



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

April 20, 2023

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman	✓	Johnny Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer Shoreland Officer	
Doug Stewart Vice Chairman		Stephen Leroux	✓	Peter Gosselin, Building Inspector	
Ken Fifield Selectmen's Representative	✓	Priscilla Colbath	✓		
David Silcocks, Member				Steven Whitley, Town Counsel	
Dick DesRoches, Member by Zoom	✓			Public Hearing	✓

Others present

Kenneth and Donna Sheridan, Verna Larson, Philip Brienze, Sally Hildreth, Rosie Gray, Terry Gray, Jami and James Thibodeau, Rose Cleveland, Robert Baxter, Charles Reardon, Michael Kennedy via phone and Michelle Keating from Clearview Community TV.

Pledge of Allegiance & Call to Order

Mr. Dube called the meeting to order at 7:00 and those present joined him in the flag salute.

Seat Alternates as Necessary

Mr. Leroux was seated for Mr. Silcocks. Mrs. Colbath was seated for Mr. DesRoches.

Public Comment

None

Public Hearings

Conditional Use Permit Application

Submitted by Jami Thibodeau for property location Map 235 Lot 17, 1.8-acre, 275 Wakefield Road, Union, owned by Jami Thibodeau and Lynn McIntire. The applicant is seeking approval of a Conditional Use Permit to build a two-bay garage with an accessory dwelling unit over the garage attached to the existing dwelling. The property is located in the R2 Union Meadows zone. If this application is accepted as complete, it will be on each Planning Board agenda until a decision is rendered.

Mrs. Thibodeau said she would like to build a two car garage with a living space above the garage which would be 748 sq. ft. It will be 128 feet from the waterline across the street. Mr. Dube said this is in the R2 Zone but is across the street with no way of any runoff into Union Meadows.

Mr. Dube opened the Public Hearing at 7:08. An abutter asked if this would be a regular garage or commercial garage. Mrs. Thibodeau said a regular garage and they will be living in the ADU. Mr. Dube closed the Public Hearing at 7:09.

Mr. Dube read the seven criteria for conditional use:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit; yes
 2. The proposed use(s) is/are consistent with the adopted Master Plan; yes
 3. The specific site is in an appropriate location and of adequate size for the use; yes
 4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located; yes
 5. There will be no nuisance or serious hazard to vehicles or pedestrians; yes
 6. The use will not place excessive or undue burden on Town services and facilities; yes
 7. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located. Yes
- Mrs. Colbath made a motion, seconded by Mr. Leroux, to approve the Conditional Use Permit. (Vote 5-0)**

Conditional Use Permit Application

Submitted by Chuck Reardon for property location Map 95 Lot 19, 160 Au Bord Du Lac Road, .55-acre lot, owned by Michael Kennedy and Donna Goldberg. The applicant is seeking approval of a Conditional Use Permit for an accessory dwelling unit located over the attached garage. The property is located in the R2 Balch Lake zone. If this application is accepted as complete, it will be on each Planning Board agenda until a decision is rendered.

Mr. Reardon said right now he has a garage with an ADU. He will be keeping that and will tear down the existing home and build a new home. He said they already have a shoreland permit. The buildings are about 300' from the lake across the road. Some of it is outside the Shoreland Protection area. He said the ADU will meet the square footage. Mr. DesRoches asked why this property needed a Conditional Use Permit when the ADU already exists. Mr. Kennedy said it was repossessed property and he redeemed the property and planned to make a living area above the garage, build a house and connect it by a deck. The ADU will be 715 sq. ft. There will be a new septic installed. Mr. Dube replied to Mr. Leroux question that a Conditional Use Permit is only required in the R2 zone.

Mr. Dube opened the Public Hearing at 7:21.

Jill Black an abutter, on Zoom, said the owner refers to this as a garage, she said this is a home with a garage underneath. Mr. Dube said what Mr. Kennedy has has been a garage with a dwelling above it and an old dilapidated home. The property has no lake frontage. Mr. Sheridan said he is against this plan. He said this has been ongoing for ten years. He said there have been abuses of town ordinances on this property in the past. He pointed out on a map where he lives in relationship to the Kennedy property. He said the previous owner lived in the space above the garage for many years. He said nothing was ever inspected. Mr. Dube said that Mr. Vinagro will take care of all inspections and make sure everything is done properly.

Mr. Sheridan questioned some of the past practices and said some paperwork wasn't complete. Mr. Dube said this is work in progress. Mr. Sheridan questioned a laundry room in the ADU not counted as living Space which exceeds the ADU requirements. He asked if the Planning Board could put on a condition that the ADU not be rented. Mr. Dube said no. Mr. Sheridan asked if a condition about the owner living on the property 4 months out of the year. Mr. Dube said that's not a condition. It's in our ordinance that the owner of the property has to live in one of the dwellings. He also had some issues with the driveway. Mr. Dube said we are here for the Conditional Use Permit only.

Mr. Dube closed the Public Hearing at 7:41.

Mr. DesRoches said there was a comment about a fire door and storage space. He thought there couldn't be more than the required footage. Would the door that leads to additional space exceed the footage? Mr. Dube said Mr. Vinagro told him what they were doing was acceptable. The storage space will only be accessed from the garage not the dwelling. Mr. Vinagro will make sure it meets all the setbacks. Mr. Sheridan said that according to how he reads the plan the laundry room is connected to the living space. Mr. Dube said he reads it differently and Mr. Vinagro will be making sure its complaint.

Mr. Dube read the seven criteria for conditional use:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit; yes
2. The proposed use(s) is/are consistent with the adopted Master Plan; yes
3. The specific site is in an appropriate location and of adequate size for the use; yes
4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located; yes
5. There will be no nuisance or serious hazard to vehicles or pedestrians; yes
6. The use will not place excessive or undue burden on Town services and facilities; yes
7. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located. Yes

Mrs. Colbath made a motion, seconded by Mr. Leroux, to approve the Conditional Use Permit. (Vote 5-0)

Conceptual Review

Phil Brienze, 61 Flynn Road, TM 56-74, Family Compound, ADUs

Mr. Brienze has a garage across the street from his house on Pine River Pond. In order to comply with the ADU ordinance he would have to cut the space above the garage in half. The original garage was 22x30 and the upstairs was always a game room. There was a ping pong room, axe throwing room, kitchen which is just a sink, fridge and shelves and a little back bedroom were added. He said Mr. Vinagro told him he should go for a family compound. Mr. Dube said you would have to meet both the lake and road frontage to have a family compound. The lot is .75 acres. The garage is on the other side of the road 200-250 ft. from the shoreline. Mr. Brienze believes he had about 100 ft of lake frontage and the same for the road. Mr. Dube said he'd need a variance for road frontage, lake frontage and acreage. Mr. Brienze pointed out the layout of the area above the garage. He said the garage is 35x48. Mr. Dube said nothing said here tonight is binding on either party.

Mr. Fifield asked if Mr. Brienze redesignated some of the rooms could the rest be storage area. Mr. Dube said over half of it would end up as storage. Mr. Fifield said you originally made a large game room with a bathroom. A kitchen was never allowed. But now you want to make it living space. Mrs. Colbath said you'd have to have a solid wall between the ADU and the storage and separate access. Mr. Dube named the three variance requests they would have to make. Mrs. Colbath suggested talking with their attorney prior to going to the ZBA because they would be asking for a lot. Mr. Dube reiterated that the Board is just giving him some ideas of what he may be able to do with the second floor of his garage.

Board Business

None

Mrs. Cleveland was in attendance and Mr. Dube said she had applied to be an alternate. He suggested waiting until the next meeting when the full Board is in attendance. He will make sure it's on the next agenda.

Approval of minutes

Mr. Fifield made a motion, seconded by Mr. Leroux, to approve the minutes of April 6, 2023. (Vote 3-0-2)

Correspondence

None

Set next meeting date

May 4, 2023

Mrs. Colbath made a motion, seconded by Mr. Fifield, to adjourn the meeting at 8:20. (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary