



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

January 21, 2021

Approved

Zoom Meeting #18

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chair	X	John Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer	X
Dick DesRoches, Vice Chair	X				
Ken Fifield Selectmen's Representative	X				
David Silcocks, Member	X			Richard Sager, Town Counsel	
Doug Stewart	X				

Others present: Jim Rines, Rose Cleveland, Robert Baxter, Steve Dunkle, Jim Miller and Max Gehring from Clearview Community TV

Pledge of Allegiance & Call the meeting to order

Vice Chairman DesRoches called the meeting to order at 7:01.

The Chairman joined the meeting at 7:06

Seat Alternates as necessary

None present

Public Comment

None

Public Hearings

None

Conceptual Review

Jim Rines, TM 180-32 & 33, TM 183-61; Boundary Line adjustment and Commercial possibilities.

Mr. Rines said in 1998 Buddy LeRoux and Luke Falcone proposed a Dunkin Doughnuts on this property. They got conditional approval and the conditions weren't met so it never went through. The owner Paul Quinn would like to get the post office on its own lot. There is no access granted to this property from Route 16. The only access that exists is off Route 109. Mr. Rines showed

on a map where the access to all three commercial lots would be. The owner would like to plat a right of way on the first lot. He'd like to create a lot around the post office. The current third lot has no access on 109 but has road frontage on 16. The owner would like to leave everything physically as it is until the first lot is developed. Mr. DesRoches said someone would have to commit to doing the roadway before they submitted a site plan review. Prior to any development the road would have to be built. The lots are under common ownership and Mr. Rines does not think there presently is a right of way to any of the lots exist currently. This would be a subdivision not a boundary line adjustment. Mr. Dube would be ok with a boundary line adjustment if they added the six-acre lot to the 11 acre lot. He doesn't like the idea of creating another lot. Mr. Dube said, this is a conceptual review and nothing is binding on either party. The maximum dead end road length is 1,000 ft. Mr. Rines asked if this would be plausible if they made an application. Mr. Dube responded with that boundary line adjustment a legal document that has to be recorded that shows the fifty foot right of way to the post office lot also the hot top driveway could be used until that lot gets developed and the new road gets put in. He'd be ok with a lot line adjustment.

Rose Cleveland, 21 Maple St. TM 241-7 & 8: proposed business

Mr. Dube said Ms. Cleveland and the Town have been in a little bit of conflict with the town on this property and they have been to court. Mr. Dube said this is a conceptual review and whatever is said here tonight is non-binding on either party. Mr. Vinagro said Ms. Cleveland has until February 1st to come to the Planning Board and start the process for her business and until June 15th for the cleanup of the property. We're looking for everything to be stored inside a building. Ms. Cleveland said it doesn't have to be stored inside a building, it has to be out of public view. She asked to give an overview of what she plans to do.

She has Yankee Stripper which is her furniture restoration business which has been approved and is all set. What she'd like to do is resale. Right now, everything is online. She ships most everything out. Once in awhile someone picks something up. She has no physical store yet. They are also looking at doing some agricultural things, greenhouse growing in the future. Also, they will be doing a flea market. This year she would like to focus on cleaning the property and still do the online sales and agriculture, growing for personal use. Mr. Vinagro said we really have to concentrate on what has to be done this year. The Yankee Stripper is furniture refinishing and upholstery. It is a commercial business and is already permitted and approved. The second business is Cobblestone Resale. Mr. Dube said this would be like a commercial warehouse.

The property is zoned commercial/industrial. Nothing would be sold on her lot on Route 153. She said they are thinking about getting rid of the trailers, not immediately, but in the future because they are not considered temporary structures. The Board had a discussion what heading this business would be under. Mr. Vinagro read Article 35 Split Zone Lot - BASE ZONES. In the event that a lot is divided by a base zoning district boundary, each section of the lot shall be used in conformity with the regulations of the base zoning district in which it lies. The regulations of either base zoning district may be extended into the other district up to 2018 Wakefield Zoning Ordinance Page 89 one hundred (100) feet by an application for Special Exception. The application shall include the specifics of the use proposed for the lot, and any approval issued shall be contingent upon the lot being used for the stated purpose. In the absence of specific language to the contrary issued by the Zoning Board of Adjustment as part of any

approval issued, the base zoning district boundary shall revert to its original location upon termination of the proposed use.

The Board decided Home Industry might work. The lot is 1.92 acres so she'd need a variance. Mr. Vinagro said we would consider it a non-conforming pre-existing lot. The only problem would be the acreage. She would need a variance for that. Mr. Silcocks suggested registering the vehicles. Mr. Vinagro said the trailers have to be out of sight. The warehouse and trailers are full. Ms. Cleveland said that they have already removed five dumpsters of items off the property. She said the only part left is the front parking lot. They hired someone to clean the rest. Mr. Vinagro said the reason we're here is over the past three to four years there have been quite a few complaints from citizens. We want to address this issue; everything needs to be cleaned up and inside a building.

He said we haven't been allowed on the property for over a year. He said maybe the Board wants to do a site walk. He has pictures from a previous visit. He stated this nothing against you. We need to bring this into compliance. Mr. Dube said this Board needs to make a decision on whether Cobblestone Resale falls under a home industry and does she need to go to the ZBA. Mr. Dube doesn't think she does. Mr. Stewart said for a home industry she does because the lot isn't a minimum of three acres. He believes she could meet everything else. Mr. Dube said this lot has had an industry on it for over 100 years. Mr. DesRoches asked if there is already a permitted pre-existing business on this lot does, she still need a variance? No one knows this for sure, It's not in our zoning.

Mr. Silcocks asked if she could expand the existing business and join it with the new business? Mr. Vinagro said the court order says the new business needs to be permitted or approved by the Planning Board if needed. She would have to register the name as she would be running two business out of the same place. She has a variance for the permitted business. Ms. Cleveland said she cannot put her business under one name as they have been in existence for years and it would be ruining her businesses. Mr. DesRoches said it seems like the only way to go is get a variance on the lot size, file a conditional use permit for home industry, and you're done. Four of the members said you need to get the variance first.

Mr. Dube thinks she should get some advice because she might be able to do this without a variance because she has a pre-existing business. The Board would have to have something from her attorney saying that could happen. He told her she might be able to get something from Mr. Vinagro and our attorney. He reminded her that anything that is said here is non-binding on either party. The Board, by consensus all agree this does not fit under home business. Mr. Dube said both businesses have the same synergies and she may be able to easily get a variance. She is before the Board today to begin the process which complies with the court order. Mr. Fifield if you kept both businesses under the same name there probably wouldn't be a problem. Ms. Cleveland said both names came with them. Mr. Silcocks said you could merge the two names. Ms. Cleveland said they are using the same tax ID number for both businesses. Mr. Dube said seeing both businesses have the same synergies and you're doing the same thing under the same Tax ID, but you don't have permission for retail.

She can look at minutes to see if Yankee Stripper was allowed retail. If not, she would have to come before the Board and the business/agricultural would have to be figured out. Mr. Stewart

said if they are going to sell retail, he would like to see something stated about that in previous minutes or if not get it properly permitted somehow. Mr. DesRoches said he was still confused on the zoning and what was the business permitted through. We need that presented to us. He'd also like to view the court order. Mr. Vinagro agrees with Mrs. DesRoches. He will go back into the archives and will try and try to figure out the zone.

Mr. Dube said he was here when the conditional use permit was issue and it was taking what was there and changing it to same type of business but it needed a conditional use permit. Prior it was used as an industrial business for as long as he knows. Mr. Fifield agrees with Mr. Stewart. Mr. Vinagro will do some research and Mr. Dube recommends that Ms. Cleveland also does some research to get this back in front of the Board. (inaudible) Mr. Dube said the date 2014 and Mr. DesRoches said Stuart Woodworking from Milton was interested in the property at one time. (inaudible) Mr. Vinagro will call her in about a week.

Steve Dunkle, TM 67-84, 111 Karen Way, Conditional Use Permit for an ADU in the R-II Shoreland district

Mr. Dunkle said he and his son have a disability and the goal would be to build a garage and move him into the apartment and when he declines his son can provide some care. In the future when he passes, his son will take over the house or stay in the apartment and whoever is supplying care for him will live in the other. The goal is not to turn this into a seasonal rental or anything like that. He has a set of plans.

The building will be 24x32 with one bathroom, kitchen area, typical in-law apartment. The bottom will be a two-car garage. There is a right of way on his property that he's seeing about removing because his neighbor moved his driveway and no longer needs it. He is checking on the well and septic. The lot is .781 acres. He will need a conditional use permit and should have everything in front of the Board required for the conditional use process. Mr. Vinagro explained the ADU couldn't be any larger than 750 sq. ft. Mr. Dube said the biggest thing is the septic. He will need something that says its state approved. Mr. Dube said nothing said here tonight is binding on either party.

Board Business

Distribute 2021 NH Planning & Land Use Regs

Approval of previous meeting minutes

Mr. DesRoches made a motion, seconded by Mr. Stewart , to approve the minutes of January 7, 2021. Roll call (4-0-1)

Correspondence

Public comment

Set next meeting date.

Feb 4th, 2021

Adjournment

Mr. Silcocks made a motion, seconded by Mr. DesRoches, to adjourn the meeting at 9:18. Roll call (4-0-1)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary