



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

April 1, 2021

Approved

Zoom Meeting #23

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: Gary Bushey, Mike Walsh and Max Gehring from Clearview Community TV

Pledge of Allegiance & Call the meeting to order

Vice Chairman DesRoches opened the meeting at 7:02 via zoom. Chairman Dube joined the meeting at 7:07.

Seat Alternates as necessary

None present

Public Comment

None

Public Hearing

None

Conceptual Review

Gary Bushey for property he owns at 195 Buttercup Lane, TM 166-1. Discussion of subdivision. Mr. Bushey would like to sell off his existing three family farmhouse with five acres of land and he would keep the other 9 ½ acres and build a three family home in which he will reside. The acreage is in the R3 zone. He will meet all the setbacks. Mr. Vinagro said he was short on the frontage and a flag lot is allowed. Mr. Stewart said based on the zoning for a multi-family dwelling you will need at least nine acres because you need three acres per unit. And he would need to leave nine acres with the existing building. He would need to have a variance to do that because the lot would then be nonconforming. Under Density and Minimal Dimensional Requirements says three acres for R3 for each additional dwelling unit. Mr. Dube said that is definitely what it is. If you're going to have three units you have to have nine acres. Mr. Bushy thought that would be grandfathered but it was explained when creating a new lot, you can't

make a lot nonconforming. Mr. Fifield asked if he left nine acres with the existing home, he would have almost six acres could he build a duplex and add a ADU to that? His existing building is 4,400 square feet and there are three individual units and a total of six bedrooms. Mr. Dube said this is a conceptual review and nothing said here tonight is binding on either party. Mr. Dube said your surveyor could help you out. Mr. Stewart read 23D Section B of the zoning which says one ADU for any single family dwelling is allowed. There is no language about adding an ADU to a multi-family structure so he does not believe this would be allowed. Mr. Dube said it's possible that the existing structure could be classified as a two family with an ADU which would maybe take 5+ acres, which would require a variance from the six acre requirement and then you would have nine acres to build your three family home.

Mr. Bushey asked what the possibility of getting this variance and the timetable. He doesn't want to wait a year and a half to move into a new home. The variance process was explained. Mr. Dube suggested he read the regulations and get some help from a surveyor. Mr. Stewart said he was an alternate on the ZBA and made it clear he was not speaking for the ZBA. He said his opinion, and reiterated that none of this is binding, is that he has almost enough land for five units, not the six that he wants. He said the ZBA might vote in favor of a duplex. It would be an uphill battle to allow that sixth unit. Mr. Silcocks said he may be able to say he now has a two unit house with an ADU. Mr. Stewart does not interpret that in the zoning that would be allowed. Mr. Silcocks said an ADU is allowed in every zone. Mr. Stewart said it's allowed if it is attached to a single family dwelling not a duplex.

Mr. Stewart told Mr. Bushy that in his experience he would need to prove that this is a unique situation and without a variance he'd have to prove a hardship. He. Believes he could be successful if he were asking for a variance for that half acre to build a duplex. Mr. Bushy stressed the positive environmental impact of what he's trying to do. Mr. Fifield wondered if he could purchase land from an abutting neighbor. He will look into that. Mr. Bushey said he has no wetlands on that property at all. He asked about timing if he moved forward.

Mike Walsh for property he owns on East Side Road and Donahue Road: Discussion of Duplexes and business.

Mr. Walsh said he has lots 12, 13 and 14. Mr. Dube said nothing that is said by either party is binding on either party. He is thinking of combining lots 12 and 13, put in a duplex for his mother and one side for his mother in law along with a two car garage with an office for himself above the garage. He said the units will be about 800 sq. ft each. Mr. Silcocks said you could make one an ADU. Mr. Stewart said one of the owners has to reside in one of the units. Mr. Silcocks said you could put it in a trust or put it in one of the mothers names. Mr. Walsh lives in a farm house across the street and will have the duplex be his future home. If he wants to do this, he'd have to go to the ZBA to ask for a variance to place the duplex on a 1.5 acre lot. He also owns lot 14. Mr. Silcocks suggested a lot line adjustment and merging lots 12 and 13. The Board questioned an office above the garage if he doesn't live in the duplex. Mr. Silcocks said if it's in a trust he should be able to have an office above the garage. Mr. Dube sees no problem using the garage as his office. Mr. DesRoches said this is a R1 residential zone.

Board Business

Board approval of amended Regs for postage increase

Mr. Vinagro said this is now written up and we will take out the dollar amount and add in “actual postage costs”. This will have to be done with the ZBA as well. There was discussion about whether notices have to be posted in actual newspapers. What does the law say? Has there been new legislation? The Board decided to add “the actual cost of a newspaper ad”. Mr. Vinagro will check with Mr. Sager.

Sign mylar for Silver Hill

Mr. Vinagro noticed that the notes for conditions have not been added. Mr. DesRoches said his recollection is that he had to comply with the conditions in advance of getting the final approval on the lot line adjustment. This was contingent on the road work being done. He met all other conditions and got subdivision approval from the state. Mr. DesRoches and Mr. Vinagro both believe the notes should be on the subdivision plan and the roadway plan as well. The Board feels that he either the road T be completed to meet the fire department conditions and the conditions should be on the plan or he bonds it. Mr. Vinagro believes he’s done all the roadwork except for the T.

Approval of previous meeting minutes March 18th

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to approve the minutes of March 18th . Roll call: Stewart aye, Dube aye, DesRoches aye, Fifield aye, Silcocks aye (5-0)

Mr. Vinagro told the Board that he had received a call from a gentleman that wants to build two cell towers, one at 4870 Province Lake and one on Perkins Hill/ Oak Hill Road on the same parcel as the solar array. Both would need a conditional use permit, a variance and a site plan. He’s looking to fast track this. He doesn’t want to come in for a conceptual review which isn’t required but highly recommended.

Correspondence

None

Public Comment

None

Set next meeting date

April 15th

Adjournment

**Mr. DesRoches made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:26.
Roll call: Stewart aye, Dube aye, DesRoches aye, Silcocks aye, Fifield aye (5-0)**

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary

