



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

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## MINUTES OF THE PLANNING BOARD MEETING

7 June 2018

Approved: 21 June 2018

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart	X			Victor Vinagro, Land Use Clerk & Code Enforcement Officer	X
Tom Dube	X	John Blackwood			
Vinton Wallace, Selectmen's Representative	X	Nancy Spencer-Smith	X	Mike Garrepy, Planning Consultant	
David Silcocks, Member				Richard Sager, Town Counsel	
Dick DesRoches, Member	X				

A. Pledge of Allegiance & Call the meeting to order

T Dube called the meeting to order following the pledge of allegiance.

B. Seat Alternates as necessary

N Spencer-Smith sat for D Silcocks

C. Public Comment

None

D. Public Hearings

●**Conditional Use Permit Application** submitted by Hazel MacBrien, for property owned by the First Congregation Church of Wakefield, NH at 2718 Wakefield Road. Tax Map 150, Lot 5. The applicant is requesting approval of a Conditional Use permit application to allow the Hazel MacBrien Nursery School to operate their preschool program from within one of the classrooms.

Carol of the First Congregational church spoke about Hazel MacBrien school. It will be operating 4 days a week, 13 children, in 2 different classes, 560 square feet of space with 2 bathrooms available to students. It's a renewable one year agreement with the church and Hazel MacBrien. Pam Wiggin of the Heritage Commission wrote a letter in support of the School. Carol read the letter from Pam to the Board.

Pick up and drop off was discussed, the parking lot will be used for pick up and drop off, rather than the roadway. Speed limits and signs for the area are currently being addressed. The parking lot has 13 spaces, and the school is planning on utilizing those.

The board confirmed the application is complete, abutters have been notified, and it has been published in the paper.

**Motion: to accept the application**

**Made by: Dick DesRoches**

**Seconded by: Vin Wallace**

**Discussion: None**

**Vote: 4-0-1**

PUBLIC COMMENT: Carol thanked the board for their help with the entire process.

The board discussed the conditional use permit.

#1 The proposed use shall be only those allowed in the ordinance by conditional use. The use is allowed by conditional use permit, it is in the zoning, so it is allowed.

#2 The proposed use is consistent with the adopted master plan. The use is specifically listed in the zoning ordinance and zoning ordinance is consistent with the master plan.

#3 The specific site is in an appropriate location and of adequate size for the use. The proposed use will use the existing classroom within the existing first congregational church. The number of children inside the classroom is within the department of educational guidelines.

#4 The use as developed will not adversely effect the character of the area in which the proposed use will be location. The use will take place within the existing church structure. The volume of vehicles and individuals is far less than the primary church service use.

#5 There will be no nuisance or serious hazard to vehicles or pedestrians. Preschool teachers will utilize on site parking and drop off and pick up will take place without normally having to cross the road. The state has installed a crosswalk, which will make crossing the road safer when required.

#6 The use will not place excessive or undue burden on Town services and facilities.

#7 There would be no significant effect resulting in such use upon the public health and safety and general welfare of the neighborhood in which the use would be located. The proposed use will have little if any effect on the neighborhood. It is supported by the heritage commission.

**Motion: to approve the conditional use permit**

**Made by: Vin Wallace**

**Seconded by: Dick DesRoches**  
**Discussion: None**  
**Vote: 4-0-1**

E. Conceptual Review

- Richard Colbath, Francis Tax Map 96 Lot 7- Buildable parcel?

Mr. Colbath was not present

- Kristen Sikora & Jody Hilton, 5030 Province Lake Road Tax Map 9, Lot 13-55, construct a camping cabin 490 square feet in Butler field Campground.

Kristen and Jody approached the board with paperwork. Patricia was also present, the owner of the campground, and Derek, the manager of the campground. The original application for a building permit was denied. The board wanted to discuss the matter. 400 sq. feet is the State statute for cabin size. The original cabin built burned, and they were looking to reconstruct to be similar to the original. The cabin has been burned for 5 years, and they are new owners, not the previous owners. The Board would not be able to approve without a variance. There was discussion with the Derek about the cabin being grandfathered in, as they sold the lot to the owners as a 500 sq. foot buildable lot. There was discussion about the amount of years since the cabin burned, and the process in which the owners would need to go through. The board stated that as it was over two years burned, they would not be able to rebuild without going through a lengthy process. Daryl stated that the process of obtaining the deed of the cabin takes a while, and they cannot obtain a building permit without it. So, they lose the grandfathered 500 sq. foot buildable cabin size due to the process. He asked the board how he would go about that. Patricia and Derek own the land, but there is a lease on the cabins.

The board cited the Zoning stated on page 70, non-conforming structures, article 3 number B. It references non-conforming structures and abandonment. There was further discussion about the matter. It was questioned after the reading of the non-conforming structures article, if the permit can be approved through the building inspector as the cabin was not abandoned, it burned. Since the board received further information from the owners at the campground, regarding the property and the use of the cabins. D DesRoches questioned abandonment of the Cabin, since it has been burned for 5 years. Patricia stated the original owners never stopped paying dues, so it was not abandoned. N Spencer-Smith referenced number 2 in the article, which was read aloud by T Dube. There was further discussion about abandonment and non-conformance of the cabin. Derek asked that if the owners would need a variance, would

the board waive the fees associated with the variance. The owners purchased the lot with the hopes to keep things affordable.

The board reiterated that if the cabin was rebuilt in two years, they could keep the 500 sq. feet. But it has been 5 years. The board also acknowledged the issues that made it so the owners were unable to re-build that quickly, and they agree it is a hardship for the current owners. Ultimately, the owner will need a variance. Article 3, section A on page 71 was brought up by T Dube, he believes if the owners went to the town for a variance, it is his opinion that the variance would be granted. He believes the board can give the authority to the code enforcement that there was no intention to abandon the cabin. D DesRoches agreed, due to the specific language in number 2 about the structure and fires. The board again stated a variance would be the cleanest route to get the permit approved. V Vinagro referenced an extension if the property is in litigation, the cabin is not in litigation. The fee for a variance application is \$125, \$121 for public notice, and \$6 per abutter/lawyer. The owners were originally recommended to come before the planning board, by the zoning board to see if there was another route to get the permit approved other than a variance. The board referenced section B, which T Dube read aloud. T Dube stated that if the board went to the code enforcement officer and cited under zoning number 1, B and 3, A, he believes the owners would get the permit. The board discussed section B further. D Stewart suggested building the 400 sq foot cabin, and then adding the extra 100 sq feet after the process of the variance was done. It was determined it would be too costly. The board then discussed when the next Zoning Board meeting would be - June 28<sup>th</sup> would be the earliest the owners would be prepared to meet with the Zoning Board. There was more discussion about the process to get a variance.

Derek then asked about the extension, for reference on a separate cabin. V Vinagro told Derek he would get that through the State.

Jody confronted the board about why the owners did not know the change in the zoning for cabins. He stated Kristen bought the lot as a 500 sq. foot lot, because the owners didn't know any different. And now she is dealing with all these issues. The board referenced that RSA's change all the time, and the State doesn't send changes out to people. And Wakefield Zoning is available to look up online. There was further discussion between the board and the campground owners.

The board again suggested the owner get a variance. They told the owners to work with V Vinagro with the variance to speed the process up as quickly as possible. There was discussion about notifying abutters and how to define abutters, as the entire campground is considered one lot, yet there are multiple cabin owners in the campground. V Vinagro will look into the matter and get back to the owners.

•Evan McDougal on behave of the Sanbornville United Methodist Church, at 181 Meadow Street, Tax Map 180 - Lot 19, Transitional House

Mr. McDougal was not present

F. Board Business:

- Flint subdivision – signing of approved drawings

The board signed the approved drawings

- Collins & Lyons – Raven Court, Tax Map 105, Lots 13 & 15 Lot Merger

The Planning Board Clerk has the ability to sign lot mergers. V Vinagro is the current Planning Board/Zoning Board Clerk.

**Motion: To designate Victor Vinagro to be able to sign on the Planning Boards behalf.**

**Made by: Tom Dube**

**Seconded by: Vin Wallace**

**Discussion: None**

**Vote: 5-0-0**

V Vinagro will sign the lot merger

- David & Kristin Stephen – 281 Thomas Drive, Tax Map 58-49 & Tax Map 59-28- Lot Merger

All paperwork is complete. V Vinagro will sign the lot merger

Going forward now that V Vinagro is designated to sign off on Lot mergers, he will notify board members of the lot mergers that he has signed on a monthly basis.

- Color Coating LLC – Release of bond for Drainage upgrades

\$1,000 bond was held until the drainage was complete. Code Enforcement checked, and the drainage is complete.

**Motion: to release the \$1,000 bond**

**Made by: Dick DesRoches**

**Seconded by: Doug Stewart**

**Discussion: None**

**Vote: 4-0-0**

- Appoint Planning Board Designee

V Vinagro was voted as the Planning Board Designee (see above).

G. Approval of previous meeting minutes: May 17<sup>th</sup>, 201

It was determined that due to errors, as well as T Dube not yet able to review the minutes, they will table the approval of the minutes until next meeting.

H. Correspondence

D Stewart updated the board in regards to the CIP. Priscilla Colbath, Tracy Kolb and Relf Fogg are all interested in becoming members. V Wallace and D DesRoches have a few people that they are going to reach out to about becoming members. N Spencer-Smith recommended Howie and Denny for the CIP. D Stewart is looking to have an initial meeting after all possible interested parties are contacted. T Dube asked V Vinagro to add the CIP to the agenda for all future Planning Board meetings. V Wallace suggested a closing date. It was agreed yes, they need a deadline to get on the town ballot. D DesRoches suggested having things complete by summer.

I. Public Comment

D Martin asked if the error on minutes is due to multiple conversations going on at one time, and people talking over the board. She asked if she should speak up and tell people that they are talking over the members. T Dube gave D Martin permission in the future to let him know if someone is talking over the board, so that it can be addressed. He also stated if she wanted, she could speak to those who are talking over the board directly.

D Martin asked about her application for Alternate member, and if that is on the agenda for board business. She submitted her application and was supposed to be on last meetings agenda. V Vinagro stated he forwarded her application to T Dube and the Town Administrator. V Vinagro will be following up on the matter and will reach out to D Martin about the status. D Martin asked if they board could vote tonight on the application, T Dube stated once they receive it from the Town Administrator and T Dube looks at it they will, but it can't be tonight.

J. Set Next Meeting Date: June 21<sup>st</sup>

K. Adjournment

**Motion: to adjourn**

**Made by: D Stewart**

**Seconded by: Vin Wallace**

**Discussion: None**

**Vote: 5-0-0**

The meeting adjourned at approximately 8:25PM

Respectfully Submitted, *Jeanne Paul*