Napekoski as members, and D Stewart and G Frothingham as alternates.
Made by: Judy Sjostrom
Seconded by: George Frothingham
Discussion: None
Vote: 5-0 in favor of the motion.

ADJOURNMENT

MOTION: To adjourn the meeting.
Made by: George Frothingham
Seconded by: John Napekoski
Discussion: None
Vote: 5-0 in favor of the motion.

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