



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

September 21, 2023

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chairman	✓	Johnny Blackwood, Alternate		Peter Gosselin, Building Inspector	
Doug Stewart, Vice Chairman	✓	Stephen Leroux, Alternate	✓	Jen Czysz, SRPC	✓
Ken Fifield Selectmen's Rep.		Priscilla Colbath, Alternate			
David Silcocks, Member		Rose Cleveland, Alternate		Steven Whitley, Town Counsel	
Dick DesRoches, Member	✓			Public Hearing	✓

Others present

Robert Goodwin, Mary Palmer, Michael Tsaltis, Carolyn Cossette and Gil from Clearview TV.

Pledge of Allegiance & Call to Order

Mr. Dube called the meeting to order at 7:00 and led those present in the Pledge.

Seat Alternates as necessary

Mr. Leroux was seated for Mr. Silcocks.

Public Comment

None

Public Hearings

Major Subdivision Application Continuation requested to October 19th:

Submitted by Daniel Flores, PE, of SFC Engineering Partnership, Inc., of Windham, NH, for property owned by Wyman's Cove LLC, 161 North Road, TM 110-6, 23 acres in the RIII and RII Zoning Districts. The applicants seek approval of a Major Subdivision Application to create four new buildable lots, with the original lot reduced to 1.35 acres and four new lots >3.4 acres. The application includes a waiver request from Development Regulations:

Article VI, Section 6.01.7 that requires Subdivision along a Class VI Road, or any private road, shall not be approved unless the applicant upgrades such road to meet the design standards of this regulation and the Town's ordinances. The owner proposed continuation of the existing private road (North Road.)

Mr. DesRoches made a motion, seconded by Mr. Stewart, to continue the Major Subdivision Application for Daniel Flores until October 31st at 7:00. (Vote 4-0)

Conditional Use Permit Application: Continued from September 7th Planning Board meeting Submitted by Asim Hafeez of Empower Energy Solutions, Inc., of Darien, CT, for property located at Map 180, Lot 075, .712-acre lot, at 9 Sheila Lane, owned by Joshua and Mariah Fournier. The applicant seeks approval of a Conditional Use Permit to install 32 ground-mounted solar panels. The property is located in the R1 Residential zone.

Mr. Dube said a plan was submitted to the Board. There was no one in the audience or on Zoom to represent this application. If it were a straight forward approval Ms. Czysz she would be inclined to recommending approving this. The Board needs the location of the array to make sure the setbacks are met. Ms. Czysz said with the Boards concerns you should probably wait. The Board felt they should give the applicant a chance to speak. No one felt this would be denied by the Board. Clearview said as an FYI, they have been having trouble with Zoom tonight,
Mr. DesRoches made a motion, seconded by Mr. Stewart to place this application on the October 5th agenda at 7:00. (Vote 4-0)

Conditional Use Permit Application

Submitted by property owner Robert Goodwin of 99 Pick Pocket Road, Map 19, Lot 001, which is 15.6 acres. The applicant seeks approval of a Conditional Use Permit to install 16 additional ground mounted solar panels [192 square feet] to an existing, previously approved, solar array. The property is located in the R2 Belleau Lake Residential zone.

Mr. Goodwin had installed his previous sixteen solar panels prior to an ordinance. It's in the middle of the property. No one is around or can see it.

Mr. DesRoches made a motion, seconded by Mr. Stewart, to accept the application as complete. (Vote 4-0)

Mr. Dube read the seven Conditions:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
Free standing solar panels are a conditional use.

Mr. Dube opened the Public Hearing at 7:29.

Mr. Dube closed the Public Hearing at 7:29.

2. The proposed use(s) is/are consistent with the adopted Master Plan;
Consistent with maintaining the rural character of Wakefield.
3. The specific site is in an appropriate location and of adequate size for the use;
Definitely fits on the fifteen acres.
4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;
Because of the size of the property and the location of the panels it will not affect the character of the area.
5. There will be no nuisance or serious hazard to vehicles or pedestrians;
It will have no impact.
6. The use will not place excessive or undue burden on Town services and facilities;

It will have no impact on town services.

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.

The only impact would be positive.

Mr. DesRoches made a motion, seconded by Mr. Stewart, that the applicant meets the seven conditions. (Vote 4-0)

Conceptual Review

Mary Palmer, 285 Robinhood Rd, East Wakefield, regarding having chickens at her property in the R1 Zone, TM45-102.

Mrs. Palmer said she was unaware that you couldn't have chickens where she lives as many people around her have chickens. The chickens are pets. Ms. Czysz said if this is considered an agricultural use a Conditional Use Permit may be required. Their property is located in R1. Mr. Dube said this is a conceptual review and nothing said here tonight is binding on either party. Ms. Czysz said agricultural personnel are allowed in that zone with a Conditional Use Permit. Mrs. Mulkern sent an application to Mrs. Palmer. Mrs. Palmer said her chickens are not free range.

Mr. Stewart said if she comes before the Board with an application he would be inclined to approve it. Mr. Dube doesn't feel she needs to get a Conditional Use Permit. It's personal like having a dog or cat. They're pets. Ms. Czysz said the ordinance says animals, it doesn't differentiate. Mr. Dube said a lot of people have chickens and he doesn't feel its an agricultural use. Mr. DesRoches felt that maybe this is something we should look at. There's a big difference between someone with fifty chickens and someone with ten. The Board agreed that pet chickens shouldn't need a permit but without some additional definition.... Mrs. Palmer said she will apply for the permit.

Carolyn Cossette and Michael Tsaltis regarding changing office space to apartment and creating a home office at 357 Meadow Street, in the Village/Res Zone, 183-049.

Mr. Tsaltis said he doesn't believe they have to qualify for a home office.

Mr. Dube said nothing said tonight is binding on either party.

Mr. Tsaltis said Village District is residential/office. There are presently two offices and he would like to make this a residential unit with an office. He also doesn't want to apply for a home business. He said they are in the village/residential overlay, business/commercial. Mr. Stewart said the building is all in one zone so the overlay doesn't apply. Mr. Tsaltis feels it does apply.

Mr. Tsaltis said the building is 952 sq. ft. and he needs 800 sq. ft. for the residence and the office wouldn't be separate from the house. He has two entrances for the office and two entrances for the house. He said zoning doesn't specify separation. We will have one unit for two functions. He read from zoning that under mixed use is a property that includes a business and a residential unit. It doesn't separate or define them. Mr. Leroux said the office is essentially an extra room off the apartment. Mr. Stewart said at first glance it looks like you'll have an apartment and an office, two separate things. Mr. Tsaltis said that's not what the zoning says.

Ms. Czysz told Mr. Tsaltis there is no overlay. It doesn't apply here. It's in the business/residential district, which is a base zoning district, a single zoning district within the village/residential district. Two family dwellings are allowed. Mixed use buildings are allowed. To have both an office and an apartment would be a permitted use. The living area for the residential unit needs to be considered. If the living area were to be less than 800 sq. ft. that would require a variance. If the person renting the home and using the office that would be a Home Enterprise which would require a Conditional Use Permit and Site Plan Review. Mr. Tsaltis said the office would be 144 sq. ft. with a separate entrance and the living space would be more than 800 sq. ft. He said we could add a door and make it separate.

Mr. Tsaltis numbers for the square footage is inaccurate on his plan. He's not changing the footprint. Mr. Stewart said it appears what he's doing is having the office as part of the living space. Mr. Tsaltis said zoning doesn't separate the two. There was a discussion about the mixed use meaning. Mr. Tsaltis believes zoning says one thing and the Board feels it says something else. Mr. DesRoches stated that Mixed Use is a property that includes a residential and business use. It doesn't say, a use of a building. He believes Mr. Tsaltis is incorrect in that he can use the 800 and use part of that for an office. Mr. Tsaltis said we're talking about property.

Mr. DesRoches suggested that he submit an application and the Board will hear it. He feels Mr. Tsaltis is interpreting the zoning as he wishes to interpret it which may or may not be correct. It doesn't say that the 800 for the living space no longer applies. Mr. Tsaltis said he'll change the plan and put a wall up between the office and living space. Ms. Czysz said would the change of use require a site plan review as a minor application? Or would it be considered an insignificant change of use? The square feet using Mr. Tsaltis numbers come out to 728 not 800. Ms. Czysz said mixed use building speaks of separate units.

Mr. Dube recommended getting the exact square footage using the outside dimensions. The Board agreed that this would be an insignificant change. Mr. Tsaltis said we could make it all residential. Mr. Stewart told him one option was to go to the ZBA to ask for a variance to get the living space less than 800 sq. ft. Ms. Czysz said that the building code may require the office to have its own bathroom. The bathroom in the residential part could be a sticking point.

Board Business

Review of septic system ordinances that other NH towns have instituted for waterfront properties

Mr. Stewart said there are a couple of towns in New Hampshire that, under the guidelines of health and safety, have instituted ordinances that have allowed them to regulate septic systems on waterfront properties. If there is a property that has a state approved septic system on file that system must be pumped once every three years. If there is nothing on file there is a requirement that they must be inspected to make sure it is functioning and must be pumped every two years. If it was determined it was not functioning it would need to be rebuilt or replaced. Failed systems can impact water quality on lakes. He listed some of the natural things that impact water quality. He said this could be a way for the town to ensure that our seven lakes stay healthy.

Mr. DesRoches said this could be a problem especially for buildings that are more than fifty years old. He wants the Board to take a look at something around septic systems. Mr. Stewart said one of the towns instituted the ordinance three years out to give people a chance to make

changes. He believes it might be best for this to go to a town vote rather than being instituted by the Planning Board. Mr. DesRoches wondered if this is a zoning requirement or a health requirement which would be instituted by the Selectmen. Ms. Czysz said this might be a health issue. Mr. DesRoches said it would require ongoing maintenance. Ms. Czysz doesn't think this falls under planning and zoning. The Board discussed having this in zoning. Mr. Dube felt that it should be in zoning, something that has teeth. Education is also a factor. Ms. Czysz suggested checking with legal to make sure the Board is allowed to do this. Mr. Dube said we can check to see if we have money in our budget to have Ms. Czysz or someone look into this. We could get a proposal to see how much it would cost or do our own after we find out if it's legal. There are some good points in the materials Mr. Stewart brought to us. He believes the Board can get some help with the lake associations. AWWA could help with education. Mr. DesRoches said there is a watershed plan for almost all our lakes that we can review. Mr. Dube said the town doesn't have an official watershed plan.

Introducing Land Use Clerk Amber Marcoux [a new direct email address is forthcoming]

Mrs. Marcoux is now the Boards Clerk. She is working half time. The paperwork for the Board will be gradually be transferred from Mrs. Mulkern to Mrs. Marcoux. Welcome Amber!

Mr. Stewart said the Board would have to have conversations with the Selectmen about the Septic issue as they would have to be on board with it as well. The Board had a discussion about updating the Master Plan on a yearly basis adding small adjustments to it every year. The Master Plan is nine years old and probably needs minor adjustments not a complete re-write. The Board would like the current Master Plan emailed to them from Mrs. Marcoux or Mrs. Mulkern.

Correspondence

None

Public comment

Set next meeting date

Mr. DesRoches made a motion, seconded by Mr. Stewart, to approve the minutes of August 17, 2023. (Vote 3-0-1)

Mr. DesRoches made a motion, seconded by Mr. Stewart, to approve the minutes of September 7, 2023, with one correction. (Vote 4-0)

Correspondence

Public Comment

Adjournment

Mr. Stewart made a motion, seconded by Mr. Leroux, to adjourn the meeting at 9:00 (Vote 4-0)

Respectfully submitted for approval at the next Planning Board meeting,
Priscilla Colbath,
Planning Board Secretary

