



## TOWN OF WAKEFIELD, NEW HAMPSHIRE

### Planning Board Minutes

October 1, 2020

Approved

Zoom Meeting #11

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chair	X	Donna Martin		Victor Vinagro, Building Inspector/Code Enforcement Officer	X
Dick DesRoches, Vice Chair	X	John Blackwood			
Charlie Edwards, Selectmen's Representative				Mike Garrepy, Planning Consultant	
David Silcocks, Member	X			Richard Sager, Town Counsel	
Doug Stewart	X				

Ken Fifield sitting in for Charlie Edwards

Others present: Kerry Fox, Robert Todd, Kayla Johnson, May Johnson, Michael Belcher, Jim Miller and Ted Taylor from Clearview Community TV.

#### **Pledge of Allegiance & Call the meeting to order**

Chairman Dube called the meeting to order at 7:00.

#### **Seat Alternates as necessary**

Full Board present

#### **Public Comment**

None

#### **Public Hearings**

Janath DeSilver, 544 Beverly Hills Drive, TM 45-10. Conditional Use Permit to construct an ADU above a garage in a Residential II Shoreland Zone.

This will not be an apartment. It will be a game room and a place for guests to spend the night. The building meets the zoning. This will be a new garage and has all state approvals. Because of a kitchen and a bathroom, it comes under the ADU heading in the R-2 zone. He has a brand new four-bedroom septic system. The garage will be 15x 24. The ADU will be 405 sq. ft. He has plans the Board reviewed. Mr. Vinagro said the application is correct, the public notice has run, the abutters have been notified and fees have been paid.

**Mr. Stewart made a motion, seconded by Mr. Fifield, to accept the application. Roll call (5-0)**

He did have the Shoreland Protection Plan with him tonight. One of the biggest concerns on the

lake is erosion control. Mr. Stewart asked how big is the lot? Mr. DeSilver said it is .55 acres. Mr. Stewart said the reason ADU's require a conditional use permit on the lakes is to avoid overcrowding issues. He asked if other members of the board are familiar with this site? Mr. Stewart and Mr. DesRoches would like to have a site walk. Mr. Dube opened up the Public Hearing at 7:13. Seeing no comment he closed the Public Hearing at 7:13. Mr. Dube is very familiar with the lot and said Mr. DeSilver has a good plan, it's a small unit and pretty straight forward. No abutters made a comment one way or another. Mr. DeSilver had pictures that he explained and passed around. Mr. Stewart said it helped him to look at the plan. Mr. DesRoches said after the Board looked at the plan he's ok with it. Mr. Dube said the best thing we can do for the lake is making sure the septic and drainage is correct. He could see one thing that should be done. He believes the dripline trench should also continue to the lake side. He also thinks the depth of the stone should be inspected and it should be at least two feet deep. The shed would also require dripline trench. Mr. Vinagro said a dripline trench is required within 500 feet of the lake. Mr. Stewart believes going forward there should be site walks. Mr. Dube agrees.

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

**Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the Conditional Use Permit with the condition to install drip line trenches on the garage and behind the garage on the water side and the shed. Roll call (Vote 5-0)**

James Rines, White Mountain survey & Engineering, Inc. for the Gafney Library, Inc. 14 & 20 High street, TM 179-11 & 12. Major Site Plan application to construct an addition to the Gafney Library and Drainage improvements.

Mr. DesRoches recused himself and stepped down from the Board as he is a member of the Library Board. Mr. Rines said since appearing before the Board they went to the ZBA and have received relief from the side yard and wetlands setbacks. He showed the plan and the areas. They have received letters from the Water Precinct and Town that they will be able to tie in to sewer and water. They have come up with a design to deal with the stormwater drainage. He explained

how this would work with the new installed catch basin. They have submitted analysis for two, five, ten and fifty year storm events. A rain garden will be installed with an underdrain to tie in with the catch basin. Erosion control has also been addressed. Mr. Vinagro said the fees have been paid, the public notice has run and the abutters have been notified.

**Mr. Fifield made a motion, seconded by Mr. Stewart, to accept the application. Roll call (4-0)**

Mr. Dube asked that the area be flagged so no one can encroach on the wetlands. Mr. Dube opened the Public Hearing at 7:46. Seeing no comments he closed the Public Hearing at 7:46. Mr. Dube said the Library, Mr. DesRoches and Mr. Rines worked extremely hard and it's a very clear concise plan. This has been done right. Mr. Vinagro said this will put the addition and the next building next door further away from each other and help with emergency situations. Mr. Dube feels the raingarden should have an inspection on the bed bottom and lawyers as it's being built. **Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the site plan for the Gafney Library for TM 179 Lots 11 & 12. Roll call (Vote 4-0)**

Mr. Rines said these two lots will be merged.

Mr. DesRoches stepped back onto the Board at 8:53.

Seth Johnson, 285 Crew Road, TM 68-35. Conditional Use Permit to construct an ADU in the Residential II Shoreland Zone

Mr. Todd told the Board that there is an existing 24x24 garage on the property and they want to build a 32x40 three bay garage with an ADU above it. It is a .843-acre lot. It meets all the setback requirements. The proposed ADU is 1000 sq. ft. which is 250 sq. ft. over the regulation. Mr. Vinagro said the building permit is on hold until the Board makes a decision about the ADU and they have every right to build the garage. Mr. Vinagro said the application is correct, the public notice has run, the abutters have been notified and fees have been paid. **Mr. Silcocks made a motion, seconded by Mr. Stewart, to accept the application. Roll call (5-0)**

Mr. DesRoches asked why this doesn't go to the ZBA prior to us granting this. Mr. Dube said we are just allowing the ADU not the size. Mr. Vinagro said before they get the variance from the ZBA we would grant the ADU at 750 sq. ft. The ZBA would have to decide on the 1000 sq. ft. Mr. Vinagro said they could use the 250 sq. ft. as separated storage and they could have cold storage or heated storage. Mr. Flood said he wants to do this right. Mr. Stewart said we have a minimum for a single dwelling of 800 sq. ft. We don't want to get into a situation where we have two dwellings on one small property. You're talking about a dwelling that might be bigger than the one that exists on the property now. Where the building and hose sits the land is flat. The home is a cape and it's about 1500 sq. ft. Mr. Dube opened up the Public Hearing at 8:12. There was no public input so he closed the meeting at 8:13. They will need to go through Mr. Vinagro and he will make sure all approvals and work is done correctly. Regulations are in place to protect the lake. Mr. Dube said he does not believe that ADU's will be all over the lake. Mr. Stewart has no problem with granting a 750 sq. ft. ADU and if they wish to go bigger, they go before the ZBA. The Board discussed the Conditional Use permit for R2 zone.

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
- Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the Conditional Use Permit for 285 Crew Road, TM 68 L 35 that meets the Conditional Use Application for our ADU zoning. Roll call (Vote 5-0)**

### **Conceptual Review**

Michael Belcher, 7 Heath Road, TM 173-7, Ammunition Business.

Mr. Vinagro received a call from AFT about Mr. Belcher wanting to start the business. He was doing the required federal permitting first and then came to the town. Mr. Dube said, noting said here tonight is binding on either party. It is a conceptual review only. Mr. Belcher said he reviewed the zoning regulations and the business he wants to conduct, he feels, would fall under heading of Home Office. He read the regulations. He will combine the elements into a functioning bullet. He has done this as a hobby for years and he wishes to sell the bullets. He said the powder is flammable but not explosive. All powders and other elements are stored by AFT standards. He has smoke detectors in every room and multiple fire extinguishers on site.

Mr. Vinagro reached out to Chief Ventura to see if he could come to this meeting. He could not, but said that he would get in touch with Mr. Belcher and he has not as of yet. The Fire Department would also have to be contacted. The property is located in the Agricultural zone. Mr. DesRoches questioned whether this would fall under Home Office. He said it seems like more of a home industry. Mr. Stewart said it seems to meet all the guidelines. Mr. Dube read the standards:

- a. No employees shall be permitted to work at the premises, except for family members who reside in the dwelling;
- b. No signs shall be permitted, either on or off site;
- c. No customers or clients shall be seen at the residence;
- d. The area devoted to the home office shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, excluding the basement;
- e. No outside storage shall be permitted;
- f. One company vehicle shall be permitted as an accessory to a home office;
- g. Deliveries and pick-ups related to the activities of the Home Office shall be of a nature that is consistent with a residential neighborhood.

He said he would load up the finished product and drive it down to FedEx. Mr. Belcher said he has been doing this for years and the only change is that he's be selling. Mr. Silcocks asked if there was a restriction on the amount of ammo he could store on the premises. He replied that he isn't aware of any. His house is about a hundred from any neighboring home. Mr. Stewart feels it works better under home industry. The Board went through the guidelines for all headings. A Home Business and Home Industry requires a Conditional Use Permit. Mr. Silcocks believes that this should be classified as a Home Office. Mr. DesRoches said there is no way you can describe this as a Home Office because he is manufacturing a product. Mr. Vinagro said a Home Business is described as a business, a profession or a trade. Mr. DesRoches said it's a home business but it's not a home office. Mr. Stewart said this is clearly a home industry. You may have to go for a variance because you don't have a three-acre lot. There are more restrictions about growing your business under Home Office.

Home Industry criteria:

Home industries are permitted in the Residential III and Agricultural districts by Conditional Use Permit from the Planning Board, if in compliance with the requirements of Section B, above, and the following:

1. The parcel on which the Home Industry is operated must be a minimum of three (3) acres in size. It does not meet this.
2. Not more than six (6) non-resident persons shall be employed in the activity at the site. Meets
3. The Home Industry may be conducted outdoors in part, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as plantings, fences, and/or topography. Meets
4. The impact on abutters of the outdoor operation of machinery or equipment associated with the Home Industry shall be considered when evaluating the Conditional Use Permit. Meets
5. No more than twenty-five percent (25%) of the lot area, exclusive of areas covered by buildings, shall be used for home-based industry activities including outdoor storage or parking. Meets
6. The Planning Board must determine that access to the premises by all vehicles that are anticipated to commonly serve the Home Industry will do so without adversely affecting safety in the vicinity, whether those vehicles are based on the premises or elsewhere. Meets
7. Compliance with NH Department of Environmental Services' Best Management Practices is required, as applicable. Meets

The only one he does not meet is number 1, three acres. So, he must get a variance from the ZBA. Mr. Stewart suggested asking to have the ZBA Chair to waive the application fee for this very small business.

The Board, by consensus, decided this would be under the category of Home Industry. The Board feels there might be something they can add that would make it easier for a single person to have a small home industry.

### **Board Business**

Sign mylars for Coates Minor Subdivision.

Sign Mylars for Denapoli/Barchard Minor Subdivision Wakefield Heritage Commission 100-year-old house rule.

Wakefield Heritage Commission 100-year-old house rule.

Mr. Vinagro found the information the Board requested in the Town's Development Regulations. He thanked Cindy Bickford for her help in finding this information.

#### **F. Existing Structures of Historic or Cultural Importance.**

1. Structures of historic or cultural significance shall be given particular scrutiny when being considered for renovation or replacement.
2. A structure that is 100 years old or more and which (a) played a role in an event or series of events of historical significance, or (b) which has cultural significance due to its prior use and/or location, shall not be renovated or replaced except in conformance with these regulations.
3. A structure potentially having historical or cultural significance under paragraph 2 immediately above may be renovated for a Development Regulations adopted 150716.docx 45 new or existing use in a manner that is respectful of the historic and/or cultural character, features and details of the existing structure.
4. A structure potentially having historical or cultural significance under paragraph 2 above and which is capable of being renovated, but which renovated structure will not meet the needs of the applicant, shall be relocated to town-owned property, or other location approved by the Heritage Commission.
5. A structure potentially having historical or cultural significance under paragraph 2 above but which constitutes a hazardous building under RSA 155-B:1 may be razed or otherwise removed by the applicant.

Mr. Vinagro asked who is the one who makes the decision? Mr. Dube said this is not in our zoning. This only applies for someone who comes in for a sub division or a site plan. They can ask for a waiver from the Planning Board. This has nothing to do with any other structures unless they come on for a subdivision or site plan. If someone wants to tear their two-hundred-year-old house and they're not coming in with any plan they can do that. Mr. Dube said that his interpretation is that Mr. Vinagro can issue a demolition permit because it's in our regulations not zoning.

Mr. Silcocks said it's his understanding that the Heritage Commission is an advisory commission to the Planning Board so they would not be giving the final word. This is not for Mr. Vinagro to decide if someone can remodel their one-hundred-year-old house. Some on the Board don't like

this regulation but it does not apply to ever one-hundred-year-old house in town. Mr. Stewart asked what other towns do about old houses. Mr. Dube said it's in their zoning. Mr. DesRoches said the right way to do this is for the Selectmen to make an ordinance or put it in the zoning.

### **Approval of Minutes**

September 17, 2020

**Mr. Silcocks made a motion, seconded by Mr. DesRoches, to approve the minutes of September 17, 2020. Roll call vote (4-0-1)**

### **Set next meeting date**

October 15, 2020

### **Adjournment**

**Mr. DesRoches made a motion, seconded by Mr. Silcocks, to adjourn the meeting at 9:38. Roll call vote (5-0)**

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath  
Planning Board Secretary