



## TOWN OF WAKEFIELD, NEW HAMPSHIRE

### Planning Board Minutes

June 17, 2021

Approved

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

Others present: Mr. and Mrs. Edward Sottile, Aaron Plankey and Jim Miller from Clearview Community TV

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

Chairman Dube opened the meeting at 7:00 and led those present in the flag salute.

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

None

#### **Public Comment**

None

#### **Public Hearings**

None

#### **Conceptual Review**

Edward Sottile for property he owns on Scribner Hill Road, TM 114-13 Discussion of Business and home on property.

Mr. and Mrs. Sottile will like to build approximately a 100 ft. road into a piece of property owned by his wife's company which is NE Signal. His business will reside on this property. His company takes care of the railroad that runs through town. They want to build a house and a garage to store his machines which consists of small machines, excavator and skidder and equipment to maintain the railroad. He only wants to clear a space large enough to build. A home business is permitted in this zone. Mr. Dube said this is a conceptual review and anything said by either party tonight is not binding on either party. They would need a septic design and they

would have to decide where the house would go before you could get a building permit. They could build a home with an office and could house their equipment in the garage. If they go 100ft into the Agricultural Zone they would need an Application by Special Exception which is not difficult to get. Mr. Sottile will be having Land Tech work on this for him.

Aaron Plankey for property owned by Benjamin & Diana Coates, 450 Leighton Corners Rd, TM 25-7, discussion of an auto repair business at the above-mentioned property.

Mr. Dube said this is a conceptual review and anything said by either party tonight is not binding on either party. Mr. Vinagro said that Mr. Plankey registered an auto repair/towing business with the state in March and is here to get it registered with the Town. He rents the home and the garage on this property. It is a one bay garage with a cement floor. His oil is stored in five gallon buckets and is picked up and removed. Mr. Silcocks said there is a DES manual that tells you how to store and dispose of fluids. Mr. Plankey brought with him a letter of authorization from the homeowner.

There is no heat or bathroom in the garage, it is a one car, drop off and go operation. He and his fiancée are in the process of building a house so this is a temporary situation. Mr. Dube said in order to have this type of business a Conditional Use Permit is required and Public Hearing must take place. The garage is approximately 16x20. Mr. Plankey said he was in the process of making his business auto repair only. Mr. Silcocks said there is really no reason to remove the towing as cars will be towed to the garage anyway. Mr. DesRoches suggested Mr. Plankey go online and look at the seven conditions he has to meet to prepare for the Public Hearing.

## **Board Business**

### Discussion of Wakefield Zoning Ordinances

Mr. Vinagro provided the Board with an opinion from the Town Attorney. Mr. Dube suggested that the Board review the information and have a discussion at the next meeting. Mr. DesRoches asked how this impacts the gentleman who was at the last meeting. Mr. Vinagro said he would need a variance from the ZBA. Mr. Vinagro feels Wakefield should be aligned with the state as far as setbacks from the shoreline go. Mr. Dube said it's gotten tougher and tougher to get a shoreland permit. Mr. Vinagro said it's expensive to go through the state spending thousands of dollars for surveyors when they can go to our ZBA and get a variance for far less money and if they don't get the variance at least they haven't spent thousands of dollars. Mr. Vinagro said we should align ourselves with the State if they approve it then we approve it with no need for a variance. They discussed changing Article 25.

The Board felt if it's more conforming and the State gives approval then the Board should align themselves with that determination. A shoreland permit is required regardless. Mr. Fifield said we should be encouraging improvements and not making it more difficult and whatever we can do to relax the process we should be doing. Mr. DesRoches said that the Planning Board does not have the power to grant a relaxation of the fifty feet. Only the ZBA can do that. Mr. Vinagro will call the state to see what they use for calculation. He said once the state issues the permit that's it. There are no state inspections, it's all left up to the towns. The state gets all the fees and the towns have to spend taxpayers money to enforce their decisions. Mr. DesRoches doesn't feel going for a variance is a big burden. Neighbors get to look at it with a local hearing and the Town gets to protect their interest in the lakes. Mr. Vinagro agrees especially with the neighbors

being notified. Mr. Dube said the ZBA looks at these things and the applicant has to prove a hardship and sometimes that's very difficult. He wondered about some of the ZBA's past decisions when a neighbor who may be opposed because they may not get along and questions the hardship.

Mr. Vinagro said as the Code Enforcement and Shoreland Officer he's going to request that that go for a variance. He said with the opinion from the attorney and reading our own local ordinances that's how he deciphers it also. Mr. Vinagro read Article 25B,1c: A non-conforming structure may be expanded provided that any expansion meets the setback requirements as required by the regulations for the district in which the structure is located. The Board had a discussion and individuals interpreted this ordinance differently. Mr. Dube said he will find some language in our zoning that may help us.

### **Public Comment**

Mr. Miller suggested that Board members step back and help people meet compliance. He feels that the ZBA adds too many conditions on to their decisions. Mr. Dube said he knows that everyone on the Board is committed to helping make things better. Mr. Stewart said the ZBA's purpose is to provide relief for property owners when they don't meet zoning. He said if we don't follow the zoning to a "T", we would be out of compliance and we could be sued. He agreed that some things in the zoning should probably be changed.

### **Approval of previous meeting minutes of June 3, 2021.**

**Mr. DesRoches made a motion, seconded by Mr. Stewart, to approve the minutes of June 3rd. (Vote 5-0)**

### **Correspondence**

The Board and others received a letter of complaint from a concerned citizen about something that's happening in town. The letter was not signed. Mr. Vinagro said some of the issues in that letter have been dealt with. Mr. Dube said this will be left in Mr. Vinagro's hands and the gentleman needs to be compliant.

Mr. Vinagro asked if Mr. DesRoches would be at the next meeting as Mr. Dube will be bringing forth a request for a boundary line adjustment. Mr. DesRoches will be out of town and Mr. Dube suggested Mr. Stewart run the meeting.

### **Set next meeting date**

July 1, 2021

### **Adjournment**

**Mr. Stewart made a motion, seconded by Mr. Silcocks, to adjourn the meeting at 8:46. (5-0)**

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath  
Planning Board Secretary

