



TOWN OF WAKEFIELD, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

2 HIGH STREET
 SANBORNVILLE, NEW HAMPSHIRE 03872
 TELEPHONE (603) 522-6205 FAX (603) 522-6794

PUBLIC HEARING
November 16, 2009

These minutes were approved by the Zoning Board at the December 21, 2009 meeting.

FINAL

Chairman Doug Stewart called the meeting to order at Town Hall at 7:00 p.m. Attendees included:

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Chair	x	Judith Sjostrom		Kathy Menici, Planning Director	x
Paul Winckler, Vice-Chair		Sandy Lebel	x	John Ciardi, Deputy Code Officer	
Cecille Arnone	x	Sharon Theiling	x	Rick Sager, Town Counsel	
George Frothingham	x	John Napekoski	x	Ken Paul, Selectmen's Representative	
John Crowell	x			Lynn Shaffer, Secretary	x

Other Attendees as signed in:

Mitch Sharp
 Joe Arnone

Nancy Powierza
 Steve Brown

James Powierza

ROLL CALL – DESIGNATION OF ALTERNATES

Following the Pledge of Allegiance, Chairman Stewart asked members of the Board to introduce themselves. Chairman Stewart reviewed the processes followed in a ZBA meeting. 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, and the Planner and Code Enforcement Office can also offer information. 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. He further explained that the voting members of the Board would be seated at the main table, while the alternates are seated at the side table.

Chairman Stewart advised that Vice-Chair Paul Winckler would not be here, and that Cecille Arnone would be recusing herself from the hearing due to being friends with the applicant. Chairman Stewart asked Sandy Lebel and John Napekoski to sit in, which they did.

PUBLIC HEARING

Case #2009-7 Wakefield Tax Map 35, Lot 80 – James Powierza, property owner, for property located across from 490 Beverly Hills Drive, East Wakefield NH. The applicant is seeking a Variance from the Town of Wakefield Zoning Ordinance Article 25, Section B-1-c – non-conforming structures and uses. The applicant is seeking to construct an addition to a pre-existing non-conforming structure that is within the front setback, 7 feet from the front property line.

Chairman Doug Stewart reviewed the checklist.

MOTION: The application is complete enough to proceed.
 Made by: George Frothingham
 Seconded by: John Napekoski
 Vote: Unanimous

Chairman Stewart invited Mr. Powierza to address the Board. Mr. Powierza advised that he would like to build a garage across the private road from his house, adjacent to an existing garage. He explained that when Ernie Belleau put in the road, as with many other roads in that area, he put it where it was easier to put it, which is actually 20 feet to the left of what is shown on the tax maps. When the previous owner wanted to put a porch on the house, a variance was required due to the house being too close to the road shown on the maps. This means that there are problems with setbacks on both sides of the road. It would not be in the applicant's best interests to build further back on the property since it would be more costly and more difficult for him to access the structure. Chairman Stewart asked the applicant if Code Enforcement has other issues of concern aside from the setbacks, and was advised that they do not.

Chairman Stewart shared his observations from the site walk that showed that the tax maps are different from what is there in reality, in terms of the road. He asked the Board if they had further questions of the applicant, which they did not.

He then opened the public hearing and asked for comments for, and then against the applicant. There were none on either side, so Chairman Stewart closed the public hearing and the Board began deliberations.

Chairman Stewart asked the Board if they would review all criteria of the application together rather than taking them one by one, and asked for a motion to that effect.

MOTION: To vote on the entire application
Made by: George Frothingham
Seconded by: Sandy Lebel
Vote: Unanimous

Criteria 1: The proposed use would not diminish surrounding property values.

Criteria 2: Granting the Variance would not be contrary to the public interest.

Criteria 3: Granting the variance would do substantial justice.

Criteria 4: The use is not contrary to the spirit of the ordinance.

Criteria 5.B. Denial of the variance would result in unnecessary hardship to the owner:

- a. The following special conditions of the property make an area variance necessary in order to allow the development as designed.***
- b. The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden.***

MOTION: To accept the application and grant the variance.
Made by: John Napekoski
Seconded by: George Frothingham
Vote: Unanimous

Chairman Stewart asked the Board if they felt the need for any conditions to be imposed. Member Lebel expressed concern about possible erosion, after viewing the site. Mr. Powierza assured her that there would be a 4-foot frost wall with timbers above it, and that should cover it. He stated that he still has to go to the state for a wetlands permit.

Granting of the Variance has been done. Chairman Stewart advised Mr. Powierza that he would be receiving a Notice of Decision, and that any interested party can appeal this decision within 30 days.

APPROVAL OF MINUTES

MOTION: To accept the September 21, 2009 meeting minutes as written.
Made by: George Frothingham
Seconded by: John Crowell
Discussion: None
Vote: Unanimous

NEW BUSINESS

The Board reviewed proposed meeting schedules for January and February of 2010. Since the third Monday of each of those months is a holiday, the Board will be meeting on the third Tuesday during those months.

The Board expressed appreciation for Kathy Menici who will be resigning as Town Planner. Planner Menici expressed her appreciation to the Board and to the town for her time here.

MOTION: to adjourn the meeting at 7:15PM.
Made by: George Frothingham
Seconded by: Sandy Lebel
Discussion: None
Vote: Unanimous

Respectfully submitted,

Lynn Shaffer, ZBA Secretary