



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
27 June 2016

Approved 21 November 2016

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	Rick Sager, Town Counsel	X
Ceily Arnone		Judi DesRoches	X		
John Crowell		Don Stewart	X		
Steve Brown	X				

Also present were: Donna Martin (videographer), Tom Beeler (Granite State News), Connie Twombly, Phil Twombly, Annette Perry, & Paul Bauer (Sanbornville DG Attorney.)

CALL TO ORDER

1. J Napekoski called the meeting to order at 7:01 pm following the pledge of allegiance. Alternates Doug Stewart and Judi DesRoches were seated for members Ceily Arnone and John Crowell.

PUBLIC HEARINGS

2. None.

BOARD BUSINESS

3. J Napekoski asked Attorney Sager to discuss the Motion for Rehearing process. Attorney Sager noted that the Motion for Rehearing allowed for two things to occur: first, it allowed for the ZBA to conduct a rehearing to correct any part of their decision, and secondly it defines the issues for an appeal to the courts.
4. Three issues were raised by the motion: first, that the members were biased because of the strong public outcry against the project, secondly, the ZBA should have stuck with N Fogg's (Code Enforcement Officer) determination that the 70 feet only applied to the building along one frontage, and thirdly, they appealed the denial of the variance.
5. J Napekoski noted that based upon the Zoning Ordinance's Article 3, Table 3, and the definition of Building Width (also in the Zoning Ordinance) the ZBA disagreed with N Fogg's determination

and that the 70 feet limit applies to all road frontages. This opinion agreed with the PB, the Planning Consultant, and the Town Attorney. The fact that the applicant filed a variance along with the appeal of administrative decision showed that they understood the likely outcome of the appeal of administrative decision. In an effort to provide a fair and unbiased hearing, the ZBA did not consider the existing structure and focused solely on the issue of 70 feet along Forest Street.

6. At the hearing, J Napekoski asked if Sanbornville DG had any evidence to support their claim that surrounding property values would not be affected by the 130 foot building. No evidence was provided, therefore the ZBA members were left to their own judgement. His concern is that the residential homes along Forest Street will be impacted.
7. The ZBA did not consider traffic or other issues brought up by those in attendance because their job was to make a decision based upon the 70 foot width along Forest Street only.
8. J Napekoski also noted that he found it interesting that Sanbornville DG could try to dictate the Spirit of the Ordinance to a board and community that deal with the ordinance on an ongoing basis. He noted that many of the properties in the village are two story structures. The ZBA did not attempt to specify any specific type of use for the property, only that there were multiple uses for the property other than a retail store.
9. The ZBA gave no consideration to the public's petition or comments with regard to the Sanborn House. And finally he felt that no hardship exists.
10. Doug Stewart agreed with J Napekoski and reiterated that all boards and consultants were in agreement that the 70 feet applies to all street frontages.
11. S Theiling felt that all members were unbiased and made their decision based upon the evidence presented at the public hearing.
12. J DesRoches agreed that the ZBA made the correct decision and that the motion should be denied.
13. J Napekoski asked if someone wanted to make a motion.

MOTION: To deny the Motion for Rehearing.
Made by: Sharon Theiling
Seconded by: John Napekoski
Discussion: No further discussion.
Vote: 5-0.

14. Attorney Sager and others left the meeting.
15. N Fogg noted that he did not know of any cases preparing to submit to the ZBA, so it is unlikely that there will be a July meeting.

APPROVAL OF MINUTES

MOTION: To approve the minutes of May 16th as presented.
Made by: Doug Stewart
Seconded by: Judi DesRoches
Discussion: No discussion.
Vote: 5-0.

MOTION: To approve the minutes of May 23rd as presented.
Made by: Sharon Theiling
Seconded by: Judi DesRoches
Discussion: No discussion.
Vote: 5-0.

ADJOURNMENT

MOTION: To adjourn the meeting at 7:20 pm.
Made by: Steve Brown
Seconded by: John Napekoski
Discussion: None
Vote: 5-0 in favor of the motion.

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