



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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MINUTES OF THE PLANNING BOARD MEETING

24 January 2019

Approved

1/24/2019

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Member	X	Donna Martin		Victor Vinagro, Land Use Clerk & Code Enforcement Officer	X
Tom Dube, Chair	X	John Blackwood	X	Russ Bookholz, Building Inspector/Co-Code Enforcement Officer	X
Connie Twombly, Selectmen's Representative		Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member	X			Richard Sager, Town Counsel	X
Dick DesRoches, Vice Chair				Public Hearing	X

Also Present: Charlie Edwards, Dana Margolis, Christopher Kim, Dino Scala, Gene Parker, Brian Berlin, John Myers, Gail Myers, Chuck Robbins, Dave Stephen, Jerome Libby, Dave Mankus, John B and ClearView Community TV

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

Mr. Blackwood sat in for Mr. DesRoches

Mr. Dube told those who gathered that there is a Public Hearing on Zoning articles and if they are changed tonight they have to be simple changes and they must be edited before 11:00am tomorrow.

Planning Board Public Hearing

Mr. Dube opened the Public Hearing at 7:03pm

• **Amendment #1 as proposed by the Planning Board: Article 3, Table 2-Minimum Setbacks:** To amend Article 3-Permitted Uses, Table 2-Minimum Setbacks to increase the minimum shoreland setback for standard lots in the Residential II zone from 30 feet to 50 feet to match the state standards and to delete footnote 7, which explains that state setbacks currently supersede the local setback requirement.

Mr. Dube explained, in layman's terms, right now we have a 30' setback from the lake and the State setback is 50'. The Board had a lengthy discussion about this and Mr. Bookholz, Mr. Vinagro and the Board have looked at this. The state law supersedes our ordinance. The setback has to be 50'. This is to change the ordinance to comply with state law. Any houses currently within 30' of the lake are

Planning Board Minutes

January 24, 2019

1 of 5

grandfathered. Mr. Dube told those present that the Board had to recommend or not recommend to go forward or not go forward with the articles tonight (Mr. Dube introduced the members of the Board, Code Enforcement Officers and Mr. Sager,(Town Council)

The Board had no discussion. Mr. Sager said you could adopt it as is and anyone wanting to put an accessory structure closer than 50' would need a variance or table it until next year.

Mr. Blackwood made a motion, seconded by Mr. Silcocks, to table this amendment until next year. (Vote 4-0)

Amendment #2 as proposed by the Planning Board: Article 11-Floodplain Development Overlay District and Article 33-Definitions to amend Article 11-Floodplain Development Overlay District and Article 33-Definitions to update the definition of manufactured home to include recreational vehicles placed on site for greater than 120 days instead of 180 days.

The Floodplain Development Overlay District originally had no rules and regulations. Then it was decided that nothing on slabs were allowed in the Flood Plain Development Overlay District. Mr. Dube said now we are trying to change it to included travel trailers and things like that. In his opinion it's something we shouldn't have had in the first place. The 120 and 180 days is something they have throughout the Zoning Ordinances and campsite zoning. No Board discussion. Mr. Sager said every town that wants to be covered by FEMA in order to get insurance for people that suffer floods has to be somewhere in the zoning a flood based ordinance. No public comment.

Mr. Stewart made a motion, seconded by Mr. Blackwood, to move Amendment 2, as revised, to the warrant. (Vote 3-1)

Amendment #3 as proposed by the Planning Board: Editorial Changes: To amend Zoning Ordinance to make editorial changes throughout the Ordinance by replacing all instances of the term "Comprehensive Shoreland Protection Act" with "Shoreland Water Quality Protection Act." No changes are proposed to the requirements of these sections.

Mr. Silcocks made a motion, seconded by Mr. Blackwood to replace all instances of the term "Comprehensive Shoreland Protection Act" with "Shoreland Water Quality Protection Act". (Vote 4-0)

Amendment #4 as proposed by the Planning Board: Article 16-Private Campsites: To amend the Zoning Ordinance to set a fee of \$25. For a private campsite permit, restrict the number of permits allowed for a lot to one permit per year, and revise the conditions for a private campsite associated with residential construction.

Mr. Dube shared some history about the ordinance. It was added fifteen years ago. They have tried to change it every single year and have yet to get it right. There was a twenty five dollar fee but it was removed. The Code Enforcement Officials want it back in because it tightens things up. Mr. Sager said after struggling with this for years he feels it's a good step forward. Mr. Vinagro said coming from a code enforcement point of view, right now a camper is allowed for 120 days and there is no permit so it's hard to know how long someone has lived in it. After 120 days they would have to break it down completely. It also has to be plated and road worthy. Mr. Bookholz said you can have a camper and one unregistered vehicle on your property according to the state. This is for people who set up a campsite on

a piece of property and some have wells and septic. You need to have a state approved septic. He said we don't know what's happening to the sewage in these campers when people are spending four or five months in them. If we permit them we can make sure everything is hooked up properly. It's public safety. We found a couple this year without proper septic. An audience member asked if the 180 days was a typo. Mr. Vinagro said that is for using a camper during construction. After 180 days if there is no evidence of construction the building permit will be automatically void.

Mr. Blackwood made a motion, seconded by Mr. Stewart to leave this amendment as written and that it be placed on the warrant. (Vote 4-0)

Amendment #5 as proposed by the Planning Board: Article 33-Definitions: To amend Article 33 of the Zoning Ordinance to add "Bunkhouse" definition.

Mr. Dube read the definition of a bunkhouse. "A building used for sleeping the doesn't contain other facilities associated with a dwelling unit such as a kitchen or a bathroom".

Mr. Bookholz said this was put in because a bunkhouse is different from an accessory dwelling. Brian Berlind said he is in favor of defining a bunkhouse but would like the words "or bathroom" removed. He sees no reason why a bunkhouse can't have a bathroom. Mr. Bookholz said he fears after a bathroom is added a kitchen will follow as the water would be there then. He said it is either a bunkhouse or an accessory dwelling. John Myers asked, if this wording stays will bunkhouses be permissible. Mr. Bookholz said yes but they aren't an allowed use right now and we want to be able to allow them. Chris Kim asked if the bunkhouse will have a limitation on square footage. Mr. Dube said if they are existing now they are grandfathered. There are existing bunkhouses and ADUs and Code Enforcement is visiting them to make sure they are safe. They are pre-existing and grandfathered. Mr. Silcocks asked if it didn't make sense to make bunkhouses smaller. Mr. Dube said Mr. Kim has a good point about the square footage. Jerome Libby said if you're going to add a bedroom than you have to increase the septic system. Mr. Bookholz said it's an accessory structure not a primary living structure. Mr. Libby said you still need to increase the septic. Mr. Bookholz said not if it's not occupied full time. Mr. Blackwood asked what is the size of a bunkhouse. He was told it's usually over a garage or a small shed. Mr. Sager said he had to veer a little bit from what Mr. Bookholz is saying. Bunkhouses are not currently a permitted use. Adding the definition of a bunkhouse doesn't change that because you're not seeking to amend Table 1: Permitted Uses. Sometimes you do that to make it clear they are not permitted. But if the goal is to add bunkhouses you can amend it in the zoning ordinances next year to make it a permitted use and add dimensional requirements. Or you could table this article and do it all at one time next year. This article does not accomplish allowing them. Mr. Bookholz said if someone wanted a variance the ZBA would at least have a definition. Mr. Stewart said voters may think we can build a bunkhouse now. Mr. Berlind asked if a room was built over a garage and their septic allows it, could they have a bathroom. Mr. Bookholz said yes.

Mr. Silcocks made a motion, seconded by Mr. Blackwood, to table amendment #5. (Vote 4-0)

Amendment #6 as proposed by the Planning Board: Article 23D-Accessory Dwelling Unit and Article 33-Definitions: To define "Accessory Dwelling Unit" and eliminate the defined term "In-Law Apartment", to forbid detached accessory dwelling units, and to revise the maximum bedrooms permitted in an accessory dwelling unit.

Mr. Dube gave some history about this article. He said, they want to change this to limit it to two bedrooms. Right now it says a minimum of one. The state said we must have an accessory dwelling

units so we changed our In-law Apartment to Accessory Dwelling Units. We voted to accept the state regulation. He felt that included detached accessory dwelling units and also attached. Mr. Sager doesn't particularly like this amendment. He thinks it needs a little more work, for example under Article 23D you're looking to amend the definition but to also add a new definition for an ADU to Article # 23 that already has the definitions. He believes defining it in two places is not a good idea. His legal opinion is to table this amendment. He feels having the two separate definitions will invite litigation. He suggested dealing it as a variance between now and next March. Mr. Berlind asked what the reason for denying detached ADU's is. Currently they are allowed and why take them away? Mr. Dube is not in favor of taking them away. Mr. Bookholz said the current language reads it will have a door between the permanent structures. 80% of the towns say no to detached so as to not create a bunch of multi-family lots. The Town zoning does not allow them. An ADU can be built on small lots. Mr. Dube said when they put this before the voters they voted that you could have an attached or detached unit. Mr. Dube said everyone should be allowed to have one as long as it meets the codes. Mr. Bookholz said what you're doing is allowing two houses on one lot. Mr. Dube disagrees. He said it's not two houses. It has to look like a garage. It can't look like a duplex. Mr. Robbins said on the road he lives on there are lots of houses on small lots and you're going to allow another one? Mr. Dube said if it meets all the required criteria. Mr. Sager said in 2017 the NH legislature passed a law that every town has to allow ADU, s. Wakefield, who didn't allow them had to scramble to add them to their Zoning Ordinance. Mr. Stewart said if we didn't add this it would default to the states definition. Mr. Sager said our ordinance now says that an ADU is in or attached to a single family dwelling. So right now we don't allow detached. And this amendment isn't going to change that, Mr. Dube said further on in the ordinance it says detached. Mr. Sager said the definition doesn't match up with what the rest of the ordinance says. An audience member said detached is also on the list of permitted uses. Mr. Stephen then said if you can build them now, why not just leave it the way it is? Mr. Robbins asked if the definition will have any affect if someone came in for a permit. Mr. Dube said he didn't know. Mr. Sager said this definitely needs work. Mr. Robbins asked how many people have come in for a permit in the last three plus years. Mr. Stephen said he knew of one.

Mr. Silcocks made a motion, seconded by Mr. Stewart, to table amendment #6. (Vote4-0)

Mr. Vinagro will get with Ms. Collins to let her know of tonight's decisions.

Mr. Dube closed Public Hearing at 8:12

Approval of meeting minutes of January 3, 2019

Mr. Stewart made a motion, seconded by Mr. Silcocks, to approve the minutes of January 3rd as written. (Vote 3-0-1)

Public Comment

Mr. Edwards congratulated the Board, Code Enforcement and Mr. Sager for a great debate. He said this is the way democracy should work.

Next meeting date: February 7th, 2019

Adjournment

Mr. Silcocks made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:16 (Vote4-0)

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary