



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET
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Notice of Decision Map 110, Lot 006 Minor Subdivision Application

Applicant: Daniel Flores, SFC Engineering Partnership, Inc.

Owner: Wyman's Cove, LLC.

Location: 161 North Road, East Wakefield, NH (Lot 110-006)

Findings of Fact

On July 20, 2023, August 3, 2023, and November 2, 2023, the Town of Wakefield Planning Board conducted a public hearing for a Minor Subdivision Application, submitted by Daniel Flores, PE, of SFC Engineering Partnership, Inc., of Windham, NH, for property owned by Wyman's Cove LLC, 161 North Road, TM 110-006, 20.96 acres in the RIII and RII Zoning Districts. The applicants have revised their originally submitted Major Subdivision Application to instead seek approval of a Minor Subdivision Application to create two new buildable lots, for a total of three lots. The application was initially reviewed as a 5-lot subdivision.

In consideration of the Minor Subdivision Application, the planning board found that the application was complete, consistent with the Zoning Ordinance, and the application met all applicable Development Regulation requirements.

Additional findings of fact include:

- The application as originally submitted was a major subdivision, 5 lots, 4 of which would have access off North Road (including the existing home) and one would have access off Acton Ridge Road.
- As revised and resubmitted for consideration on November 2, 2023, the applicant has reduced the proposal to be a 3-lot subdivision, qualifying as a minor subdivision.
- Under the revised plans, only the existing home and barn retain access from North Road and the two proposed new lots will gain access from Acton Ridge Road.
- The board found that the Private Road Maintenance Agreement was well crafted and will ensure continued shared maintenance of North Road by a newly formed association. The board noted that any new access points along North Road are to be presented to the private road maintenance association for approval. The Applicant agreed to amend the Private Road Maintenance Agreement to address new access points as requested by the board.
- By removing any new driveway access points along North Road, the board noted there will be no new impact to the private North Road because of the proposed 3-lot minor

subdivision and therefor did not necessitate upgrading North Road to town standards at this time.

- However, the board did note that any further subdivision of "new lot 1" as shown on the plan set dated 10/16/2023 may require the applicant to bring North Road up to town standards as required by the Town of Wakefield Development Regulations, Article 6.01.7.
- Additionally, the board noted that consistent with the definition of Major Subdivision within the Town of Wakefield Development Regulations, any subsequent subdivision of the subject parcels within 48 months of this approval would be deemed a major subdivision.
- The board heard testimony that there were stormwater and drainage issues impacting abutter properties where North Road crosses Horn Brook as a result of construction and possible fill placed in a stormwater retention area on the existing TM 110-006. The board required the applicant to remedy the issues as a condition of approval and a performance bond to be set to ensure completion of stormwater drainage improvements.
- The two new driveway locations proposed on Acton Ridge Road are in locations where there will be adequate visibility as required by the Town of Wakefield Development Regulations Article 6.01.1.
- The board noted corrections needed to the 10/16/2023 plan set that will need to be addressed before final approval is granted and plans signed. These are detailed in the conditions of approval (conditions precedent 1, 2, 4, 5).
- The proposed lot 6 as shown on the 10/16/2023 plan set is 0.01 acres short of being compliant with the minimum buildable lot area of 1 acre in the RII district. There is adequate buildable land to the south of the proposed parcel limits that will allow the applicant to adjust the boundary line southward, parallel to its existing delineation, to increase the buildable lot size to meet the minimum lot size. (Condition precedent 9)
- The board discussed the proposed configuration where the existing house (the primary use) will be on one lot, while the horse barn (the accessory use) will be located on the "new lot #1." Currently presented, TM 110-006 is under single ownership, this is consistent with the definition of accessory use under the Town of Wakefield Zoning Ordinance. This definition allows for an accessory use to be sited on an adjacent parcel to the primary use, so long as both parcels are held in common ownership. The applicant was advised that should parcel 6 or "new lot #1" be conveyed separately, the applicant will need to either obtain a variance or ensure a primary use is established on "new lot #1."

Waiver Granted

The applicant requested a waiver from the Development Regulations, Article VI, Section 6.01.7.

The board voted 5-0-0 to approve the waiver requested from the Development Regulations, Article VI, Section 6.01, item 7.

Conditional Approval Granted for the Minor Subdivision Application

The Minor Subdivision Application was approved by a vote of 5-0-0 with the following conditions:

Conditions Precedent, before the signing of plans:

1. Provide a signature box allowing for signature by multiple board members.
2. Boundary monuments to be set and noted on the plan, with the addition of pins to be set at the vertices along the westerly edge of the North Road ROW.
3. Receipt of NHDES Subdivision Permit.
4. Renumber "new lots 1 and 2" as 110-6-1 and 110-6-2, or per the assessor.
5. Existing horse barn driveway to be shown on the plans.
6. Identify drainage improvements at Horn Brook, on both sides of North Road, and set a Performance bond of \$4000 for the drainage improvements.
7. Deed for lot 6 and 6A and to be reviewed and approved by legal counsel.
8. Deed for conveyance of North Road to be reviewed and approved by legal counsel.
9. Move the new lot 6 boundary line southward, parallel to its delineation on the plans dated 10/16/2023 to achieve a full acre of buildable land.

Conditions Subsequent:

1. Prior to release of bond, driveway drainage improvements are to be inspected and approved by code enforcement or town engineer.
2. Any subsequent subdivision of "new lot 1" may require upgrades to bring North Road up to town road standards.

The Board based its decision on the application, plans, and supporting oral and written information and the record provided by the applicant, professional staff for the applicant and Board, and public comment, as reflected in the minutes on file at Wakefield Town Hall. This information shall be incorporated into the decision by reference.

Please note that the selectmen, any party to the action, or any person directly affected, has the right to appeal this decision within 30 days from the notice of decision. See RSA Chapter 677:15.



Tom Dube
Planning Board Chair

11/9/23
Date