



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 August 2014

Approved
15 September 2014

MEMBERS		ALTERNATES		OTHERS	
John Napekoski, Chairman	X	George Frothingham	X	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	X
Sharon Theiling, Vice Chairman		Doug Stewart	X		
Ceily Arnone	X	Steve Brown	X		
Judy Sjostrom	X				
John Crowell	X *			*Not at site walk	

Also present were: Donna Martin (videographer), Chris McKay, Ashley McKay, Ron McKay (site walk only), Kathy McKay (site walk only)

SITE WALK

1. The ZBA viewed the site at 387 Acton Ridge Road. J Napekoski called the meeting to order at 6:35. The ZBA noticed the residence under construction, cemetery and discussed setbacks, including: street (50'); side (20'); wetland (30'); and cemetery (25'). J Napekoski dismissed the site walk at 6:40pm.

ZBA MEETING

2. J Napekoski called the meeting to order at 7:00 pm following the pledge of allegiance and explained the order of the proceedings. The ZBA introduced themselves and S Brown was seated for S Theiling.

PUBLIC HEARING

3. J Napekoski opened the public hearing for Christopher & Ashley McKay, TM 108-16 for an Equitable Waiver for the street setback and asked if the application was complete. N Fogg confirmed that there was a complete application package and the case could move forward.

MOTION: To accept the McKay Equitable Waiver Application.
Made by: Steve Brown
Seconded by: Ceily Arnone
Discussion: None.
Vote: 5-0 in favor of the motion.

4. J Napekoski asked if the applicants were prepared to move forward with their application. Chris McKay confirmed that they were.
5. Mr McKay proceeded to explain that through an honest mistake, the house was placed about a half-foot into the street setback (50'). He asked if the setback could be reduced to 35 feet to allow for a porch/deck/entryway on the front of the house. He noted that the lot had recently been adjusted to become a conforming lot and that had they not adjusted the lot the front setback would have been only 25 feet.
6. S Brown asked if stating that they were asking for a reduction to the flag lot street setback on the application could possibly be setting a precedent for future applications. After some discussion, it was agreed to strike the last line from section "D" of the application and just reduce the front setback to what was required to correct the mistake.
7. The ZBA considered reducing the front setback to 35 feet to accommodate a front porch. G Frothingham noted that an equitable waiver could only fix an existing problem. J Napekoski reviewed the state statues and concurred. After a discussion the ZBA was in agreement that they could only reduce the front setback to 46 feet to accommodate the error and account for the front roof overhang. If they needed a further reduction for an entryway, porch, or deck, the McKay's would have to return for a variance. It was noted that the current zoning ordinance specifically excludes steps from setbacks.

MOTION: To approve the Equitable Waiver, reducing the front setback to 46 feet to the roof overhang.
Made by: Ceily Arnone
Seconded by: John Napekoski
Discussion: None.
Vote: 5-0 in favor of the motion.

8. J Napekoski noted that there was a 30-day appeal period and that a Notice of Decision would be sent out this week. Chris McKay asked if the bank would have to wait until the 30-day appeal period had expired. It was noted that was up to the bank. Mr McKay asked that the NOD be emailed to him. N Fogg confirmed that he had Mr McKay's email address.

BOARD BUSINESS

9. N Fogg noted that Judith DesRoches has expressed an interest in becoming an alternate to the ZBA. She was unable to attend tonight's meeting but would try to be at the next ZBA meeting to meet the board and ask for the ZBA to nominate her to the Board of Selectmen for appointment. N Fogg noted that Judith is the wife of Dick DesRoches who is a planning board member.

APPROVAL OF MINUTES

10. May 13th & May 19th were presented for approval.

MOTION: To approve the minutes of the May 13th meeting as written.

Made by: Judy Sjostrom
Seconded by: John Napekoski
Discussion: None.
Vote: 3-0-2 in favor of the motion, with C Arnone and S Brown abstaining.

MOTION: To approve the minutes of the May 19th meeting as written.
Made by: Steve Brown
Seconded by: Ceily Arnone
Discussion: None.
Vote: 5-0 in favor of the motion.

ADJOURNMENT

MOTION: To adjourn the meeting at 7:32pm.
Made by: Steve Brown
Seconded by: Judy Sjostrom
Discussion: None
Vote: 5-0 in favor of the motion.

RECONVENEMENT

11. C Arnone asked for the ZBA to consider waiving the application fee for the McKay's if they decide to come back for a variance. N Fogg noted that the application fee could be waived; however the newspaper and abutter notification fees could not be waived because they were actual expenses.

MOTION: To waive the application fee when and if the McKay's come back to the ZBA for a variance.
Made by: Judy Sjostrom
Seconded by: Ceily Arnone
Discussion: None.
Vote: 5-0 in favor of the motion.

ADJOURNMENT

MOTION: To adjourn the meeting at 7:35pm.
Made by: Steve Brown
Seconded by: Judy Sjostrom
Discussion: None
Vote: 5-0 in favor of the motion.

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