

**Town of Wakefield, NH  
Planning Board  
Minutes of the Meeting  
January 13, 2005**

**Members present** Rod Cools, Vice-chair; Joe Fluet, Chairman; Paul McNally, Member; Paul Morrill, Selectmen Rep.; Ed Morrison, Member; Desiree Richard Sager, Town Counsel; Tumas, Secretary; **Others present:** Richard Atwater, Alternate Member; Nancy Spencer-Smith, Alternate Member.

**Public Attendance** (As signed in) Larissa Mulkern, Michael McLaughlin, Charles McLaughlin, Nathan Fogg, David S. Stevens, Dino Scala, David Lee, Becky Keating, Colleen L. Bruce, Michael Hickey, Pamela Judge, Walt Tierney, Dick Peckham, Commie Twombly, Joseph Ruma, Bill Nelson, Stam Lombara, Eila F. Lombara, Jim Martin, Tom Lavender, David Tibbetts, Peter Brown, George Blomrtos, Catherine Schillinger, Kevin Hickey. (Not signed in) Tom Dube, Sarah Hayes, Judy Nason, Chuck Robbins and Annie Robbins.

**Pledge of Allegiance**

Following the Pledge of Allegiance, Mr. Fluet called the regular administrative meeting to order at 6:30 PM to discuss procedural issues regarding the conditional approval set forth by the ZBA, which requires the applicant submit a revised property boundary line that differs from a Planning Board approval of record.

Brief discussions with Town Counsel and ZBA Chair Annie Robbins, concluded that a public hearing would be required, including public notice as well as abutter notification at the applicant's expense, per RSA to revoke an approved plan. Additionally, the applicant would be responsible for all recording fees incurred.

Secretary Tumas will contact the applicant and request a written request to revocation of an approved plan in writing with all applicable fees.

Having nothing further, discussions were concluded.

**Public Hearing**

Mr. Fluet called the Public Hearing to order following the Pledge of Allegiance explaining the purpose of the public hearing and the process by which the meeting would be conducted.

***The Wakefield Planning Board will hold public hearings on Thursday, December 30, 2004 and Thursday, January 13, 2005 at the Wakefield Town Hall beginning at 7:00 p.m. in order to receive public comment regarding proposed amendments to the Wakefield Zoning Ordinance, and a proposed interim growth management ordinance.***

***Proposed Zoning Amendments***

A summary of the proposed zoning amendments include the following subjects:

- **Encouraging the clustering of residential dwelling units in certain subdivisions to preserve open space and protect natural resources;**

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Mr. Fluet opened discussions, explained the proposed amendment encourages the clustering of residential dwelling units in certain subdivisions to preserve open space and protect natural resources. The current language was amended at the 30 December 2004 hearing as indicated.

Mr. Fluet called for Board discussion, hearing none; Mr. Fluet opened the public discussion, hearing none; Mr. Fluet closed the public discussion and entertained a motion to recommend the proposed Warrant Article encouraging the clustering of residential dwelling units in certain subdivisions to preserve open space and protect natural resources.

***Mr. McNally moved to recommend the proposed Warrant Article encouraging the clustering of***

***residential dwelling units in certain subdivisions to preserve open space and protect natural resources, Mr. Cools seconds the motion as stated; the motion passed unanimously.***

**- Redefining “boat storage facility” and allows such use in the Light Industrial zoning district;**

Mr. Fluet opened discussions, explaining that the proposed Warrant Article redefines “boat storage facility” and would allow such use in the Light Industrial zoning district. The current language was amended at the 30 December 2004 hearing as indicated.

Mr. Fluet called for Board discussion, hearing none; Mr. Fluet opened the public discussion, hearing none; Mr. Fluet closed the public discussion and entertained a motion to recommend the proposed Warrant Article which redefines “boat storage facility” and which would allow such use in the Light Industrial zoning district.

***Mr. Cools moved to recommend the proposed Warrant Article which redefines “boat storage facility: and which would allow such use in the Light Industrial zoning district, Mr. Morrison seconds the motion as stated; the motion passed unanimously.***

**1 A petitioned amendment to rezone the area near Route 109, west of Route 16, from “Agricultural” to “Business and Commercial.”**

Mr. Fluet suggested the Board continue the petitioned amendment until after the Board has taken up the business of the Board’s submissions; without opposition from the Board, Mr. Fluet called the next item on the agenda.

**- Proposed Interim Growth Management Ordinance**

Mr. Fluet opened the discussions explaining the following:

The Planning Board proposes an interim growth management ordinance pursuant to RSA 674:23 to allow the town to update its master plan, ordinances, and regulations by restricting new residential subdivisions, new condominium development, and new multi-family development for a period of one year from adoption. Upon the adoption of the interim growth management ordinance until its one-year expiration or earlier termination, the following activities shall continue to be permitted:

- Annexations and boundary line adjustments, wherein additional parcels or lots are not created;
- Subdivision of one lot into two;
- Development proposed within existing structures;
- Commercial and industrial development.

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Upon the adoption of the interim growth management ordinance until its one-year expiration or earlier termination, the following activities shall not be permitted:

- New residential subdivisions;
- New condominium development;
- New multi-family development.

Mr. Fluet called for Board discussion, hearing none; Mr. Fluet opened the public discussion explaining all would be given opportunity to speak and requested members of the public state their name for the record and refrain from redundant comments. Persons wishing to speak a second time would be given additional time to speak once all had opportunity for comment and questions.

Mrs. Nason questioned if the Board intended to increase the setback requirements for residential dwellings along Rte. 153.

Mr. Fluet explained discussions could be conducted at a later time redirecting to discussions pertaining to the proposed Interim Growth Ordinance.

Members of the public, David Stevens, Becky Keating, Dino Scala, Sarah Hayes, Nathan Fogg, Stan Lombarda and Colleen Bruce questioned the following:

- 1 Can the Board accept subdivision applications between the time of notice and the vote scheduled in March?
  - o Subdivision applications creating no more than a single new lot will be accepted.
- 2 Does the 12 month period begin at the time of notice or when the vote is taken?
  - o The proposed language is in effect from the time of the notice and will remain in affect until the Board

conducts a public hearing and special town meeting rescinding the moratorium or 12 months from March vote which ever occurs first.

Mr. Fluet reiterated it is the Boards intent to complete updates to its master plan, ordinances, and regulations by the fall at which time a special town meeting could be called to rescind the moratorium.

- 1 Can further changes to the language be made at deliberative session?
  - o Due to the hearing requirements of SB-2, no further substantive changes could be made after the 30 December 2004 hearing.
- 2 Can application for commercial subdivision be submitted?
  - o The Board agrees the language is a bit vague, but the intent is that no commercial subdivisions are permitted.
- 3 How does the proposed moratorium affect application for Site Plan Review?
  - o The proposed moratorium does not stop site plan review nor is it the Boards intent to stop site plan review application.
- 4 What happens if the Board does not complete the work as described within the years time of the moratorium?
  - o The moratorium is only in affect for one year. The Board fully intends to complete the work described by the fall of 2005; Strafford Regional Planning Commission has already begun work on the regulations and expects delivery of draft documents as early as 20 January 2005.

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- 5 If there are approximately 1,000 existing residential lot available for development, why doesn't the Board restrict the number of building permits to control the growth?
    - o With consideration of the various ways to control the growth, the Board determined the proposed to be best suited to the Town of Wakefield, although a building moratorium or cap will be one of the things considered during the coming year.
  - 6 At the conclusion of the interim period, will subdivision applications be accepted again?
    - o Yes, major subdivision applications will be accepted once the interim period has concluded either by expiration of the one-year period ending March 2006 or by special town meeting.
- 1 Members of the public questioned the restriction, which prohibits further subdivision of a tract which minor subdivision has been submitted.
    - o The purpose of the restriction is to minimize "piecemeal" development of larger tracts of land. Minor subdivision applications have lesser requirements of those required for a major subdivision.
  - 2 Mr. Fluet went on to explain that the Board does have the ability to waive the requirements of the site plan and subdivision regulations and would consider each application that comes before the Board on a case-by-case basis.

Mr. Fluet called for further public comment, hearing none; Mr. Fluet called for further Board discussion, hearing none; Mr. Fluet entertains a motion to recommend the proposed interim growth management ordinance pursuant to RSA 674:23 to allow the town time to update its master plan, ordinances, and regulations by restricting new residential subdivisions, new condominium development, and new multi-family development for a period of one year from adoption.

***Mr. Cools moved to recommend the proposed interim grown management ordinance pursuant to RSA 674:23 to allow the town time to update its master plan, ordinances, and regulations by restricting new residential subdivisions, new condominium development, and new multi-family development for a period of one year from adoption, Mr. Morrison seconds the motion as stated; the motion passed unanimously.***

**1 A petitioned amendment to rezone the area near Route 109, west of Route 16, from "Agricultural" to "Business and Commercial."**

Mr. Fogg explained the abutting zone 400' North of Rte. 109 is currently Industrially zone and the proposed re-zoning alleviates some issues associated with the parcels affected by the proposed zoning change:

- 3 17 of the 18 lots do not have the required 3 acre minimum (12 would be conforming (over 20,000 sf) if changed)
- 4 None of the lots have the required 200 feet of street frontage (8 would become conforming (over 100 ft) if changed)
- 5 Street setbacks would remain unchanged (20 ft), however, side setbacks may become lessened (if next to a commercial lot (reduced from 20 ft to 10 ft)) and the rear setback would be lessened (to 10 or 5 ft) with this proposed change

- 6 Residential uses are allowed in the Business & Commercial Zoning district, which will allow any residences in the area to remain as a conforming use.

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Mr. Fogg went on to explain the proposed change is a good land planning for the following reasons:

- 1 Extending the existing Sanbornville Village Business & Commercial area
- 2 Allowing commercial expansion near the existing Route 16 traffic light allows safe traffic flow to and from the area. (Additional commercial development at an existing intersection would not decrease the efficiency of the roadways in town)
- 3 Allowing commercial expansion in town, which provides a better tax base for the town.

Mr. Fogg further explained he and the petitioner believe the proposal is consistent with the Master Plan because in the Philosophy section it indicates that we wish to:

- 1 Help home occupations and small businesses get started in Wakefield. The change in zoning would allow these small parcels more flexibility to become home occupations or small businesses
- 2 Make parcels less non-conforming
- 3 Minimize sprawl and keep business development in the existing villages (i.e. Sanbornville Village) so as not to detract from existing businesses
- 4 Encourage commercial and industrial tax base in town, from which we would no doubt benefit from additional jobs and tax revenue.

Mr. Fogg requested the Board keep in mind that any proposed business or expansion of existing businesses would need to be brought in front of the Wakefield Planning Board to ensure that the business would be consistent with the Town Zoning Ordinance, the Town Site Plan Regulations, and the Town's Master Plan. The Planning Board would then also have the opportunity to check for adequate protection of the Town's wellhead and aquifer prior to any development or expansion of use. This is not the case with single-family residential uses, which exist there currently.

Residents and business owners within the proposed area are in favor of the proposed zoning change with the exception of Mrs. Nason who stated that she did not want the proposed change and another family was unable to comment due to a language barrier.

Based on the information provided, Mr. Fogg and the petitioner hope that the Planning Board will look upon this zoning revision favorably.

Secretary Tumas confirmed that 25 of the signatures on the actual petition are registered voters in the Town of Wakefield as required.

Mr. Fluet called for Board discussion, hearing none; Mr. Fluet opened the public discussion.

The following members of the public spoke in opposition to the proposed zoning change; Pam Judge, Dick Peck, Connie Twombly, Becky Keating, Dean Geffen, Rob Murray, Tom Landry, Mark Duffy, Stan Lombardo.

Mr. Fluet closed the public discussion and redirected to Board comment. Board Members stated the following reasons for opposition to the proposed zoning change.

- 1 Wellhead and aquifer protection with regard to run-off and potential contamination from business and commercial development.
- 2 Home Occupations are permitted in all zones and would not be affected by the proposal.
- 3 Abutting Town of Brookfield expressed similar opposition to the proposed rezoning.

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Mr. Fluet called for further discussion from the Board, hearing none; Mr. Fluet entertains a motion. **Mr. Cools moved that the Board NOT recommend the proposed rezoning of Rte. 109 from Rte 16 to the Brookfield Town Line, Mr. Morrison seconds the motion as stated; the motion passed unanimously.**

Mr. Fluet explained that the proposed warrant articles need to be placed in order and requests the Board approve Member Fluet and Town Counsel to conduct discussions at a later time to conclude the order by which the articles will be listed on

the Ballot.

***Mr. Cools moved to approve Member Fluet and Town Counsel conclude the order by which the articles will be listed on the Ballot, Mr. McNally seconds the motion as stated; the motion passed unanimously.***

Mr. Fluet called for further business to come before the Board; Secretary Tumas stated that the Board needed to approve the proposed language to be published in the 2004 Annual Report by 17 January 2005. The copies made could not be located; ***Mr. McNally moved to approve Member Fluet and Secretary Tumas procure the language to be published in the 2004 Annual Report to be submitted by 17 January 2005, Mr. Morrison seconds the motion as stated; the motion passed unanimously.***

Mr. Fluet called for further business to come before the Board, hearing none; Mr. Fluet entertains a motion to adjourn.

### **Adjournment**

***Mr. Morrill moved to adjourn the meeting, Mr. McNally seconds the motion as stated; the motion passed unanimously.***

Respectfully submitted,

Desiree Tumas, Secretary