



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

2 HIGH STREET
SANBORNVILLE, NEW HAMPSHIRE 03872
TELEPHONE (603) 522-6205 FAX (603) 522-6794
PLANNINGBOARD@WAKEFIELDNH.COM

**Minutes of the Meeting – As Amended
15 December 2005**

- Members Present** Rod Cools, Vice-chair; Joe Fluet, Chairman; Ed Morrison, Member; Nancy Spencer-Smith, Member; Selectmen Representatives were unavailable. Desiree Tumas, Secretary
- Others Present** Donna Faucette, Alternate Member; Robin Frost, Town Administrator; Gerry Mylroie, SRPC; Richard Sager, Town Counsel; Stefan Zalewski, Code Enforcement
- Public Attendance** (As signed in) Patricia Schmoock, Priscilla Colbath, James Guiod, Grace Bramer, Scott EJ Bramer, Terry A. Martell, Irene Martell, David Frohlich, Darayl Remick, David Lee, Howie Knight, Stan Lombara, Paul Winkler, Liz Olimpio, Tom Fargo, John Kenney, Andy Jacobson, William J. Krause, Richard Benner, Cheri Schlenker, Charles Robbins Pamela Judge, Tom Dube

Members Fluet, Cools, and Morrison sign the Mylar and 3 print copies of the Schmoock Subdivision approved, 05 December 2005.

Pledge of Allegiance

Chairman Fluet called the meeting to order following the Pledge of Allegiance and explained the Board would continue zoning ordinance discussions following the scheduled business.

Public Hearing (Continued from October 20, 2005)

- 1. The Applicant, Charles & Charletta McLaughlin w/McLaughlin Real Estate have applied for a Boundary Line Adjustment in which they seek approval to adjust the Boundary Line between the properties as shown on Wakefield Tax Map 33 Lot 81 and Tax Map 33 Lot 81A by adding 6,446 square feet to Tax Map 33 Lot 81A from the existing 0.516± acre parcel shown as Wakefield Tax Map 33 Lot 81 located on the corner of Wakefield and Witchtrot Roads, Sanbornville, NH.**
- 2. The Applicant, Charles & Charletta McLaughlin, have applied for a Minor Subdivision Review in which they seek approval to subdivide the newly created 16,020 sf parcel shown as Wakefield Tax Map 33 Lot 81 creating 1-additional 0.184 acre parcel. Said property is located on the corner of Witchtrot and Wakefield Roads, Sanbornville, NH.**
- 3. The Applicant, Charles & Charletta McLaughlin, have applied for a Minor Subdivision Review in which they seek approval to subdivide the newly created 17,732 sf parcel shown as Wakefield Tax Map 33 Lot 81A creating 1-additional 0.184 acre parcel. Said property is located on Wakefield Road, Sanbornville, NH.**

Town Counsel explained the case is currently under review in superior court and further discussion cannot take place until the court case is resolved.

It was further explained, that without a date certain, if, it is determined the application could move forward new notice will have published and abutter letters resent at the applicants expense.

Having nothing further, discussions were concluded.

**Planning Board
Minutes of the Meeting
15 December 2005**

Administrative Business

- 1. Steve Zalewski, Code Enforcement - Wakefield TM 5 Lot 25 - Boards request regarding compliance of conditional approval granted on 06/16/05.**

Secretary Tumas explained she received a written withdrawal of the complaint from Attorney Ruth Hall on behalf of the complainant, Barbara Drew.

Having nothing further, discussions were concluded.

- 2. Wakefield Tax Map 41 Lot 1 (A-S) Ivanhoe Subdivision**

The Deputy Code Enforcement Officer, Mr. Zalewski explained to the Board that the road was recently installed, well after the frost had settled in, following snowfall and without inspection of the underlying gravel layer(s).

As a result of the information provided by the Code Enforcement Department, it has been requested by he Selectmen Blackwood and the Board, that construction of the road and development of the subdivision cease until it is possible for Mr. Zalewski to procure proper inspection of the underlying condition of the road. The Applicant will be formally notified by Code Enforcement accordingly.

It was also noted by the Planning Board and Code Enforcement, based on the photos (taken 12/15/05) submitted by Mr. Zalewski that proper culverts/erosion control along the roadside have not been provided for.

As a result of the information provided by Code Enforcement, including development of the road after the settling frost, Code Enforcement recommends the Bond be increased to \$100,000.00 because of the possible necessity of removing the pavement to provide proper inspection of the underlying gravel layers of the road.

Additionally, it was noted by Mr. Zalewski that a lot on the left side of Ivanhoe Road had already been sold as indicated on Mr. Woods website, available on the internet. It was the Boards understanding that lots along Action Ridge Road were available for sale or had already been sold and that property on Ivanhoe Road would not be available for sale until the base layer(s) of road had been installed.

Chairman Fluet entertains a motion to cease development of the subdivision until proper inspection of the road and underlying gravel layers can be conducted.

Member Cools moved to direct Code Enforcement to cease development of the subdivision until proper inspection of the road and the underlying gravel layers, Member Morrison seconds the motion as stated; the motion passed unanimously.

Chairman Fluet requests Secretary Tumas contact Mr. Ferzali regarding the discussions with Mr. Zalewski and asked him to schedule discussions with the Board to address the road condition and road bond amount.

Secretary Tumas questioned the formal notification of the cease and desist order; Chairman Fluet entertains a motion to direct Code Enforcement issue the cease and desist order and ensure the required inspection of the road and underlying layers.

**Planning Board
Minutes of the Meeting
15 December 2005**

Member Cools moved to direct formal notification of the cease and desist order come from Code Enforcement and that Code Enforcement ensure the required inspection of the road and underlying layers, Member Smith seconds the motion as stated; the motion passed unanimously.

Having nothing further, discussion were concluded.

Unscheduled Business

1. Regular Hearing Schedule

Secretary Tumas explained she has recently received one application and expects two additional before the end of the month and asked the Board when hearings would resume.

Following brief discussions pertaining to the upcoming hearing schedule for the zoning ordinances, site plan review, and subdivision regulation determine regular hearings can resume February 9, 2006.

Additionally, in March 2006, the Board will resume the regular schedule of regular board business on the 1st and 3rd Thursday and administrative meetings on the 2nd Thursday.

Having nothing further, discussions were concluded.

2. Wakefield Tax Map 50 Lot 9A - TRC Determination

Secretary Tumas provided a copy of the proposed one lot subdivision plan provided by Orvis/Drew LLC and requests the Board determination of technical review.

Following review of the plan and brief discussions, Board Members agree the plan should be reviewed by the Technical Review Committee.

Secretary Tumas thanked the Board and discussions were concluded.

3. Schedule NROC Meeting

Following brief discussion, Board Members schedule NROC discussions with Amanda Stone on January 12, 2006.

Member Smith will contact Ms. Stone and confirm the meeting date.

Having nothing further, discussions were concluded.

Board Business

1. Propose Zoning Ordinance Amendments

Chairman Fluet outlined the following Zoning Ordinance discussion and hearing schedule:

- 22 December 2005 – Regular Discussions - Proposed changes allowed
- 29 December 2005 – 1st Public Hearing – Proposed changes allowed
- 12 January 2006 – 2nd Public Hearing – Final Public Hearing only scrivener errors and grammatical changes are allowed.

**Planning Board
Minutes of the Meeting
15 December 2005**

Board Members and Members of the public went on to discuss the following proposed changes:

- Article 2 – Added reference to the Master Plan
- Article 3, Table 1 – Added “Two-family dwelling (Duplex)” to Residential Uses, and changed “C” to “N” at multi-family dwelling in R@, and deleted footnote 3 that read “Duplex Only”
- Article 3, Table 3 – Added new footnote 2 to all “5 acre.” Designation under Agricultural which reads, “Reduced to 3 acres if property is developed using Open Space Conservation/Cluster Development (See Article 12).”
- Article 7 – Deleted “Farming – Prime Soils Overlay District” (to be included instead in the Subdivision and Site Plan Review Regulations), and further removed reference thereto throughout the Zoning Ordinance

Members of the Public stated opposition to the restrictive use of a “prime soils overlay” that might negatively affect how a parcel could be subdivided. Additionally stating that some properties lay completely in a designated prime soils area which would not allow for development.

Chairman Fluet closed the public discussions, polling the Board regarding the proposed language:

- Member Smith favors the proposed language, stating that prime soils are a natural resource and efforts of preservation must be made
- Member Cools favors the notion but opposes the proposed language stating that the current language is too restrictive and needs more work
- Member Morrison favors the notion but cautions against too many rules that are too restrictive and impossible to enforce.

Board Members agree to remove the language from the zoning ordinance replacing it with language that is voluntary for farming requirements. Further adding that the language can be included in the site plan and subdivision regulations.

Chairman Fluet and Member of the Public went on to discuss the Business/Commercial Overlay along North of Route 109 along the West side of Route 16 between Precision Roll and the Miss Wakefield Diner; it is proposed that Business/Commercial meet conditional use requirements for approval

Property Owners affected by the proposed conditional use speak favorably to the proposed change, which would allow business/commercial development conditionally.

Further proposed amendment:

- Article 14, F – change “unreasonable” to “unreasonably.”
 - Board Members and Members of the Public briefly discussed the Boards ability to set weight limits; it is requested that the BOS are asked about the imposing of weight limits
- Article 14, G – added “in scale and appearance” following “compatible.”
- Article 17 – “Setbacks Along all Roadways” – Presented by, Howie Knight and James Guidod
 - Deleted - following discussions between Board Member and Members of the Public, Chairman Fluet called an informal poll of the Public which majority was opposed.
 - Board Members suggest possible inclusion in the Subdivision and Site Plan Review Regulations
- Article 18 – Viewsheds and Ridgelines – Presented by, Howie Knight and James Guidod
 - Deleted – following discussions between Board Members and Members of the Public Chairman Fluet called an informal poll of the Public which majority was opposed.
 - Board Members suggest possible inclusion in the Subdivision and Site Plan Review Regulations

**Planning Board
Minutes of the Meeting
15 December 2005**

- Article 19, F – added “Any granting of waterfront access shall be considered a subdivision and” at the beginning of the sentence
- Article 29, H – Changed “Board of Adjustment” to “Planning Board,” rearranged the reference to “milfoil,” and made paragraph 2 a new section “I” to follow section H
- Article 33 – Added definition of “Campsite” and “Campsite, Private,”
- Article 33 – Replaced “total acreage” with “buildable area” within the definition of “Elderly Housing or Life Care Facility.”
- Article 33 - Definitions of Toxic Materials – Added new subparagraphs “H” and “I” to include medical and funeral-related wastes
- Article 33 – Added Definitions – “Dwelling Unit, Two Family”
- Article 40 “Multiple Principal Uses Per Lot” – deleted for further review and amendment – reserved for 2007 Zoning Changes

Members of the Public suggested additional provisions within the Open Space Ordinance that provides for larger lots with restrictions related to further subdivision

Board Members agree that due to the time restrictions of SB2 and the discussion required to add further language would not permit newly proposed language.

Board Members and Members of the Public went on to discuss the proposal to change the area of Route 109, West of Route 16 to the Brookfield Town Line. It was suggested that the proposal on the 2005 Ballot was met with defeat due to the Boards non-support despite the favorable response of all but one property owner.

It was further suggested that the area of Route 109, West of Route 16 to the Brookfield be included in the Business/Commercial Overlay proposed for the property abutting the proposed area and extending North on Route 16 to the Miss Wakefield Diner.

Board Members agree to entertain further discussion following notification of Brookfield to receive comment regarding the reintroduced proposal to change the zoning district of the Route 109, West of Route 16 to the Brookfield Town Line.

Chairman Fluet requested Secretary Tumas contact the Brookfield Planning Board and inform the of the discussions at 22 December 2005 meeting.

Board Members agree to conclude ordinance discussions, revisiting the Zoning Ordinance at the 22 December 2005 meeting.

2. Proposed Impact Fees

Board Members and Members of the Public briefly discussed the proposed Impact Fees in which the following suggestions were made:

- Impact Fees are to be imposed on new subdivision development not existing lots already approved
 - Opposition was stated regarding the additional “taxing” of property owners who have purchased tracts of land and paid property tax over the years, with the expectation of subdividing to provide their children the opportunity to maintain residence in Wakefield.
- Impact Fees imposed when building permits are submitted
 - Opposition was stated regarding the additional amount of permitting would price homes beyond the market

**Planning Board
Minutes of the Meeting
15 December 2005**

- Impact Fees would be assessed for major subdivisions consisting of 3 or more lots
 - Favorable comment was received for 3 or more lot subdivisions

Members of the Public requested additional detailed information regarding the fees imposed and method of calculation.

Chairman Fluet explained the Capital Improvement Plan was developed through the efforts of the CIP Committee, which consisted of Residents and Municipal Department Heads. It was further explained the CIP would be key to developing the impact fees, as the proposed fees will be based on the financial needs outlined in the CIP. In addition, location, number of bedrooms and the type of house will be considerations of the Impact Fee calculations.

Chairman Fluet called for an informal pole of the public, which indicated a majority of the public are opposed to Impact Fees.

Chairman Fluet concluded discussions suggesting the Board revisit the at the 22 December meeting.

Having nothing further, discussions were concluded.

3. Proposed Growth Ordinance

Board Members and Members of the Public revisited the proposed growth ordinance and brief discussions regarding the Board proposed ordinance parameters will be in accordance with the formula provided that takes into consideration past, present and expect growth.

Members of the Public stated oppositions explaining that a growth ordinance limit not only developers but also local businesses such as those that are a part of the home construction business.

Chairman Fluet concluded discussions suggesting Board Members and Members of the Public revisit the language, reiterating that a fixed system that is designed to be fair by random selection is suggested. that discussions would resume at the 22 December meeting.

Having nothing further, discussions were concluded.

4. Proposed Zoning Maps

Members of the Public discussed the Zoning Maps informally with Board Members after the meeting was adjourned.

Approval of the Minutes

1. 05 December 2005

Member Cools moved to approve the 05 December 2005 Minutes of the Meeting as amended, Member Morrison seconds the motion as stated; the motion carried, 3 in favor, 1-abstained vote by Member Smith who did not attend.

2. 08 December 2005

Member Cools moved to approve the 08 December 2005 Minutes of the Meeting as amended, Member Morrison seconds the motion as stated; the motion passed unanimously.

**Planning Board
Minutes of the Meeting
15 December 2005**

**Correspondence and Miscellaneous
Adjournment**

Having nothing further to come before the Board, Chairman Fluet entertains a motion to adjourn; ***Member Smith moved to adjourn, Member Cools seconds the motion as stated; the motion passed unanimously.***

Respectfully submitted,

Desiree Tumas, Secretary