



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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MINUTES OF THE PLANNING BOARD MEETING

6 June 2019

Approved

6/6/2019

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

Also Present: Carol Kelly Mowers. Robert Baxter, Rose Cleveland, Annette Perry and Jim Miller with ClearView Community TV

Mr. Dube called the meeting to order at 7:00pm.

Public Comment

None

Conceptual Review

Carol Kelly Mowers for Wakefield Market Place, White Mountain Hgwy

Signs for nonprofit business.

Mrs. Mowers told the Board about the temporary signage she wished to put up on the State blue signs on Saturdays for twenty-two consecutive weeks when the Wakefield Market Place is open. They will be removed when the Market Place is closed. They are hopeful these signs will alert people that they are there. Mr. Vinagro said there is a 75' right of way from the center line to the side of the road on Route 16. He spoke to two people at DOT and they felt as long as the signs did not obstruct the view coming from Rout 153 on to Route 16 they had no problem with the sighs protruding a little on to the state right of way. Local zoning, article 21 section C under signs shows there is nothing required from the Board.

Board Business

Escrow Releases

Phillip Emilio Subdivision: Return of \$500 for Planning Services and \$51 for Recording Fees.

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to release the fund back to Mr. Emilio. (Vote 5-0)

Ed and Tina Nason Moose Mountain Farm: Return \$150 for Professional Planning Services.

Mr. Stewart made a motion, seconded by Mr. Edwards, to release the funds back to Mr. and Mrs. Nason. (Vote 5-0)

Lance Moulton Wakefield Marble and Granite: Return \$250 for Professional Planning Services.

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to release the funds back to Mr. Moulton (Vote 5-0)

Board Discussion with Planning Consultant

Mike Garrepy, Garrepy Planning Consultants: Discussion of Wakefield Zoning Ordinances.

Mr. Dube began the discussion with the definition of Insignificant Change of Use and how to administer that within the regulations. Mr. Garrepy said they were moved into the Site Plan Regs. He said it was determined that there was a lot of wasted time, not only the Board's but also the applicants. As long as an applicant meets the criteria, as determined by Mr. Bookholz or Mr. Vinagro, the permit can just be issued. Mr. Bookholz said under Permitted Use, Page 9P in zoning says permitted use subject to Site Plan Review if required. He finds this confusing. Mr. Garrepy said if it's permitted it may not require site review. You then go to the criteria in your Site Review Regs which talks about what's required to be a major or minor review or no review at all. So in that instance the section listed Change of Use, page 20, lists the types of site plans you may encounter. On Page 22F Insignificant Change of Use. We moved that so the Code Enforcement Officer/Land Use Clerk could use the thirteen criteria, if in their opinion are met then it just gets signed off on. If there is anything within the criteria that the officer and clerk are not sure about they will bring it to the Planning Board. Mr. Dube said if there is a question they can call him and perhaps get it going without meeting with the Board. Mr. Vinagro said they were trying to be very transparent and Mr. Garrepy said they could document how they arrived at their decisions. Mr. Vinagro asked, does the permit just hinge on meeting the criteria and has nothing to do with the type of business? Mr. Garrepy said provided that it is allowed in the zone and can somehow be fitted in a permitted use category.

Mr. Bookholz talked about the contradictions on pages 8 and 9 concerning a person who came in and asked to put animals on a piece of property zoned Business/Commercial. Agricultural/Commercial says it's not permitted, Agricultural/Personal says it's not permitted but Agricultural and page 9 says retail sales of produce grown on site is a permitted use. How is that not agricultural and Farmers markets are also a permitted use. Meat can be sold at a farmers market. It says no agriculture but you can grow and sell produce on the site. Mr. Garrepy recommended that this be noted as a conflict and discussed in the talks about zoning changes. Mr. Vinagro will do a spreadsheet or list of the items throughout the year that the Board should address.

Mr. Bookholz mentioned ADU's and making them less stringent. Perhaps allowing detached in zones R1 and R3 and not allowing detached in zone R2, also making the square footage of an ADU larger. Mr. Bookholz and Mr. Vinagro would like to see an ADU go from the present limit of 750 sq. ft. to 900 sq. ft. Mr. Vinagro said we are at 750 sq. ft. exactly, if you read the ordinance. They would like to be able to say a little bigger or a little smaller. The way this is written it says ADU's will meet all other requirements of a single family unit which has an 800 sq. ft. minimum. Mr. Bookholz reads this to mean that because the state says 750 we can't go below that. Mr. Garrepy disagrees and says shall not exceed 750, not required to be 750. Mr. Bookholz would like a correction made to the ordinance on page 57B. Mr. Garrepy explained that the lot does not have to be bigger or have more frontage than what would be

required for a single family home. In order to have an ADU you must already have a single family home that would meet all requirements. It does not say that the ADU has to be exactly 750 sq. ft. A single family home can be as small as 850 sq. ft. and an ADU cannot exceed 750 sq. ft. Mr. Bookholz said tiny homes are being discussed at the legislature and expect to see things very soon. There will be questions about size, snow load, weather they have to be allowed if they don't meet the criteria? Mr. Vinagro said the ADU dilemma is because we say an ADU will not exceed 750. Sq. ft. and they believe the State says not less than 750 sq. ft. is allowed. So it has to be exactly 750 or don't build it. Mr. Garrepy says he believes it sounds high to him and he doesn't recall what the state number is. Mr. Dube said that's when you go to the intent. Mr. Stewart said the state says must not restrict the maximum size of an ADU to less than 750, fewer than two bedrooms and smaller than 750, basically 24 by 32.. But the Board could put a minimum of like 500. Mr. Bookholz said as of right now we don't allow tiny houses because we have an 800 sq. ft. minimum. (Bunkhouses will be discussed as a totally separate issue) Mr. Dube suggested that Mr. Garrepy write something up about ADU's. Mr. Bookholz said an ADU with two bedrooms could be tight. Mr. Dube said it's hard to say an ADU can be 850 when the minimum for a house is 800. What's the goal of the ADU? Mr. Garrepy feels 750 is adequate but wants input from the Board. General consensus is they are ok with the 750. They will have Mr. Garrepy draw something up for attached and detached ADU's

Zoning Ordinances page 1 table 2, Minimum Setbacks: Shore land/Shorefront to Shoreline Setback 30' with a footnote of 7. Accessory Structures: The state setback is 50'. Mr. Vinagro asked if the town has an ordinance that addresses accessory structures within the shoreline. The State setback is 20' for a shed, gazebo, screen house and we have 30'. Mr. Dube said the reason that was put in there was for a primary structure. It wasn't to take away any other rights. We're 30' but the state will require, if you're building a new house to be 50'. But you can do less than 50' if it's not a primary structure or if it's already there and you want to tear the existing building down you can use the same footprint. The 30' is there to let people know they can reuse the existing footprint if the tear down and rebuild if it is currently at 30'. Any structure can be built at 30' as long as the state says you can. If someone wanted to put a shed at 20', which is the state requirement they would have to get a variance. Mr. DesRoches said the question is do we want to leave it at 30' for small structures or change it to 20' as the state allows? There was a discussion about changing to 20'. The Board discussed the possibility of allowing accessory structures at 20' but define the structures, no bunkhouses, no bedrooms, etc. Mr. Vinagro said people are not doing perched beaches and the state is going to allow patios that go along the water's edge you can sit on down by the water which is actually better for the environment because the vegetation doesn't get ripped out.

Mr. Dube asked if Mr. Vinagro and Mr. Bookholz along with Mr. Garrepy could do a list of what's been brought up and the Board can address one at a time. Mr. Stewart stressed working on warrant articles so that everyone can get on board with the wording of the article and all endorse the articles. He would like to see the votes written under the article. Mr. Vinagro feels that the articles should be addressed by the Planning Board to get the word out to the public so people are clear and not listening to interpretation from social media. Mr. Stewart said we're taking the initiative and now talking to Mr. Garrepy, our expert, so these things will get plenty of discussion time. The Board goal will be to put articles forward in agreement.

Private Campsites: Article 16 page 43, Section B Limitations: #1. One private campsite per lot is allowed no longer than 120 days consecutive. Mr. Vinagro has had people come in and say they can have their camper set up for 120 consecutive days, tear it down and have it roadworthy then reset for another 120 days. The intent is 120 days 'within a calendar year'. Perhaps that wording should be added.

The Board had a lengthy discussion about whether they want to change the number of days. Mr. Vinagro said it is hard to enforce because how do we know how long someone has been there. Mr. Dube said this article has been a nightmare, as they knew it would be. He sees the camper issues evolve. People eventually remove the campers and build. With time, the issue seems to go away. The issue at the time was people were living in campers year round or people were putting one or more campers on their lot and coming up for the weekend. Campers are so hard to manage. Mr. Vinagro said what he needs is direction from the Board as to how he should handle the camper issues. He is hearing the Board say leave the campers alone unless someone is living in one year round or has more than one camper on their lot. Mr. Bookholz said people are driving points into the ground and have no septic and that's a problem. Also campers put on lots too small for a primary structure but with a camper is used like one. People have actually received tax abatements because they live next door to a lot with two or three campers which would make it a campground. Mr. Bookholz said that when people aren't in compliance they ignore what he says, ignore letters from him and the state. Without the 120 day ordinance they wouldn't have anything to stand on when they take them to court. By consensus the Board felt they should only try to change one thing in the ordinance and maybe that should be the number of days annually. There was more discussion on how to set that 120 days. Mainly they will be enforcing permanent and more than one camper on a lot. Also addressing neighbor complaints.

Mr. Dube said this is an open discussion and asked if the audience had anything they would like to add. Mrs. Cleveland asked if the state always overrides the town and was told that the more restrictive one usually applies. She asked about inconsistencies in the thirteen criteria person to person in the Insignificant Use Change and was told they may vary from site to site but not person to person. She felt that if something doesn't pass some of the criteria they should be able to come before the Board to discuss them and was informed that's how it is done now. She would also like a better definition of Accessory Dwelling Units and Bunkhouses and what can be put near the water. She feels that people should be more responsible for themselves. Mr. Dube said that there will be plenty of opportunity to talk about the campers in the coming months. She also questioned raised vegetable beds that were brought up on Facebook and she was told that there is no restriction for these items except when they are put within 20 feet of the shoreline. Mrs. Perry said we pay such high property taxes and asked why everyone can't just do whatever they want with their property. Mr. Dube explained that back in 1987 the Town adopted zoning ordinances. Mr. Stewart said these ordinances are there to protect you. Mr. Vinagro reminded her that Wakefield had the third lowest tax rate in the state. He invited her to come in and speak with him if she wished to do something on her property.

Approval of Minutes

Mr. DesRoches made a motion, seconded by Mr. Edwards, to approve the minutes of May 16, 2019. (Vote 5-0)

Correspondence

None

Public comment

Mr. Miller said a big part of the zoning is to protect the environment and the lakes. He stressed that the two people who have the job of enforcing the ordinances do not interpret the rules as they want as has been alleged on social media. They try to make it equal for everyone.

Adjournment

Mr. Stewart made a motion, seconded by Mr., Edwards to adjourn the meeting at 8:50 (Vote5-0)

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary