



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

2 HIGH STREET
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MINUTES OF THE PUBLIC HEARING
January 7, 2010

Chairman Rod Cools called the meeting to order at the Town Hall at 7:15 pm. Attendees included:

MEMBERS		ALTERNATES		STAFF	
Rod Cools, Chairman	X	Dave Mankus	X		
Donna Faucette, Vice-Chairman	X	Jerry O'Connor	X	Donna Beaudoin, Secretary	X
John Blackwood, Selectmen's Rep	X	Tom Dube	X	Arthur Capello, Bldg. Inspector	
Al Huntoon	X	Paul Winckler	X	John Ciardi, Code Enforcement	X
Peg Stevenson	X				

Other Attendees as signed in: Halei (Gullison), Jen Gullison, Angela Chick, Dan Tatem, Relf Fogg

Chairman Cools apologized on behalf of the Planning Board for the lateness in the start of the meeting and opened the meeting at 7:15 pm with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT

Chairman Cools opened the session for public comment. Hearing none, the Chairman closed the public comment session.

PUBLIC HEARING

The owners/applicants, Brandon and Jennifer Gullison, through their agent Daniel Tatem of Gatchell Survey Services, have applied for a minor subdivision of the parcel shown as Wakefield Tax Map 223, Lot 30 to create two lots. Proposed lot sizes are 2.00 acres and 3.13 acres. Said property is located at 244 Access Road, Wakefield and lies within the Residential III zone.

Chairman Cools invited Dan Tatem of Gatchell Survey Services to begin his presentation. Mr. Tatem began by explaining that the Gullisons had received a variance from the ZBA on June 15, 2009 allowing the existing lot to be subdivided into two lots. Rather than create two non-conforming lots, the ZBA suggested that it would be better to create one three acre conforming lot and one nonconforming lot with the remainder of the land. The reason that the larger lot has the additional .13 acres is due to the fact that the location of two monuments lined up with these boundaries and simplified the process. The proposed well relocation was on the plan due to the fact that the existing well is non-conforming and should it need to be replaced he wanted it on the record that there was an alternate location on the lot. Chairman Cools asked if there was an existing variance for the non-conforming well and Mr. Tatem said there was not. The Chairman noted that there was a topography issue to discuss regarding slopes on the property and Mr. Tatem stated that the slopes on the smaller lot were created by the development of the existing house and septic system. Member Huntoon asked if hardship was the reason for going to the ZBA for the variance in the subdivision and Alternate Member Winckler answered as a member of the ZBA that hardship was the reason as well as the fact that most of the properties in that area are smaller lots. Discussion followed regarding zoning and the related lot size requirements. Member Stevenson questioned the difference in acreage from the ZBA application and this one. Mr. Tatem responded that this survey included the centerline of the interior stonewall whereas the previous survey did not.

MOTION: To accept the application for a minor subdivision of the parcel shown as Wakefield Tax Map 223, Lot 30 to create two lots. Proposed lot sizes are 2.00 acres and 3.13 acres.

Made by: Peg Stevenson

Seconded by: Donna Faucette

Discussion: Member Huntoon disagrees with the policy of the ZBA variance and will abstain from voting.

Vote: Four in favor, one abstaining

Chairman Cools opened the discussion to the public. The Chairman recognized Alternate Member Dube who commented that just because other lots in the area are smaller, he disagrees with the decision to allow variances to subdivide existing parcels into non-conforming lots. Vice-Chairperson Faucette asked for clarification and Alternate Member Dube just felt that a precedent had been set with this decision. Chairman Cools stated that the ZBA was not within the Planning Board's control. Vice-Chairperson Faucette commented that the deed made reference to the fact that the existing lot could not be subdivided into more than two lots.

Alternate Member Dube asked Mr. Tatem if he was aware of any slopes steeper than 25% and Mr. Tatem answered that there were on the larger lot. Vice-Chairperson Faucette asked if the acreage had been calculated by taking out the slopes and Mr. Tatem said that it had not been. Mr. Tatem stated that he felt that the variance gave the right to split the property in half and that was done to the best of his ability to make the lots as conforming as possible. Ms. Faucette asked if the ZBA addressed the steep slopes and Mr. Tatem stated they did not. Alternate Member Dube asked if the applicant had been denied by the Planning Board prior to going to the Zoning Board and was told that they had not. Member Huntoon asked if the Board needed to consider the well when approving the application. At this time, Mr. Tatem informed the Board of a stream that has a wetland setback on the abutter's property and runs along the property line that the well is located.

Chairman Cools recognized Relf Fogg who asked if these circumstances would set a precedent for future applications. Alternate Member Winckler informed the group that Town Council has advised the Zoning Board that their decisions do not set precedent and that each case before the ZBA is unique.

MOTION: To approve the application for a minor subdivision of the parcel shown as Wakefield Tax Map 223, Lot 30 to create two lots. Proposed lot sizes are 2.00 acres and 3.13 acres.

Made by: Donna Faucette

Seconded by: John Blackwood

Discussion: Member Huntoon disagrees with the ZBA variance and will abstain from voting.

Vote: Four in favor, one abstaining

BOARD BUSINESS

The Board discussed agenda items for the next Administrative Meeting scheduled for January 14, 2010 and as there were none pending, it was decided to cancel this meeting.

Chairman Cools recognized Alternate Member Dube who voiced his disapproval of the interview process for planning services that took place prior to the start of this meeting. Mr. Dube stated that he thought the Alternate Members of the Planning Board should have been included in this process. Chairman Cools disagreed with this. The Chairman recalled that previously when the interviews were being conducted for the Planner, they were conducted by the Board of Selectman, some of the Planning

Board members and one Zoning Board member. Member Stevenson stated that unless an Alternate is sitting in the place of a Planning Board member, they are not a Planning Board member. She went on to say that when the Planning Board goes into a non-public session, it is the Planning Board members only. Alternate Member O'Connor asked if it was a non-public Planning Board meeting or a non-public Selectmen's meeting. Chairman Cools replied that it was a non-public combined meeting for personnel which is the only reason that the Planning Board can have a non-public meeting. Alternate Member Dube said that the alternate members were not aware of the interviews or the meeting. Vice-Chairperson Faucette said that this was a posted position and she was just made aware of the interviews early this week. Member Stevenson informed the group that the current interviews were different than the interviews in the past for the Town Planner and this was discussed at the Selectmen's meeting in December. Chairman Cools recognized Relf Fogg who questioned when the roll call took place and when the non-public session was declared. Mr. Cools answered that the Selectmen sometimes hold non-public sessions prior to public hearings and do not have to declare themselves because the meeting has not started yet.

APPROVAL OF MINUTES

MOTION: To approve the minutes of December 10, 2009

Made by: Al Huntoon

Seconded by: Peg Stevenson

Discussion: John Blackwood and Donna Faucette abstaining

Vote: Three in favor, two abstaining

CORRESPONDENCE AND MISCELLANEOUS

ADJOURNMENT

MOTION: To adjourn the meeting at 7:45 pm

Made by: Al Huntoon

Seconded by: Donna Faucette

Discussion: None

Vote: Unanimous

Respectfully submitted,

Donna Beaudoin
Planning Board Secretary