



## TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

November 3, 2022

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman		Johnny Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer Shoreland Officer	✓
Doug Stewart Vice Chairman	✓	Stephen Leroux	✓	Peter Gosselin, Building Inspector	
Ken Fifield Selectmen's Representative	✓				
David Silcocks, Member				Steven Whitley, Town Counsel	
Dick DesRoches, Member	✓			Public Hearing	

### **Others present**

Jen Czysz, Michelle Keating from Clearview Community TV.

### **Pledge of Allegiance & Call to Order**

Mr. Stewart called the meeting to order at 7:00 and those present joined him in the flag salute.

### **Seat Alternates**

Mr. Leroux was seated for Mr. Silcocks.

### **Public Comment**

None

### **Public Hearings**

None

### **Conceptual Review**

None

### **Board Business**

Aquifer ordinances Jen Czysz, Strafford Regional Planning Commission

Ms. Czysz said she went back and looked at the sections in the model ordinance and all the questions the Board had two weeks ago are covered in those sections, particularly residential uses. The model ordinance said any private residence is exempt from all performance standards. The yellow highlights are the things that were changed since last time. The Well Head Protection Areas were added to the groundwater map with the aquifers. Mr. DesRoches asked if there was a definition for well heads. That will be added. Mr. DesRoches questioned that residential property is exempt does that mean there isn't anything you couldn't store on residential property? He said you have exempted the property itself, not the use of the property so you could store road salt which wouldn't be permitted somewhere else.

Mr. DesRoches is opposed to exempting uses that we wouldn't allow anywhere else. Ms. Czysz said you could strike number 1 and number 3 and that would address that concern. Ms. Czysz said you also have to be concerned with impervious surface areas. Mr. Vinagro said we do have regulations in our ordinances. He referred to Article 17, Page 45: ARTICLE 17 – IMPERVIOUS SURFACE COVERAGE Building coverage shall not exceed forty-five percent (45%) of the buildable area. "Impervious surface coverage" as defined in this Ordinance shall not exceed eighty (80%) percent of the buildable area, except in the Aquifer Conservation Overlay District, where it shall not exceed fifty (50%) percent and in the Protected Shoreland Zone, where it shall not exceed thirty (30%) percent."

Ms. Czysz said the aquifer ordinance is more restrictive. Mr. DesRoches said we are only looking at the residents in and around the aquifer areas. Ms. Czysz said on the bottom of page 2 all the performance standards were cleaned up based on the conversations that we had. We eliminated 4 and brought in the shorter pieces 4-9. There are three Conditional Uses which she cleaned up and reorganized. Under Condition 1 she added a footnote. Conditional Use 2 is where you can put in impervious surfaces of more than 15% or 2,000 sq. ft. of any lot as long as you do a stormwater management plan and the Board can require a bond. No more than 50% can be impervious.

Mr. Fifield asked about the manure ordinance. Ms. Czysz said if someone isn't following Best Management Practices the Commissioner of Agriculture can go to the farm and talk with them and tell them how they can implement Best Management Practices. If they continue to not implement those practices then he has the power to report them to local Code Enforcement to take action. Members feel that you shouldn't be able to do something on residential properties that if you were a commercial business, you would be prohibited from doing. But the question was, how do you do this.

Mr. Stewart said we do not want to restrict the homeowner from storing gas for a boat, ATV etc. Going back to the Performance Standards, Page 1, section C, items 1-13, would be things that residents would be exempt from. Ms. Czysz said we can exempt them from some of them, not all of them. Mr. Fifield said, instead, we could exempt them from what isn't otherwise covered. Ms. Czysz said there isn't a lot of change from what you currently require. She said the biggest change is that you create a tier system for your impervious surface coverage, better articulate the regulation of regulated substances and you add in EMV's. 3-9 aren't completely new, just better articulated. Ms. Czysz suggested changing 1 to read, "any private residence so long as there is no other non-residential use present including home occupations are exempt from Performance Standards 4 through 10". Item 11 will have the greatest impact on your water quality. Change buildable area to "of the lot". Exemptions page 3, strike number 9. Heating fuels are exempt from number 5. The Board had a discussion about how to protect the aquifers but still use

common sense and not overly burden the homeowner. There is no ordinance for Electric vehicle charging stations. It is not a permitted use so they would need a variance. Mr. Leroux suggested number 9 be stricken and all agreed.

Ms. Czysz checked Article 33page 6 in our zoning ordinance to see definitions. This will be called The Aquifer and Well Head Conservation Overlay District. The definitions will be added to the ordinance. Definitions are on the last page. She did a recap and will send the final to the Board.

**Mr. DesRoches made a motion, seconded by Mr. Fifield, to send this to Public Hearing subject to review by legal and there being no substantial changes identified. If there are substantial changes the Board will bring it back for review. (Vote 4-0)**

#### Preliminary discussion: Updates to Zoning and Developmental regulations

Mr. Vinagro has come up with a list throughout the year along with some suggestions from legal about some possible changes.

1. Add definitions for Junkyard, Existing. (Recommended by legal.)

Mr. Fifield asked if there is a definition for junkyard. Mr. Vinagro said it has been suggested that we put a definition into our ordinance to be able to enforce it better. Ms. Czysz handed Mr. Vinagro a definition with RSA 261:104 and RSA 736:126 referenced. Legal will make a recommendation. The Board discussed what a junk yard looked like. Mr. Vinagro said if you have a couple of unregistered vehicles, it's not a junkyard but once you have, four, five, ten it could be. Plus, there are more than one kind of junkyard.

2. Page 5, Article 3, Table 3; On page 14 we have building area requirements.

Mr. Vinagro said we don't have the square footage for a two family unit, like a duplex. Board members felt that it should be 800 sq. ft. for building area requirements for a two-family.

3. Add definition for subdivision to exclude wetlands and steep slopes over 25%, but not building setbacks.

The Board wished to keep this the same.

4. Cell Tower Ordinance, rework (recommended by legal.)

The Board suggested hiring Ivan to write the ordinance.

5. Camp grounds and shore frontage.

This is what Mr. Stewart has written and it will go to legal:

#### **ARTICLE 13 - RECREATIONAL CAMPGROUNDS AND CAMPING PARKS**

Proposal to be added to section B:

5. Waterfront Access: Minimum Standards. For those parcels having water frontage, the minimum shoreland frontage required for a recreational campground or camping park is 150 feet of continuous shoreland frontage. Provided the parcel in question satisfies the minimum shoreland frontage requirement, the parcel may contain no more than 12 campsites and/or recreational camping cabins. For each additional campsite or recreational camping cabin beyond

12, a minimum of 12.5' of additional continuous shoreline frontage is required. See Article 33 - Definitions: Frontage definition for calculation method.

Mr. Stewart explained how he came to the wording. Existing campgrounds are grandfathered. This wording has been reviewed by legal and he is ok with it. Mr. Stewart will do some more homework on this based on the discussion had by the Board.

6. Shoreland accessory structures, 50 set-back, align our ordinances to be in line with state & 483-B:11 nonconforming clause.

Page 45, Article 15; Because of Article 38 483:11 move existing footprint back rather than having to get a variance, move the house back to make it more conforming. It can be a larger house based on lot coverage. The ordinance contradicts itself. Mr. Vinagro's concern is the huge cost of the applicant has to pay a wetland scientist when an applicant has to go to the ZBA. We should align ourselves with the state. We shouldn't be more restrictive. He suggested a footnote in the minimum setbacks. In 2020 the state allowed accessory structures to be placed closer to the water, up to 20' for sheds and gazebos. Platforms can be closer. Mr. Vinagro said that's why he believes we have to align with the state. Mr.

DesRoches questioned the state actually reviewing these things. He would be opposed to doing this. Mr. Vinagro said when we changed this back to 50 we should have looked at the footnotes. The Board members had some ideas on how to handle individual situations. Mr. Vinagro asked if we could keep this in place and recognize accessory structures like a gazebo or platform rather than these things having to go to the ZBA. It was decided that this would stay as it is for the time being.

7. Ordinance to address chickens, fenced in and Roosters (asked by PD, Animal Control.)

Mr. Fifield said there is an ordinance and to check with the Animal Control Officer because Wakefield has an ordinance about trespassing stock that, unlike the states, includes fowl. This is a town ordinance that was put on a warrant article and passed.

8. Table 3 and footnote #1 correct contradiction.

Page 14, Article 3 Table 3; The table was clear but the footnote confused it. The Board had a conversation about how to make this less contradictory. The Board decided to send this to Ms. Czynski to see if the footnote could be eliminated.

9. Aquifer Ordinance, in process with Strafford

#### Application for Alternate Planning Board member

**Mr. DesRoches made a motion, seconded by Mr. Leroux to recommend Priscilla Colbath as an alternate to the Planning Board. (Vote 4-0)**

#### Approval of minutes

**Mr. Leroux made a motion, seconded by Mr. DesRoches to approve the minutes of October 6, 2022, with corrections. (Vote 4-0)**

**Mr. DesRoches made a motion, seconded by Mr. Leroux to approve the minutes of October 20, 2022, with corrections. (Vote 4-0)**

**Correspondence**

Copies of bond release letters for 49 Crystal Lane, CP McDonough, 80-82 Blossom St. Realty Trust, TM 213-011 I.

The Bonds have been released.

**Public comment**

None

**Set next meeting date**

Thursday, November 17, 2022

**Mr. Leroux made a motion, seconded by Mr. DesRoches, to adjourn the meeting at 10:20.  
(Vote 4-0)**

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath  
Planning Board Secretary