



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

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**Minutes of the Meeting
01 December 2005**

Members Present Rod Cools, Vice-chair; Joe Fluet, Chairman; Paul Morrill, Selectmen Rep.; Ed Morrison, Member; Nancy Spencer-Smith, Member; Desiree Tumas, Secretary

Others Present Donna Faucette, Alternate Member; Al Huntoon, Alternate Member; Gerry Mylroie, S.R.P.C.; Richard Sager, Town Counsel

Public Attendance (As signed in) Charlie McLaughlin, Michael McLaughlin, Liz Olimpio, Nancy Jacobson, Anders Jacobson, Larissa Mulkern, Howie Knight, Pam Knight, Dianne Bishop, Stuart Ernst, Richard Bennen, Stan Hawthorne, David Mankus, John Kenney, Mike Hickey, Stan Lombara, Tom Dubem Brad Hayes, Pam Judge, Cheri Schlenker, Terry Martell, James Guid, Annie Robbins, Charles Robbins, Judy Nason, Doug Stewart, Ron Canney

Pledge of Allegiance

Chairman Fluet called the meeting to order following the Pledge of Allegiance.

Correspondence and Miscellaneous

1. **2005 Encumbrances**

The Planning Board has no encumbrances this year.

2. **Ivanhoe Road name change to Daniel Road**

The property owner has requested a meeting with the Board of Selectmen to request a name change to the road known as Ivanhoe Road off Acton Ridge Road.

The Board of Selectmen question if it is necessary to record an amended plan through the Planning Board if the name change is accepted.

Town Counsel explained that there is no need to record an amended plan.

Having nothing further, discussions were concluded.

Approval of the Minutes

1. **November 17, 2005**

Member Morrison moved to approve the 17 November Minutes of the Meeting as amended, Member Smith seconds the motion as stated; the motion carried 4-in favor, 1-abstained vote by Selectmen Morrill.

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Board Business

1. Propose Zoning Ordinance Amendments

Chairman Fluet began by noting the following sections to be included in the Zoning Ordinance:

- Reference to the Master Plan
- Open Space language
- Reference to the maximum height of a building
- Private Campsite language
- Private Boat Launch for residential use
- Retail Sales Buildings to be confirmed – 25,000 sf or 30,000 sf
- Restaurant < 59 and >60

Board Members and Members of the Public went on to discuss the proposed campground restriction in the R-II Zoning District.

Chairman Fluet recognized Stan Hawthorne, Terry Martell and Dave Mankus who all request campgrounds be considered a conditional use in the R-II. All are concerned about the non-conforming status that the property will be labeled and state financing issues when a non-conforming use exists on a property.

Mr. Mankus stated that he had knowledge that Campground Owner Mike Stapleton who recently purchased the Ivanhoe Campground property, which has expansion possibility with the intent to expand the campground in the future. Prohibiting Campgrounds in the R-II Zoning District would not allow for expansion of a non-conforming use.

Secretary Tumas stated that some survey of the property had been done to date and was unsure when expansion was planned. It was further explained that Mr. Stapleton is out of town and not known when he will return.

Member Smith asked if the impact of a non-conforming status was restrictive and Town Counsel explained when changes in zoning occur some non-conforming uses are created and that difficulty could arise in some circumstances, further cautioning the Board not to create large areas of non-conformity.

Mr. Mankus went on to explain the minimal amount of ongoing boat traffic from campers at his campground, in light of the Boards concern regarding additional boat traffic on the lakes as the catalyst to prohibit additional campgrounds. Suggesting the Board regulate the number of boats allowed during site plan review as a conditional use.

Chairman Fluet suggested that campgrounds are prohibited in the R-II zoning district and a conditional use in the R-III zoning district.

Mr. Mankus further explained that the Master Plan encourages summer recreation and provides a tax base with minimal impact to the infrastructure by way of additional tax revenue and not adding to the schools. Additionally stating, prohibiting campgrounds would be contrary to the Master Plan and stated encouragement of recreational uses.

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Selectmen Morrill, Member Cools and Attorney Hawthorne favor conditional permitting of campgrounds, which would allow the Board to address boat use when expansion is planned and both cautioned the Board about the possible litigation that could result when land use restrictions are imposed.

Attorney Hawthorne referenced comments made in his letter submitted to the Board prior to the meeting. (See Attached)

Mrs. Nason noted, language pertaining to self-storage facilities needs to be added to the Ordinance and be included as a permitted use in the Light Industrial Zoning District.

Board Members and Members of the Public went on to discuss the Business/Commercial Zoning verses Industrial/Light Industrial Zoning in the Rte 16/109 area without conclusion.

Mr. Jacobson stated that the restrictiveness of the proposed Light Industrial Zoning District takes away the rights of the property owner explaining that more town revenue is possible from Business/Commercial type business. Further suggesting that access roads similar to the access road used by the existing self-storage, Napa and Crowell's could be used.

Chairman Fluet explained that the Board will be addressing expansion of existing Business/Commercial Zoning Districts.

Mr. Guiod stated the contrary citing the positive change of industrial development regulations verses the negative results of Business/Commercial development in two towns in Massachusetts.

Mr. Lombara stated favorably to regulate business development on Rte 16.

Mr. McLaughlin suggested expansion of the Business/Commercial Zoning District along Rte 16 from Rte 153 to Harmony Drive.

Member Smith noted that Union Meadows is a Prime Water Protection Area.

Mr. Jacobson explained to the Board that he owns four lots, three of which he has been trying rent without success as an industrial use for over a year. The proposed changes are taking away the rights of a property owner.

Mr. Martell reminded the Board about the petition article presented to the voters in March 2005 was favored by the property owners and was not approved because the Board did not support the proposed change.

Mr. McLaughlin stated opposition to the increased lot size in the Village District citing that it limits what type of Business/Commercial uses can come in to the Village.

Chairman Fluet suggested further discussion regarding zoning when the proposed map is discussed.

Board Members and Members of the Public briefly discussed three and five-acre flag lots.

Board Members and Members of the Public discussed the proposed zoning that would create R-III (3-acre requirement) on one side of Stoneham Road and Agricultural (5-acre requirement).

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Chairman Fluet stated that the Board would address the zoning when the Zoning Map discussions were conducted.

Chairman Fluet concluded the zoning discussions; Town Counsel will provide the amendments for review at the 08 December 2005 meeting.

2. Proposed Impact Fees

Chairman Fluet explained the purpose of Impact Fees and that draft language will be available at the 08 December 2005 Meeting.

Board Members and Members of the Public briefly discussed:

- State requirements
- Who would incur the cost developer or property owner
- Regulations of the amounts imposed with consideration of family dwellings and elderly housing

Members of the Public questioned the additional cost to the permitting process with regard to disbursements of the fees currently collected.

It was explained that fees currently paid for building permits pays for Code Enforcement.

It was further explained that Impact Fees would be assessed yearly and amended as calculations dictate according to the State formula.

Board Members and Members of the Public briefly discussed without conclusion when Impact Fees would be due and payable.

Chairman Fluet concluded discussions explaining that language would be available at the 08 December 2005 meeting.

3. Proposed Growth Ordinance

Chairman Fluet explained the Board would be considering a Growth Ordinance of which the method of disbursements of building permits is yet undetermined.

Board Members and Members of the Public discussed the estimated growth rate verses the actual growth rate in the Paul School and it has been suggested that only 12 additional children have been added to the school over a 5 year period.

Mr. Hayes agrees the projections are somewhat exaggerated citing the number of lots available and sold in the recent market.

Chairman Fluet explained the growth ordinance is formulated using the Capital Improvement Plan, Master Plan and other documents and figures.

Members of the Public question how much of the development is actual local growth with consideration of the number of 2nd homes are being built.

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Board Members and Members of the Public briefly discuss without conclusion seasonal development verses year-round dwellings that have been recently developed/permited as well as how many actual new homes verses home improvement permits were issued.

Chairman Fluet concluded discussions explaining that language would be available at the 08 December 2005 meeting.

4. Proposed Zoning Maps

Chairman Fluet opened discussions explaining due to the late hour, he would note for the record the zoning changes proposed in previous meeting for discussion next week.

- Area of the Pine River Pond Road in the area of the Steak House B/C
- North Wakefield Hill B/C
- West side of Route 16 Industrial – B/C
- Rte 190 @ Rte 16 – B/C
- Stoneham Road – address split zone created by the roadway
- North end of Balch Lake – R-II – Agricultural
- R-II and Agricultural Zones along Rte 16
- Calculation confirmation of the proposed growth rate

Board Members and Members of the Public briefly discussed without conclusion the increase to the sale price of a property that has five plus acres. Some prefer the three-acre minimum instead of the proposed five acre.

Mr. Martel requested the Board consider the current use of property during the creation of the proposed zoning changes.

Mr. Mylroie briefly explained using the larger lot requirement allows for consideration of the open space provision.

Chairman Fluet concluded discussions explaining discussions regarding the zoning map would resume at the 08 December 2005 meeting.

Unscheduled Business

Chairman Fluet requested Secretary Tumas contact Alternate Member Faucette and request she attend the joint meeting scheduled Monday, 05 December 2005.

Adjournment

Member Cools moved to adjourn the meeting, Mr. Morrison seconds the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas, Secretary