



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

August 19, 2021

Approved

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

Others present: Mark McRobbie, Don and Janie Silcocks, Pamela Weedon Conti, Pam Wiggin, Rick Poore, Bryan Berlind, Nancy Spencer Smith, Relf Fogg 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

Johnny Blackwood sat in for Dick DesRoches

Public Comment

None

Public Hearings

Minor Subdivision Plan Application: Submitted by Bryan Berlind, Land Tech Service Corp. for property on Province Lake Road, Tax Map 150 Lot 18 owned by Anne and Steven J Langton. The applicant is seeking approval of a Minor Subdivision Plan Application to subdivide the parcel into lots 5.1 acres and 10.98 acres. The intent is to have a residential dwelling on each lot.

Mr. Berlind stated that part of this land is in the historical district. There is an existing driveway. The land is primarily field with a tree line just inside the stonewall following the stonewall. The five acre lot is a flag lot. Test holes have been dug. The lots meet all the ordinances and state rules. He's hoping the Board will approve this tonight subject to staking it out and getting a state approved driveway for the ten acre lot. Mr. Vinagro stated that fees have been paid, abutters have been notified, it is administratively correct and the notice has run.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to accept the application. Vote (5-0)

Mr. Stewart asked Mr. Dube if it would be difficult to get a driveway permit for the larger lot. He answered that it all depends on the history of how many times the land has been subdivided in the past and since 1971. Mr. Berlind said these lots predate 1971. Mr. Blackwood said he would think the state would approve it as there is a good visibility both ways.

Chairman Dube opened the Public Hearing at 7:16.

Ms. Wiggin, Chairman of the Heritage Commission, said she disagrees with what Mr. Berlind said about the historical district. She said the historical district is 250' back from the center of the road. She said there isn't a large amount of land but more than what is shown on the map. She read Article 10 A-1 of the Wakefield Zoning Ordinance "Preserve for generations to come the picturesque and unique settings and collections of historically, architecturally and culturally significant buildings and structures, which are found within the Town of Wakefield" and Article 10 D-5 "The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction, or changes incongruous with the historic district, its buildings, sites and surroundings." She went on to say that she feels that the Heritage Commission should have been notified and should have and opportunity to respond to this as it is clearly in our ordinance. She said she was notified today and the Commission has not had a chance to discuss this.

Ms. Weedon Conti said that isn't a driveway it's a right of way. She doesn't want to see homes being built and the land being disrupted. Mr. Silcocks talked about a previous lawsuit and said that she has right of way that can't be blocked but the driveway is owned by the Langton's. Ms. Spencer Smith said she would like to see the written language for the right of way. Mr. Berlind did some research and he said it is not a right of way, it is a corridor of land attached to the Langton property. Ms. Spencer Smith believes it is an easement. Mr. Berlind has not found reference to an easement. Ms. Weedon Conti said it says right of way in her property documents. Mr. Berlind disagrees.

Mrs. Silcocks said that the entrance is very narrow and has rock walls on both sides and it would be difficult to maintain. She would like the group to see the location and design of the house. Mr. Berlind said there is no plan for any house. They are just subdividing the property. Mr. Silcocks said he was actually happy to see only two lots when it could be so much more. Ms. Wiggin will have a chat with the owner about the Heritage Commission rules. Mr. Berlind said the land is historic and the owners want to keep it that way.

Chairman Dube closed the Public Hearing at 7:32.

Mr. Dube said the Heritage Commission comes under the purview of the Planning Board and the Board understands that ordinance. He said the Board is not taking away any rights of the Heritage Commission. When the land owner comes to the building department, they may have to get a permit from the Heritage Commission.

Mr. Fifield made a motion, seconded by Mr. Blackwood, to approve the two lot subdivision for Map 150 Lot 18 with the following conditions; a state driveway permit be obtained and the pins be set and noted on the plan, test hole date be removed from the plan and a fence post marker be placed in the middle of the field next to a pin. Vote (5-0)

Mrs. Silcocks said she believes that the Heritage Commission was supposed to get a letter about this subdivision. Mr. Dube said they get our agenda and have access to the agenda as it's posted. like Heritage Commissions.

Conceptual Review

Bryan Berlind for Coleman McDonough 49 Crystal Lane, Commercial Condominium Conversion.

Mr. Berlind said the Board recently approved a Site Plan for a large building. Mr. McDonough would like to convert that into seven condominium units. He is here tonight to ask how the Board wishes him to proceed with this. Condominium Conversions are in the zoning and it meets state subdivision regulations. He's not sure if it requires Attorney General's approval. He believes this would fall under Minor Subdivision. There would be limited common areas. Mr. Berlind said it has already received Site Plan approval and feels that is sufficient to go straight to a Subdivision Application. Mr. Dube said that the Declaration would have to be approved by the Town attorney. He said we need to notify the abutters that it will now be condos. There will be review money for the attorney. Each individual unit has to be recorded at the Registry of Deeds.

Mr. Fifield asked why the owner is being restrictive on the common areas. Mr. Berlind told him that this guarantees that the condo owner has a certain number of parking spaces. Mr. Dube said that a couple of units are almost done in the building and Mr. McDonough is trying to get an occupancy permit but he only bonded landscaping and erosion control. In order to get an occupancy permit he needs to bond other things as well.

After some discussion the Board approved an amount up to \$100,000 for pavement and drainage. The two drainage ponds need to be finished. It's really up to the applicant to come up with an amount. Mr. McDonough can come back to the Board with a higher amount but not a lower amount without proof of a cost estimate. Mr. Vinagro said the fire department still needs to do their inspection and file a report.

Mr. Stewart made a motion, seconded by Mr. Blackwood, to approve Mr. Vinagro and Mr. Dube accepting a bond of at least \$100,000 or more. (Vote 5-0)

Mr. Stewart asked to use Strafford County to take a look at the project. Mr. Vinagro has been in touch with them. This must be approved by the Town attorney paid for by the applicant. Mr. Dube said this has been a Conceptual Review and nothing is binding on either party.

Chris Butler, TM 233 Lot 17 White Mtn. Hgw. Questions about installing a billboard for advertising.

Mr. Dube said this is a Conceptual Review and nothing said tonight is binding on either party. Mr. Butler said he found a lot, adjacent to the highway, where he would like to put a billboard. He said it is not a buildable lot and is in a weird location. He wants to know what the town requirements are and if there is anything that prohibits what he'd like to do. Mr. Silcocks said the state has a fifty foot buffer of trees that can't be touched so a sign would not be visible. Plus, he would need an easement from the power company and Mr. Silcocks said he doubts that will happen. Mr. Dube said a permit from the state would be very hard to get and a driveway permit would be extremely hard unless you already have one. Mr. Butler said some billboards are 250 feet in the air. The towns regulations on signs doesn't cover billboards. If it's not in zoning than it's not allowed. The only recourse would be a variance from the ZBA.

CIP

Mr. Stewart said he's contacted the people who served on the CIP Committee last year and they will be meeting prior to the next Planning Board meeting at 6:00. He will post the meeting and talk to Mr. Miller to ask if he would film the meeting.

Approval of previous meeting minutes.

Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the minutes of August 5th. (Vote 4-0-1)

Correspondence

Letter on Airbnb

Mr. Vinagro said he has received quite a few calls about people who are renting out their small two bedroom places on the lakes. They are advertising on Airbnb for bachelor parties, wedding venues, sleeps up to sixteen. A letter was received by a resident who asked if the places are being rented out year round does that now become a business? No businesses are allowed in R2. More and more people are doing this but how can it be monitored? Mr. Vinagro said his big concern is the over usage of septic on the lakes. Mr. Dube said there is nothing in the ordinances that does not allow people to rent out their home. Mr. Vinagro said North Conway has been dealing with this and has added something to their ordinances.

Mr. Fifield said we have no noise ordinance but the state does and if the noise is so foreign or anything that is considered unreasonable for that neighborhood that it would easily be considered disorderly conduct. There is no specific time of the day. The police would go and say we have seven complaints on this and we're asking you to shut it down. The next time we have to come up here it will be with a van and we're going to take all of you. The owners of the property can be held liable not just the renters. After a lengthy discussion the Board asked Mr. Vinagro to check with North Conway and Strafford Regional Planning to see what he can find out.

Public Comment

None

Set next meeting date

September 2, 2021

Adjournment

Mr. Silcocks made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:52. (5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary

