



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
21 November 2016

Draft 11/28/16

MEMBERS		ALTERNATES		OTHERS	
John Napekoski, Chairman	S H	George Frothingham	S H	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	S H
Sharon Theiling, Vice Chairman	H	Doug Stewart	H	Rick Sager, Town Counsel	
Ceily Arnone	S H	Judi DesRoches			
John Crowell		Don Stewart	S H		
Steve Brown	S H				

Also present were: Site walk: Donna Martin (videographer), Becky Stewart & daughter (abutter), George Wentworth (abutter), Annette Perry (abutter), Shawn Perry (abutter), Gary Burr (owner), Sally Burr (owner); Public Hearing: Sally Burr (owner), Gary Burr (owner), Annette Perry (abutter), Connie Twombly (selectmen), Joe Arnone, Donna Martin (videographer.)

SITE WALK

1. J Napekoski called the site walk to order at 9:00am, Saturday, 19 November 2016. Property owners Gary and Sally Burr showed attendees the existing access way for the parcel. The group walked from the existing house back to the barn; there the Burr's showed the group where they would like to divide the property, leaving the existing house on the front parcel and the existing barn and a proposed house on a newly created rear parcel. They pointed to an area on a knoll where they would like to build their new house.
2. Don Stewart asked if they had done a percolation test and the owners replied that they had good soils on the property and that a positive percolation test would not be an issue. They also noted that the property was high and that flooding from the Branch River has never been an issue.
3. Mr and Ms Perry both noted that they did not have any problem with the Burr's proposal and that they were good neighbors.

CALL TO ORDER

4. J Napekoski called the meeting to order at 7:00 pm following the pledge of allegiance. Alternate Don Stewart was seated for member John Crowell. The members of the ZBA introduced themselves. J Napekoski reviewed the procedure for the public hearing.

PUBLIC HEARINGS

5. **Variance Application** submitted by Gary & Sally Burr, on their property located at 15 Brewster Road, Wakefield (Union), NH (Tax Map 241-13.) The applicants are requesting a variance from Zoning Ordinance, Article 3, Table 3, minimum lot size and minimum street frontage to allow a subdivision of their parcel.
6. The ZBA considered accepting the application. N Fogg noted that the application had been properly noticed in the newspaper and with the abutters.

MOTION: To accept the variance application as complete.
Made by: Ceily Arnone
Seconded by: Steve Brown
Discussion: No further discussion.
Vote: 5-0.

7. Gary and Sally Burr introduced themselves and explained that they wanted to divide their 5.8 acre parcel into two lots so that they can sell their existing house to their daughter, keep their barn on the new lot and build a new smaller retirement home. The new house would be approximately a 32 feet by 20 feet log home, which is a little smaller than the existing log home. They wanted to divide their existing parcel rather than move because they have lived there a long time and they have other family also living in the Union village of Wakefield.
8. The ZBA asked questions about the access for the two lots and why they needed the variance. Gary & Sally noted that the access has not changed since they moved into the house and it works fine for them and their daughter who lives with them. No actual change in use is proposed.
9. N Fogg noted that the Burrs had another option to rezone the area of Union that remained zoned Agricultural and change it to Residential-I zoning. That would fix the area problem, but would still leave them without adequate road frontage, which would still require them to come to the ZBA for relief.
10. J Napekoski opened the public input portion of the hearing for those in favor of the application.

11. Annette Perry is an abutter and told the board that they are very good neighbors and that she and her husband both had no problem with the variance application. Their family has lived on the road for a long time and Sally's brother and aunt also live in Union. They live in Union because it's a great place to live.
12. Connie Twombly is in favor of granting the variance. She is in favor of family and if she could have family living nearby she would love it. She does not see any problem with a shared driveway. There are many private roads in town that equate to exactly the same thing.
13. G Frothingham spoke in favor of the application. He noted that there are state guidelines that state that strict enforcement of the ordinance for the advancement of the ordinance should not outweigh the rights of the property owner. In other words property owners should be allowed to do what they want with their property unless there is an unreasonable public detriment. He believes that strict enforcement of the ordinance does the applicants a great deal of harm, while granting the application does no harm to the town whatsoever. He believes that the ZBA should approve the application.
14. No one spoke against the application. J Napekoski closed the public input portion of the hearing.
15. S Theiling noted that the ZBA had been looking for a reason to grant the variance. She noted that she did not see a reason to not grant the variance. She does not see where it will be negative to the town or to the neighbors. What is being proposed are larger lots than most of the other lots in the neighborhood.
16. C Arnone agreed with S Theiling's comments. She noted that this board allows people to use their property to the greatest extent possible. She does not see anything wrong with approving the application for variance.

MOTION: To combine the five criteria into one and approve the variance to allow two parcels to be created. Both parcels will be non-conforming in area and one will be non-conforming in frontage. The land being affected is known as 15 Brewster Road, tax map 241-13. A surveyor will determine the exact area and frontage of each of the two proposed parcels.

Made by: Steve Brown

Seconded by: Ceily Arnone

Discussion: No further discussion.

Vote: 5-0.

17.J Napekoski noted that there is a 30 day appeal period before the variance becomes final. Any action taken by the applicants prior to the 30 day appeal period would be done at their own risk.

18.N Fogg noted to the Burrs that they now need to obtain the services of a licensed surveyor who will prepare a subdivision application to present to the planning board.

APPROVAL OF MINUTES

19.N Fogg asked if the ZBA had reviewed the minutes of 6/26/18. S Brown noted several typos to be corrected.

MOTION: To approve the minutes of June 26th as amended.
Made by: Steve Brown
Seconded by: John Napekoski
Discussion: No discussion.
Vote: 3-0-2, with Ceily Arnone and Don Stewart abstaining.

BOARD BUSINESS

20.N Fogg noted that the planning board would hold public hearings on proposed zoning changes on December 15th and January 5th.

ADJOURNMENT

MOTION: To adjourn the meeting at 7:29 pm.
Made by: Steve Brown
Seconded by: Ceily Arnone
Discussion: None
Vote: 5-0 in favor of the motion.

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