



**TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD**

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**MINUTES OF THE PUBLIC HEARING
August 16, 2012**

Final Copy

MEMBERS		ALTERNATES		STAFF	
Paul Winckler, Chairman	X	Richard DesRoches	X	Michelle MacDonald, Secretary	X
John Blackwood, Vice-Chairman	X	Doug Stewart	X	Arthur Capello, Bldg. Inspector	X
Charlie Edwards, Selectmen's Rep	X	Gerard Levesque	X	Mike Garrepy, PB Consultant	X
Stephen Royle	X				
Tom Dube	X				

Attendees present: Barbara Burns, Dan Bishop, Joe Fleck and Dennis Badman.

Chairman Winckler opened the meeting at 7:00pm, with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT

Chairman Winckler opened the session for public comment. Hearing none, the Chairman closed the public comment session.

PUBLIC HEARING

The proposed increase in fee from \$100.00 to \$121.00 for the advertisement of a hearing in the Carroll County Independent and the proposed new fee of \$40.00 for the mapping of new roads.

Chairman Winckler stated that the increase in the advertisement fee is due to the Carroll County Independent increasing their fee for the advertisement of a public hearing. The proposed new fee of \$40.00 is a fee that the town incurs when a subdivision is built that involves new roads.

Arthur Capello stated if there is a subdivision developed without involving any new roads no cost will occur.

Mr. Winckler stated the fees had been properly noticed and asked if there were any questions or comments. There was a brief discussion on whether the Board should state that the increased is based on the rate the Carroll County Independent is charging instead of stating the actual cost. Mr. Winkler suggested the Board look into this further when there is another fee increase. A motion was made.

MOTION: To approve the fee increase for the CCI and the new road fee

Made by: Charlie Edwards

Seconded by: Tom Dube

Discussion: None

Vote: 4 in favor/ 1 abstained

CORRESPONDENCE AND MISCELLANEOUS

Joe Fleck – requesting a zoning change

Mr. Winckler invited Joe Fleck and any other interested parties to approach the table.

Joe Fleck introduced his next door neighbor Dan Bishop, his neighbor across the road Dr. Dennis Badman and Barbara Burns who lives a couple of houses down. Mr. Fleck explained to the Board they were here to discuss an issue with the property located at 42 Point Road on Province Lake. Mr. Fleck stated this property was originally a family camp and had expanded. The latest expansion included a fully obtainable year round addition. However these changes are not the issue. Mr. Fleck explained that a couple of years ago the owners had moved out and decided to rent the house. The problem that Mr. Fleck and his neighbors have encountered is one of extensive noise and foul language throughout the day as well as late into the night. The house is now accommodating close to 20 people at a time with 8 to 10 cars on the lot. Mr. Fleck stated there was a volley ball court and a horse shoe pit which also causes activity through the night hours. Mr. Fleck made the comment not all renters cause these problems but most do. Barbara Burns told the Board many of the neighbors have contacted the owners but with no prevail. Mr. Fleck stated there is no responsibility or supervision of the property and they were looking to the Board for some kind of resolution, perhaps a zoning change of some kind.

Mr. Winckler asked if they had ever called the police. Both Mr. Bishop and Dr. Badman stated they had. Mr. Bishop felt it was a waste of police time. He doesn't feel that this is really what a police department is for when the issue is happening every weekend or every night.

Mr. Blackwood asked who takes care of the property when people move in or out. Mr. Bishop stated it was the property owner's sister but she only cleans the house when someone moves out. There is no manager of the property.

Mr. Winckler stressed his concern that the police had only been called twice in two years. He couldn't understand why they weren't calling the police every night if the problem is consistent. There was a brief discussion on noise ordinance.

Mr. Fleck stated they were coming to the Board for some suggestions, perhaps it might be just dealing with the number of people that can occupy a dwelling. Mr. Royle asked Arthur Capello, Wakefield Building Inspector, if there was currently a code violation with that many people. Mr. Capello replied no but stated that Mr. Fleck and his neighbors are talking about one specific property but this is a growing problem throughout the town. Mr. Capello informed the Board that at least a half of dozen times during the summer he checks websites after receiving complaints. He stated all he can do is require that they advertise the dwelling truthfully. When Mr. Fleck came into Mr. Capello's office it was suggested that he bring this issue to the Board along with some neighbors. Mr. Capello stated if the Planning Board wanted to move forward with a solution he would suggest that they not tie into the ordinance the amount of people but how often the owner of the property is there. Saying that you can only have X amount of people is an unenforceable ordinance. The Board had a brief discussion of activity happening on the property and noise ordinance.

Dr. Badman mentioned that they are trying to be responsible neighbors and do not want to be a burden to the police department. He also stated they were trying to be proactive to fix this problem. Mr. Winckler stated he doesn't think what they are trying to propose would be the right answer to this issue. Mr. Capello stated it may not solve the issue at hand but it could give the Planning Board and/or the Town more authority. Mr. Royle asked Mike Garrepy, Planning Board Consultant for his opinion. Mr. Garrepy stated his advice would be to consult with legal counsel if this is the road the Board wants to go down. The Board had a brief discussion about Commercial and Residential property.

Mr. Edwards asked Mr. Fleck what exactly he wanted for an outcome. Mr. Fleck stated he would like to see fewer people and less noise. Mr. Fleck talked about how he would support some kind of ordinance that would bring a property owner before the Board for rules and regulations. Mr. Winckler felt that the Board needed something in writing stating exactly what they were looking for and the reasons for it. There was a brief discussion on involving the Police Department.

Mr. Bishop stated his concern about the maintenance of the road and the fact that there is so much traffic driving on the road and the owner has stopped contributing to the road maintenance. Mr. Levesque asked if the property was in an Association. Mr. Fleck replied no. The maintenance fee for the road is strictly voluntary.

Mr. Blackwood mentioned the Board should create an ordinance that states the owner of the property would have to have their house listed with a realtor in order to rent. Mr. Capello stated he felt the Board would have less of a chance getting that by Town Counsel.

Mr. Winckler repeated he would like to see their compliant in writing. Mr. Fleck stated anything the Board can do to diminish the problem would be appreciated. Barbara Burns asked if there was a septic tank violation due to the amount of people in the house at any given time. Mr. Capello stated that the septic is based on the number of bedrooms and mentioned that the house was being advertised correctly.

Mr. Garrepy suggested the interested parties should explore their options. They may want to poll some resources together and talk to their own Land Use Attorney to see where they could move forward.

The Board suggested Mr. Fleck and any interested parties talk to Ken Fifield, Chief of Police about the issue and ask if they could patrol the area a couple of times a day.

BOARD BUSINESS

Arthur Capello, Recommended Zoning Changes.

Mr. Capello stated he was looking for guidance from the Board. They are not making any changes tonight. Mr. Capello reviewed the handout of the recommended changes he gave the members of the Board.

Article 3, pg. 7; chart of uses: Mr. Capello is proposing to make pharmacies or drugstores in R3 or Agricultural Zones a Conditional Use. Currently it is a Permitted Use. Mr. Capello briefly explained he

knows the Board is looking to re-zone parts of Route 16 but right now most of the Route 16 is R3 and Agricultural so if an applicant wanted to build they would have to get a Variance.

Article 12, pg. 36; open space: Mr. Capello stated this was just a typo. He mentioned that the Board had made this change last year from 1500 sq. ft. to 1150 sq. ft.

Article 16, pg. 44; private campsites: Mr. Capello stated the way this is currently written in unenforceable and causes problems every year. Mr. Capello mentioned he would like to re-write this. Mr. Winckler asked if 30 days was the problem and if he thought 90 days would be better. Mr. Capello felt as long as they have the room and the proper septic why should they be told how long they can have someone stay on their property. Mr. Stewart stated he doesn't think there would be an issue to extend the number of days but showed some concern if this meant not putting a limit on the number of tents and/or campers. Mr. Capello agreed. Mr. Edward showed concern about a homeowner's right. Mr. Capello stated this was what he was trying to accomplish.

Article 21, pg. 48; signs: Mr. Capello stated this was a Petition Warrant Article that passed last year but was missed when the changes were made. Currently it says political signs can be up 90 days prior to an election. This was reduced to 30 days prior. The Board had a brief discussion.

Article 22, pg. 52; yard sales: Mr. Capello mentioned this was a typo. The article should refer to article 21 instead of article 20.

Article 23A, Pg. 53-54; Assisted Living: Mr. Capello mentioned there seems to be a conflict with this article but stated this was Mike Garrepy's area of expertise. This whole article will have to be re-written. Mr. Capello asked the Board if this was something they wanted Mr. Garrepy to move forward with. The Board made a motion.

MOTION: To have Mike Garrepy re-write Article 23A; Assisted Living
Made By: Tom Dube
Seconded By: John Blackwood
Discussion: None
Vote: Unanimous

Article 23D, pg. 58-59; In-law Apartment: Mr. Capello stated he would like to change the in-law apartment to an accessory apartment. Property owners could then do what they wanted with their apartment. The Board had a brief discussion. Mr. Stewart stressed his concern on this becoming multiple unit apartments. Mr. Royle asked Mr. Capello if there was an overwhelming amount of abuse with these in-law apartments being rented to non-relatives. Mr. Capello replied yes. Mr. Garrepy stated there are some issues with the verbiage in this article. Mr. Capello stated he had some ideas but didn't want to move forward without the permission of the Board. There was a brief discussion on where in-law apartments are permitted and on footage. Mr. Winckler stated that Mr. Capello and any other member could re-write this article and bring before the Board.

Article 23E, pg. 59-62; Workforce Housing: Mr. Capello stated this was an article that the Board wanted to be re-written. Mr. Capello's opinion would be to bring this to compliance with State Statutes. The Board made a motion.

MOTION: To have Mike Garrepy re-write article
Made By: John Blackwood
Seconded By: Charlie Edwards
Discussion: None
Vote: Unanimous

Article 25, pg. 70-71; Conforming and non-conforming: Mr. Capello stated he would like to bring this article up to State regulations. Mr. Capello mentioned the Town Zoning doesn't allow the expansion of any structure within 30 ft. in any direction except up. The State regulations allow the expansion of a pre-existing non-conforming structure parallel, up and back just not any closer to the water. The Board had a brief discussion on side set-back and septic plans.

Article 33, pg. 77; Definitions: Mr. Capello stated he would like to see a definition added for a Bunk House and if the Board decides to change in-law to accessory they will need to change the definition of an in-law apartment.

Article 35, pg. 88; Split Zone: Mr. Capello stated the way the Town's Zoning is currently written for split zone is the property owner can go up to 100 ft. by an application for special exception. Mr. Capello is looking to modify this article to make it more user friendly. He stated what he was looking to propose was that someone could go 1 acre into a split zone. Mr. Winckler felt that this was more reasonable than 100 ft. The Board had a brief discussion on split lots. Mr. Dube felt there would be some problems with stating an acre instead of footage. Mr. Capello mentioned they could go with footage or acreage. He is just trying to make it so the owner could do more with their property.

Environmentally Friendly Outhouses: Mr. Capello stated that outhouses are allowed by the Selectmen of this Town. We have 110 camp/cabins with outhouses which most are near the water. Mr. Capello mentioned he had done some research and had plans for environmentally friendly outhouses. As people have to replace their outhouses or tear them down they would be obligated to put in environmentally friendly outhouses. The Board had a brief discussion on septic plans for outhouses.

Route 16 Overlay: Mr. Capello stated this has been something the Board has discussed for many years but is beyond his expertise.

OLD BOARD BUSINESS

Charlie Edwards – Route 16 Corridor:

Mr. Winckler stated that Mr. Edwards had brought up a suggestion a couple of weeks ago to make Route 16 Commercial/Industrial all along the North side of the highway.

Mr. Edwards said he had done some research and showed the Board a complete layout of Route 16. He stated that after talking to the Department of Transportation it was found when this highway was developed there were no land locked properties. They all had access to Route 16 except for a couple that have lost it for unknown reasons. Mr. Edwards explained where the Board had decided to go South from Gage Hill they would be missing the land locked properties but the rest is Wetlands. Mr. Edwards felt this would not be possible. He suggested Zoning the North side from Stoneham Road South. Mr.

Edwards mentioned that there were properties that are freshly cleared and ready for development. After a brief discussion on locations Mr. Dube stated he thought the lot across from the Mobil Station to the Brook field line should be Commercial. Mr. Blackwood agreed. The Board had a lengthy discussion on Wetlands and Zoning. Mr. Edwards stated he wasn't looking to invade the homeowner's space. He is for the homeowner having rights. He is just looking at some of the vacant properties but wasn't aware that they could not Spot Zone.

Mr. Garrepy stated the Board should have a work session to talk more about how they want the Zoning laid out then have a public meeting at the end of September. Mr. Garrepy felt changing the Zoning to allow other uses as well as residential would increase property values. There was brief discussion on the possible increase of taxes to residents in these areas.

Mr. Winckler asked Michelle MacDonald, Planning Board Secretary if there were any upcoming hearings. Mrs. MacDonald replied no. Mr. Winckler stated the Board will have a workshop for the first meeting in September.

Mr. Garrepy stated that they should have a large Zoning Map hanging up in the conference room. Mr. Winckler asked Mrs. MacDonald if she could get a dozen of smaller Zoning Maps for the board.

Mr. Winckler told the Board to get the Zoning Maps from Mrs. MacDonald when they were ready so they could mark what they think should be Zoned Commercial/Industrial.

APPROVAL OF MINUTES

MOTION: To approve the minutes of the August 2nd meeting.
Made by: Tom Dube
Seconded by: Steve Royle
Discussion: None
Vote: Unanimous

ADJOURNMENT

MOTION: To adjourn the meeting at 8:49pm
Made by: Steve Royle
Seconded by: Paul Winckler
Discussion: None
Vote: Unanimous

Respectfully submitted,
Michelle MacDonald

Michelle MacDonald
Planning Board Secretary