



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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## MINUTES OF THE PLANNING BOARD MEETING

15, August, 2019

Approved: 8/15/2019

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	
David Silcocks, Member	X			Richard Sager, Town Counsel	
Dick DesRoches, Vice Chair	X				

### Also Present

Donna Martin with ClearView Community TV

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

### Seat Alternates as necessary

Mr. DesRoches sat Ms. Martin until Mr. Silcocks arrived. Mr. Dube and Mr. Silcocks both joined the meeting at 7:01.

### Public Comment

None

### Public Hearings

None

### Conceptual Review

None

### Board Business

#### ADU discussion

Mr. Vinagro supplied the Board with a packet containing the towns Zoning Ordinance, Article 23D, the state RSA's and previous minutes since ADU's were brought into zoning in 2016. Mr. Dube said the discussion will be whether we allow attached or detached ADU's. He said in Mr. Bookholz and the Town Attorney's mind we do not allow detached units. He does not believe this is the case. He knows

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the intent was to always allow them, in his mind. Mr. Vinagro said that they have been following the attorney's opinion. Mr. Stewart said his interpretation of the written words, not what the Board intended or didn't attend, for one, it's not clear and if you are going to err on the side of caution, in his mind, you would only allow attached ADU's. In order to resolve this the Board needs to revise it to remove any confusion.

Mr. DesRoches said the wording in Article 23D, in his mind is extremely clear. It says it has to be attached. Mr. Silcocks questioned the article stating, "On the same parcel of land" meaning there could be separate buildings. Mr. Edwards suggested just rewriting this making it clearer. Mr. Dube feels that they should be allowing them right now because that was the intent of the article. Mr. Bookholz said this may have been the intent but that wasn't the way it was written and that is what they have to base their decisions on. The Town Attorney made the statement that the Town does not allow detached ADU's at a Planning Board meeting. Mr. DesRoches said he does not recall the details of the prior discussion but there is nothing in the minutes that states that intent. The voters voted on the article as it's written. Mr. Stewart said he feels that they should allow both attached and detached ADU's except in R2 and in R2 only allow attached. Mr. Edwards asked if today, we tell the Land Use Department to follow the intent and change this for voting in March. Mr. Stewart said he feels they should follow what is written. Right now people can go to the ZBA for a variance so there is a way around it right now. Mr. Dube is not good with other people changing the intent. There was further discussion about this subject and the contradictions in the article. The general consensus is that they can fix it. Mr. Vinagro stated, for the record he is neither for nor against the detached ADU's. Mr. Stewart was concerned whether the Planning Board had the authority to override what the voters voted for. Mr. Dube feels they would not be overriding. Mr. Stewart said personally he feels they would be and he's not going to do that but he can see both arguments. Mr. DesRoches concurred. Prior to 2016 both were allowed when they were called In-law-Apartments it was not defined whether they were detached or attached. Mr. Dube wants to give the Department clarification tonight. Mr. DesRoches asked if we have the authority to tell Code Enforcement how to issue building permits? Mr. Dube believes they can tell them how to interpret their zoning. Mr. Stewart does not believe that the Planning Board has the authority to tell the Building Department how to interpret, which would be the Selectmen's job. There was more discussion on the way the article was worded.

**Mr. Silcocks made a motion, seconded by Mr. Edwards, to allow attached and detached ADU's as our current zoning allows. (Vote 3-2)**

Mr. Bookholz said this will also be allowed in R2. Mr. Bookholz said he was going to seek a legal opinion on the Boards authority to do this. He said the Board was changing this and Mr. Dube said they were just telling him to interpret it the right way. More discussion ensued. Mr. Bookholz said he will start doing this tomorrow without argument. He just feels the Board is opening up a can of worms when they could just wait until March. There was discussion about the potential outcome of their decision. Mr. Dube asked that Mr. Vinagro come up with wording with the Planning Consultant that clearly defines allowing attached and detached ADU's and in R2 zones it will require a Conditional Use Permit and this will go before the voters. Mr. Bookholz made it clear that he is not against detached ADU's. He is just following the zoning regs.

Mr. Dube asked Mr. Vinagro to compile a list of when to start working on the Warrant Articles and when to have public hearings.

Article 14 Performance Standards Dissuasion

Mr. Vinagro asked for clarification. They had received a noise complaint about someone buying a lot, putting a camper on it and is now running a generator all day and night and the complaint is the noise. He wanted to know if Article 14 applied to this situation. He was told there was no noise ordinance in Wakefield and this article only applied to building a subdivision.

#### Planning Board Budget

Clerical Wages 110: \$12,000 was budgeted for Mr. Vinagro as Land Use Clerk and \$1,000 for Mr. Bookholz. Asking for 520 additional hours for The Administrative Assistant. She is averaging 10 hours a week for paperwork etc. This money would be moved from Building to Land Use to show where money is actually being spent. That makes this line \$22,500. Mr. DesRoches asked, where is the line the Shore Land Officer? Mr. Bookholz said Mr. Vinagro is the Shore Land Officer, Code Enforcement, Health and Land Use Clerk. The job title was rewritten by the Town Administrator. About 50% of Mr. Vinagro's time is Land Use. Mr. DesRoches is concerned about the Shore Land hours being reduced. There was a discussion about whether the Town or State should follow up with the permit applications. Mr. Vinagro follows through with all permits processed through the Town.

Prof Services 310: Mr. Dube questioned leaving this line at \$2,500. It's been carried at \$2,500 for years and if not spent it goes back to the general fund.

Legal Services 320: This line is being increased to \$10,000 as there presently three court cases. They are all Land Use violations. Two never got Planning Board approval and zoning violations. These cases have been pursued for years. They have respectfully tried to work with these people to no avail.

Training 330: This line has been increased from \$500 to \$1,000 for training for Mr. Vinagro, Mr. Bookholz, Planning Board and ZBA members.

Computer Software 342: Leaving \$1 in that line as a placeholder.

Planning Maps 390: Stays at \$100.

Advertising 570: Increased from \$1,500 to \$1,750.

Mileage 637: Mr. Vinagro has had to use his own vehicle.

Recording fees 820: Stays at \$1.

The new total is \$41,002. Mr. Dube thanked Mr. Bookholz and Mr. Vinagro for getting the budget ready. Mr. Bookholz will present this budget to the Budget Committee. This is for the Planning Board and the zoning Board. Mr. Bookholz will go over this budget with the ZBA at their meeting next Monday.

#### Correspondence

The Department of Transportation will hold a public informational session On Wednesday, August 21<sup>st</sup> to discuss the Highway Safety Improvement Project reconstructing an existing RR crossing at the intersection of 153 and 16. There will be repaving and a new signal device installed.

#### Approval of Minutes

**Mr. Edwards made a motion, seconded by Mr. Silcocks, to approve the minutes of August 1, 2019. (Vote 5-0)**

#### Sign Rossman Boundary Line Adjustment Plan

The Board signed the plan.

Mr. Edwards said that one thing that makes Wakefield great is that boards can have a debate and disagree and not take it personally.

**Public Comment**

None

**Correspondence**

None

**Set Next Meeting Date**

The next meeting will be September 5, 2019

**Adjournment**

Mr. Edwards made a motion, seconded by Mr. Silcocks, to adjourn the meeting at 8:40. (Vote 5-0)

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath  
Planning Board Secretary