



TOWN OF WAKEFIELD PLANNING BOARD

2010

PROPOSED ZONING AMENDMENTS

SECOND PUBLIC HEARING

on

TUESDAY, JANUARY 19, 2010

At 7:00 PM

WAKEFIELD TOWN HALL

2 High Street, Sanbornville, NH

Public Notice Posted at the Wakefield Town Hall and Sanbornville Post Office –
December 22, 2009 and January 8, 2010

Proposed Zoning Amendments Posted with the Wakefield Town Clerk –
December 22, 2009 and January 8, 2010

Public Notice Published in the Carroll County Independent –
December 24, 2009 and January 14, 2010

Copies also available at the Town of Wakefield Planning and Zoning Office, the
Gafney Library, and online at www.wakefieldnh.com

DATE OF FIRST PUBLIC HEARING – JANUARY 5, 2010

Zoning Amendment Proposal for January 19, 2010, Public Hearing

Proposed 2010 Warrant Article to Amend Wakefield Zoning Ordinance to Add “Home Based Contractor Yard” as a Permitted Use in Specific Zoning Districts and to add Development Standards and Related Definitions associated therewith

[Proposed language to appear on 2010 Town Warrant]: “Are you in favor of the adoption of Amendment No. ___ as proposed by the Planning Board for the Town Zoning Ordinance as follows: Amendment adds “Home Based Contractor Yards” both new and existing as a permitted use in specific zoning districts and adds development standards and related definitions associated therewith?”

Specifics of Proposed Amendment

Amend Wakefield Zoning Ordinance by adding a new article entitled “Home Based Contractor Yard” as follows:

Article 23F – Home Based Contractor Yard

- A. Purpose: To recognize existing home based contractor yards and allow their continued operation; to establish districts where new home based contractor yards will be a permitted use and site development standards for those new home based contractor yards; to maintain or enhance Wakefield’s rural character, aesthetic charm and property values.

- B. Home Based Contractor Yards are permitted in the Residential III, Agricultural and Light Industrial districts subject to the following:
 - 1. The parcel on which the Home Based Contractor Yard is located must be a minimum of three (3) acres in the Residential III and Agricultural districts, and one (1) acre in the Light Industrial district.
 - 2. Not more than six (6) non-resident persons shall be employed in the activity at the site.
 - 3. All equipment and materials shall be stored in a neat and orderly manner and whenever possible shall be screened from the view of abutters and from public ways by buffers such as structures, plantings, topography, natural vegetation, fences, and/or siting of the Home Based Contractor Yard on the parcel.
 - 4. The Home Based Contractor Yard shall not occupy more than twenty five percent (25%) of the lot area and shall not exceed two (2) acres whichever is less, exclusive of areas covered by buildings. This restriction is not applicable to a Home Based Contractor Yard located in the Light Industrial District.
 - 5. All parking and storage related to the Home Based Contractor Yard shall comply with the building setbacks for the zoning district in which the Home Based Contractor Yard is located.

6. Compliance with NH Department of Environmental Services Best Management Practices is required, as applicable.

C. Home Based Contractor Yards existing prior to November 1, 2009 shall have registered with no fee with the Code Enforcement Officer on or before April 1, 2010. Subject to these regulations, such pre-existing home based contractor yards shall be allowed to continue to operate in their present (prior to November 1, 2009) location, provided ownership of the business supported by the Home Based Contractor Yard remains in the same family operating the Home Based Contractor Yard as of November 1, 2009. Such pre-existing Home Based Contractor Yards shall be exempt from the provisions of Paragraph B.1. of these regulations, but shall comply with the remainder of these regulations by January 1, 2012.

Amend Wakefield Zoning Ordinance Article 33 “Definitions” by adding the following definition of “Home Based Contractor Yard”:

Home Based Contractor Yard: An area and/or building used to store operable construction equipment, trucks, construction supplies, building equipment and raw materials for an individual or for a contractor engaged in one or more building or other construction business, including, but not limited to: plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating, landscaping or other construction work. Normal maintenance of equipment is allowed in a contractor yard.

The definition of a home based contractor yard shall not apply to those instances where materials are to be used for the improvement of the property on which the materials are stored, provided stored materials are used on-site or removed from the site within 180 days of delivery. The Building Inspector and Code Enforcement Officer are authorized to extend the 180-day limit.

For the purpose of this definition the following are not considered Home Based Contractor Yards but are considered an accessory use on a parcel where there is an existing residential use and the equipment described below is owned and operated by an occupant of the residence:

- One operational pick-up truck and associated plows, trailers, and similar equipment; or
- Up to three pieces of operational construction-related vehicles or equipment.

(Such accessory use is allowed and does not require registration with the Code Enforcement Officer.)

For the purpose of this definition the following are not considered Home Based Contractor Yards and, therefore, are not permitted by this Article:

- A junkyard as defined by State statute;
- Equipment or materials used for blasting

Amend Wakefield Zoning Ordinance Article 3, Table 1 “Permitted Uses” by adding the following “Home Based Contractor Yard” row to the “Business and Commercial Uses” portion as follows:

ARTICLE 3 – TABLES

Table 1 – Permitted Uses

	Residential I	Residential II – Shorefront	Residential III - Rural	Business & Commercial	Village / Residential	Light Industrial	Agricultural	Farming – Prime Soils (O)	Aquifer Conservation (O)	Wetland Conservation (O)	Historic (O)	Floodplain (O)
BUSINESS & COMMERCIAL USES												
Home Based Contractor Yards	N	N	P ^x	N	N	P ^x	P ^x	A	N	N	N	A ²

**Second Public Hearing: January 19, 2010 at 7:00 p.m., Wakefield Town Hall
Town Meeting Ballot Vote: March 9, 2010**

^x Subject to the requirements of Article 23F.

² Structures located in the Floodplain District may require additional permits and structural requirements
Proposed Zoning Amendments – 2010

Zoning Amendment Proposal for January 19, 2010, Public Hearing

Proposed 2010 Warrant Article to Amend Wakefield Zoning Ordinance
Article 3 Table 1 – Permitted Uses

[Proposed language to appear on 2010 Town Warrant]: “Are you in favor of the adoption of amendment No. ___ as proposed by the Planning Board for the Town Zoning Ordinance as follows: Amendment adds Car Wash as a Permitted Use in specific zoning districts?”

Specifics of Proposed Amendment

Amend Wakefield Zoning Ordinance Article 3, Table 1 “Permitted Uses” by adding the following “Car Wash” row to the Business and Commercial Uses” portion as follows:

ARTICLE 3 – TABLES

Table 1 – Permitted Uses

	Residential I	Residential II - Shorefront	Residential III - Rural	Business & Commercial	Village / Residential	Light Industrial	Agricultural	Farming – Prime Soils (O)	Aquifer Conservation (O)	Wetland Conservation (O)	Historic (O)	Floodplain (O)
BUSINESS & COMMERCIAL USES												
Car Wash	N	N	N	P	N	P	N	A	A	N	A ¹	A ²

Second Public Hearing: January 19, 2010, at 7:00 p.m., Wakefield Town Hall
Town Meeting Ballot Vote: March 9, 2010

¹ A Certificate of Approval from the Wakefield Heritage Commission is required for any construction, alteration, moving, or demolition within the Wakefield Corner Historic District

² Structures located in the Floodplain District may require additional permits and structural requirements

Zoning Amendment Proposal for January 19, 2010, Public Hearing

**Proposed 2010 Warrant Article to Amend Wakefield Zoning Ordinance
Article – 17 Route 16 Corridor**

[Proposed language to appear on 2010 Town Warrant]:”Are you in favor of the adoption of Amendment No. ___ as proposed by the Planning Board for the Town Zoning Ordinance as follows: Amendment removes language in its entirety from existing Article 17 – Route 16 Corridor and reserves Article 17 for future use?”

Specifics of Proposed Amendment

ARTICLE 17 – ~~ROUTE 16 CORRIDOR~~

~~All business, commercial and industrial uses that have frontage on Route 16, or that have access from Route 16, shall require a Conditional Use Permit.~~

Replace with:

ARTICLE 17 – RESERVED

**Public Hearing: January 19, 2010, at 7:00 p.m., Wakefield Town Hall
Town Meeting Ballot Vote: March 9, 2010**

Zoning Amendment Proposal for January 19, 2010, Public Hearing

Proposed 2010 Warrant Article to Amend Wakefield Zoning Ordinance
Article 24 – Personal Wireless Service Facilities

[Proposed language to appear on 2010 Town Warrant]: “Are you in favor of the adoption of Amendment No. ___ as proposed by the Planning Board for the Town Zoning Ordinance as follows: Amendment modifies language to existing Article 24 – Personal Wireless Service Facilities by changing the maximum height of a ground mounted facility and adding a requirement to the procedure?”

Specifics of Proposed Amendment

Amend Wakefield Zoning Ordinance Article 24 – Personal Wireless Service Facilities, Section H, 3 – Height, Ground-Mounted Facilities by changing the following paragraph:

Ground-mounted personal wireless service facilities shall not exceed ~~ten (10)~~ thirty (30) feet above the average mature tree canopy height.

Amend Wakefield Zoning Ordinance Article 24 – Personal Wireless Service Facilities, Section E, by adding the following new paragraph:

6. Balloon test may be required

Second Public Hearing: January 19, 2010, at 7:00 p.m., Wakefield Town Hall
Town Meeting Ballot Vote: March 9, 2010