



TOWN OF WAKEFIELD, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

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WAKEFIELD ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
August 20, 2012

Final Draft

Mr. Frothingham, Chairman, called the meeting to order at 7:00 PM.

MEMBERS		ALTERNATES		OTHERS	
George Frothingham, Chairman	X	Sharon Theiling	X	Arthur Capello, Code Enforcement Officer	
Doug Stewart, Vice Chairman	X	John Napekoski	X	Michelle MacDonald, Secretary	X
Cecille Arnone	X	Steve Brown	X	Charlie Edwards, Selectmen Rep.	
Judy Sjostrom	X				
John Crowell					

Also present were Larry Knights, Jan knights, Chris Gatto and Norman Royle.

ROLL CALL & DESIGNATION OF ALTERNATES

Following the Pledge of Allegiance, Chairman Frothingham asked the members of the Board to introduce themselves. He advised that John Crowell would not be present. Alternate member Sharon Theiling sat in for Member Crowell. Having a full Board Chairman Frothingham would hear the case. He explained that the Board reviews the checklist, and then invites the applicant to come forward and discuss the application, the Board will ask questions. Once this is completed, the meeting is opened to the public to express opinions for and against the application, and for people to ask questions. Once the public hearing is closed, the voting members of the Board begin deliberations, and no further questions or comments can be taken from the applicants or public.

PUBLIC HEARING

1. **Case #2012-3 – LARRY KNIGHTS – M179/L79 – Variance Application from Article 25, Conforming and Nonconforming Structures and Uses – Grandfather Clause (pg. 70-71) in the Residential 2 Zone.** – At this time, the Board reviewed the application for completeness.

MOTION: To accept the application.
Made By: Cecille Arnone
Seconded by: Sharon Theiling

Discussion: None
Vote: Unanimous

Let the record state that there was a site walk conducted on said property prior to the meeting. Attendees were as follows: George Frothingham, Doug Stewart, Judy Sjoström, Cecille Arnone, Steve Brown, John Napekoski, Sharon Theiling, Larry Knights and Jan Knights.

Chairman Frothingham asked who would be speaking for the Knights. Larry Knights came forward. Mr. Knights explained he wanted to raise the camp, add a bathroom, foyer, walk-in closet and a garage.

Mr. Frothingham asked Mr. Knights if he had any plans. Mr. Knights stated that he had a site-plan review for what the State approved as well as a Storm Management plan that will improve the run-off on the property. He stated they had a lot of erosion and that this plan should improve it. Mr. Knight showed the Board a letter he received in 2009 from the Code Enforcement Office which stated what the Knights had to comply with. Mr. Knights stated there was nothing mentioned about a Variance.

Mr. Frothingham stated the plans showed there was an existing encroachment on the right side, if you were looking from the driveway. This is a pre-existing encroachment so it is grandfathered. Mr. Frothingham believed they were conforming on the other side and were approved by the State for the water front. Mr. Frothingham did state that there was question about expanding in nonconforming use.

Mr. Frothingham asked if there were any questions. Mr. Stewart stated it was his understanding that the State regulations currently say for structures near the water front that's too close to meet the set-backs they can't go any closer to the water but they can go back, parallel, and up where the Town says you can only go up. Mr. Stewart stated as a Planning Board Alternate he can say there has been discussion proposing to change the Zoning to meet the State regulations.

Mr. Frothingham asked if there were any more questions or comments. Mrs. Theiling doesn't believe in making people's lives difficult and stated that if Mr. Knight's neighbors are in favor and the State is okay then they should be granted. They are just trying to improve their property. Mr. Frothingham asked Mr. Knights if he had anything to add. Mr. Knights replied no.

Mr. Frothingham stated that he checked if there were any letters from abutters objecting or agreeing but there were none. Mr. Frothingham opened the public hearing.

Chairman Frothingham asked if there was anybody there that would like to speak in favor or against the application. Norman Royle stated he was a next door neighbor and that he was in favor. Chris Gatto stated he lived two houses down from Mr. Knights and was also in favor. Mr. Frothingham asked if there was anyone that wanted to speak against the application. Hearing none Mr. Frothingham closed the public hearing.

Mr. Frothingham stated the Board needed to review the five criteria. Mr. Stewart felt it wasn't necessary to review the five criteria again and that the Board should just vote on them. Mr. Frothingham stated the Board had reviewed the application and the criteria and felt they had enough information to make a decision.

MOTION: To accept the 5 criteria that has been given.
Made By: Cecille Arnone
Seconded by: Sharon Theiling
Discussion: None
Vote: Unanimous

Mr. Frothingham asked the Board if they should grant the variance. A motion was made.

MOTION: To grant the Variance
Made by: Doug Stewart
Seconded by: Judy Sjostrom
Discussion: None
Vote: Unanimous

Mr. Frothingham asked if there were any conditions the Board wanted to apply. Mr. Stewart stated based on what they have seen with the Storm Water Management application and how Mr. Knights has met the requirements he sees no reason to apply any conditions. Mrs. Theiling asked if they could use equipment that close to the water. The Board had a brief discussion on equipment usage on the water front.

Mr. Frothingham asked the Board if there was a motion for any restrictions or conditions. Hearing none, Mr. Frothingham explained that any interested person could contest this decision within 30 days so it would be 30 days before the Zoning Board's decision is final. He mentioned that the Knights will be receiving a Notice of Decision from the Land Use Office.

Hearing was closed at 7:13 pm

APPROVAL OF MINUTES

After a brief review there was a motion to accept the minutes from May 22, 2012

MOTION: To accept the minutes from May 20, 2012
Made by: Cecille Arnone
Seconded by: Judy Sjostrom
Discussion: None
Vote: Unanimous

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

There was no new business to come before the Board.

ADJOURNMENT

MOTION: To adjourn at 7:18 pm

Made by: Cecille Arnone

Seconded by: Doug Stewart

Discussion: None

Vote: Unanimous

Respectfully submitted,

Michelle MacDonald

Michelle MacDonald, Secretary
Zoning Board of Adjustment