



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  
15 September 2014

Approved  
15 December 2014

MEMBERS		ALTERNATES		OTHERS	
John Napekoski, Chairman	X	George Frothingham	X	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	X
Sharon Theiling, Vice Chairman	X	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), Mary MacKillop, Jeff Dugas, Judy DesRoches (meeting only), and Connie Twombly (Selectmen's Rep, meeting only)

**SITE WALK**

1. The ZBA viewed the site at 52 Garney Road. J Napekoski called the meeting to order at 6:30pm. The ZBA noticed the existing residence and its proximity to the stream and stone wall (which was previously a portion of a mill dam. Jeff Dugas noted how the additional to the building would be located and that it would be built on piers. The only setback in question was the wetland setback to the stream. J Napekoski dismissed the site walk at 6:44pm.

**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 to everyone present.

**PUBLIC HEARING**

3. J Napekoski opened the public hearing for Travis MacKillop (who was represented by Mary MacKillop), TM 134-1 for a Variance to the wetland setback and asked if the application was complete. N Fogg confirmed that there was a complete application package that had been properly noticed and that the case could move forward.
4. Judy Sjostrom, Sharon Theiling, and Ceily noted that they knew Mary MacKillop. Neither member had any reservation about hearing the case nor any financial gain based upon the outcome of the case. D Stewart noted that in a class he had taken several years ago it was noted that in small towns it is not uncommon for a member to know an applicant, however, unless they cannot be impartial or have a financial tie to the outcome of a case they do not

need to recuse themselves. The members felt that they could be impartial and none recused themselves.

**MOTION:** To accept the MacKillop Variance Application.  
**Made by:** Ceily Arnone  
**Seconded by:** Judy Sjostrom  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

5. J Napekoski asked if the applicants were prepared to move forward with their application. Mary MacKillop noted that she was as prepared as she could be.
6. Mary MacKillop read and discussed the points made in the letter attached to application. She noted that they would like to make the 'cabin' a conforming structure of 930 square feet. The brook wraps around the building and together with the remnants of the dam almost encircles the house. She mentioned that they would be willing to add a dripline trench to infiltrate the roof runoff to minimize the overland flow to the brook. This is a good reason for a variance. It helps an existing situation; it doesn't impact any neighbors, or do any harm.
7. J Napekoski opened the hearing for public input. G Frothingham noted that he is an alternate. He has studied the application thoroughly. He feels that they meet all of the criteria and is in favor of the application being approved. No one spoke against the application and J Napekoski closed the public input portion of the hearing.
8. N Fogg noted that in the Zoning Ordinance, Article 3, Table 2 (Minimum Setbacks), footnote 8 states that the wetland setback may be reduced by the Planning Board, but in no case to less than the applicable street, side, or rear setback upon showing that additional runoff to the wetland will not occur. This is a non-conforming parcel due to street frontage and therefore the side setback is 10 feet and they are willing to install a dripline trench to infiltrate the runoff from the roof. He does not feel that it is any kind of stretch for the ZBA to allow the reduction of the wetland setback.
9. J Sjostrom asked about the NHEC easement. NHES stands for New Hampshire Electric Coop. The power lines run through this property rather than down the road and would not be impacted by this variance.
10. J Napekoski asked if the ZBA wanted to address the 5 criteria separately or as a whole.

**MOTION:** To consider the 5 criteria as a whole rather than individually.  
**Made by:** Ceily Arnone  
**Seconded by:** Sharon Theiling  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

11. The ZBA noted that they felt that the 5 criteria were adequately addressed by Mary MacKillop's letter submitted with the application.

**MOTION:** To approve the Variance for the reduced wetland setback based upon the sketch by John Knight, dated 8/20/2014.  
**Made by:** Ceily Arnone  
**Seconded by:** John Crowell  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

12. J Napekoski asked if there were any conditions of approval to be considered. N Fogg noted that there should be a condition to require a dripline trench as part of the approval.

**MOTION:** To require a dripline trench under the eve of the proposed addition.  
**Made by:** John Napekoski  
**Seconded by:** Ceily Arnone  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

13. J Napekoski noted that the variance application had been approved and that any aggrieved party had 30 days to appeal the variance approval.

### **BOARD BUSINESS**

14. N Fogg noted that Judith DesRoches was in attendance and has expressed an interest in becoming an alternate to the ZBA. N Fogg noted that Judith is the wife of Dick DesRoches who is a planning board member. She noted that her reason for becoming a ZBA alternate was because she has lived in town full time for 9 years, she wants to be involved, and does not want to run for public office. The ZBA felt that she would find the position interesting. She has discussed land use issues with her husband who sits on the planning board. The members mentioned that there are training opportunities available. N Fogg mentioned that there may be an opportunity in November and there is usually a training day in May.

15. C Twombly noted that she does not need to write a letter to the selectboard, only submit a nomination form. N Fogg noted that he had the form filled out for Judy to sign if she was willing to serve.

**MOTION:** To recommend Judy DesRoches to the Board of Selectmen as an alternate to the ZBA.  
**Made by:** Judy Sjostrom  
**Seconded by:** Sharon Theiling  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

16. N Fogg noted that if there were any suggestions for the budget, budget season has begun.

### **APPROVAL OF MINUTES**

17. August 18<sup>th</sup> were presented for approval.

**MOTION:** To approve the minutes of the August 18<sup>th</sup> meeting as written.

**Made by:** Sharon Theiling  
**Seconded by:** Ceily Arnone  
**Discussion:** None.  
**Vote:** 5-0 in favor of the motion.

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 7:28pm.  
**Made by:** Ceily Arnone  
**Seconded by:** Sharon Theiling  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

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