



TOWN OF WAKEFIELD, NEW HAMPSHIRE  
PLANNING BOARD

2 HIGH STREET  
SANBORNVILLE, NEW HAMPSHIRE 03872  
TELEPHONE (603) 522-6205 FAX (603) 522-6794

MINUTES OF THE PUBLIC HEARING  
April 19, 2012

Final copy

MEMBERS		ALTERNATES		STAFF	
Paul Winckler, Chairman	X	Richard DesRoches	X	Michelle MacDonald, Secretary	X
John Blackwood, Vice-Chairman		Tom Dube	X	Arthur Capello, Code Enforcement	X
Charlie Edwards, Selectmen's Rep	X				
Stephen Royle	X				

Attendees present: Dave Mankus, Steve McDonough, George C. MacDonald Jr., Charles Karcher, Gerry Levesque, Mike Walsh, Megan Walsh, Doug Stewart, and Pam Judge

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**

**Charlie Karcher is representing the Gloria Rhodes Revocable Trust whom has filed a boundary line adjustment located at 1395 Old Stage Road, Sanbornville – Wakefield Tax Map 231, Lot 1 and Tax Map 237, Lot 1**

Chairman Winckler invited Charlie Karcher to approach the table. Charlie introduces himself as Charlie Karcher from Norway Plains and stated he will be representing the Gloria Rhodes Trust.

Mr. Karcher started by referring to a report of waivers that were suggested by the Town's Planning Consultant, Mike Garrepy. Mr. Karcher stated that there is a .67 acre lot that surrounds the Gloria Rhodes house at the end of Old Stage Road. She also owns the parcel next to it which is 61 acres and actually goes right around it. Norway Plains is requesting a lot line adjustment so they can add land to make it a seven acre parcel that goes with the house. The remaining land would become a 54 acre lot. The house is serviced by well and septic. There would be no other changes other than it would become a 7 acre lot. He finished by saying "that's all we are proposing." Mr. Winckler asked if there were any questions. Charlie Edwards asked if the driveway would change at all. Mr. Karcher commented no, just making a small lot bigger.

Charlie asked what Michael Garrepy said in the report. Steve Royle wanted to know if it was the barn that was converted to a house. Mr. Winckler said, no. After a brief discussion Mr. Winckler said they were looking at the waiver for the hydric soils and stated he could see no reason for that.

Steve Royle made the comment that they needed to accept the application. Mr. Winckler agreed.

**MOTION:** To accept the application  
**Made by:** Steve Royle  
**Seconded by:** Tom Dube  
**Discussion:** None  
**Vote:** Unanimous

Dick DesRoches asked if they have to vote individually on the waivers. Mr. Winckler said they could but do not have to. Mr. Winckler asked if there was any input from the audience. Mr. DesRoches talked about the three waivers GPS, buildings, and hydric soils. Mr. Winckler stated there was no GPS point there anyway. Mr. Royle made the comment that there were five waivers, adding the snowmobiles, hiking and recreation trails. Mr. Winckler stated he thought there were no trails. Mr. Royle then stated there was a snowmobile trail that he thought traveled behind the lot and it looks like it goes through the field. After discussion, Mr. Winckler stated they could approve it with subject to the condition if there were any snowmobile or hiking trails discovered that they be honored. Mr. Winckler asked for anymore comments. Tom Dube stated that the snowmobile club has to get annual permission from the property owner to use the land. Steve McDonough said he currently allows the snowmobile club to use whatever they need to use but upon sale he doesn't know. Steve Royle stated it's irrelevant because if you just deny access you wouldn't have that issue.

Arthur Capello made the comment that one condition he would like to see added is that the new deeds be drawn up and recorded prior to the Mylar being signed and recorded. Charlie Edwards asked Mr. Karcher if he is okay with that. Mr. Karcher states he doesn't understand. Mr. Capello said they are recording Mylar's but the landowners aren't getting the new deeds for the boundary line adjustments so they're running into problems. Steve Royle stated it should only be a problem when it is sold. Mr. Karcher's concern is if a new deed is drawn up, whose name is going to get the new deed? Mr. Karcher went on to say usually the Mylar gets recorded prior to any deed being recorded and when this parcel is sold a new deed will be written around this 7 acre parcel in the new owner's name. Mr. Capello responded by saying that he would ask the Chair to talk with the assessor.

Mr. Winckler wanted to know how big of a deal it is to get a new deed. Mr. Karcher stated typically a legal description will be written up, a leaps and bounds description with the parcel, and then is given to an attorney. Mr. Karcher asked the board if it was possible if they would approve this and he could talk to Cindy Bickford about what it is she would like to see. Mr. Capello said the point is to make that a condition, but to still approve it. Tom Dube didn't understand why a new deed is needed. Steve McDonough asked if another way to deal with the assessor's problem simply is to have the Planning Board notify the assessor anytime this happens. Mr. Capello stated that Cindy is aware and he gave her a copy of the plan. He said that he got a message from Cindy before the meeting asking him to bring this stuff because mylars from recent boundary line adjustments have been recorded but no deeds were recorded reflecting the boundary line adjustment.

Tom Dube stated that he can't speak for others but he would be willing to ask Rick Sager, the Town Attorney, to see if they should or shouldn't do it. He really doesn't see that it's necessary. Mr. Winckler said he hasn't spoken to Cindy so he doesn't know what the problem is. He stated he will give Rick Sager a call to see what he recommends. Steve McDonough said anything that Cindy wants he would be happy to do it. He has been told before that it doesn't make sense to draft a deed to yourself if you own

the property. Mr. Edwards stated whatever Cindy requires is what they should send her. Mr. Dube said he doesn't want Steve to have to go and hire an attorney, draw up a deed, and pay money to have it recorded when it's not necessary. Mr. Edwards is okay with that. He does ask if they should at least give her the benefit of explaining herself. She must know something we don't at this point. Mr. Capello stated that maybe the board should request Cindy coming to a board meeting when she is available. Mr. Edwards asked if this is going to stop these guys from anything that's crucial. Mr. Capello agreed with what Steve McDonough said around concerns that assessing would be satisfied. Mr. Royle said they should specify, not satisfied without a requirement of a new deed. Mr. Edwards said if Cindy says she needs a deed then she's going to get it. Mr. Royle made the comment that Mr. Karcher didn't want to spend the money. Mr. Edwards stated they said they have no issue doing what Cindy says.

Mr. Winckler stated that they are going to run into this problem with minor adjustments over and over again so he suggests getting Cindy to come to the next meeting, if available.

**MOTION:** To accept the lot line adjustment with the condition that they get the Town Assessor's approval.  
**Made by:** Charlie Edwards  
**Seconded by:** Dick DesRoches  
**Discussion:** None  
**Vote:** Unanimous

After a brief discussion about the approval of the waivers, Tom Dube makes a motion.

**MOTION:** To approve the plan also with the waivers requested by the town planning consultant and Norway Plains.  
**Made by:** Tom Dube  
**Seconded by:** Charlie Edwards  
**Discussion:** None  
**Vote:** Unanimous

## **BOARD BUSINESS**

### **1. Mike and Megan Walsh has filed a Preliminary Discussion Request located at 80 Chapel Street, Union – Tax Map 244, Lot 26.**

Chairman Winckler invited Mike and Megan Walsh to approach the table.

Mr. Winckler states to Mike and Megan that this is a preliminary discussion so whatever happens here is not legal binding. Mike and Megan both agree.

Mike said that legally this property is the old school house and stated that they have already put in an offer. The offer has been accepted pending approval of use. Their objective is to open the building to home schooled kids and their parents. Mike stated that home schoolers always have to beg for space in town hall basements or churches and feels this would be perfect. They intend to purchase and renovate this building themselves. It would not be a school per say but more of

an assembly location, a place for home school families to come in and teach their kids and maybe other kids as well. Mr. Winckler thought it was self-defeating; you're talking about home schooling people that have been teaching at home and now you want to get a building, a school building where you're taking the kids from the home to this place. Megan stated it wouldn't always be for class. We would also have it open for kids clubs, book clubs, etc. This is a way for the kids to be involved in the community while being home schooled. Mike and Megan are both home school parents. Mr. Winckler stated so it would be a common place to gather. The Walsh's agreed. Mr. Winckler asked if this is going to be profitable. Mike replied no, this is a way for them to give back to the community. Mr. Winckler asked if they think there will be enough need for something like this. Mike stated yes he feels there is. They have put up some preliminary blogs about this and have gotten some great feedback. This building is a central location for many towns and all are welcome. They have even talked about adding a playground for the community to use as long as their insurance would permit it. Mike stressed they would like to open the building for things like Heritage Days and community things. Mr. Winckler felt that this will be competing with the Resource Center. Mike stated it will be used for differently so he doesn't see any competition.

Dick DesRoches asked if there were any zoning issues. Arthur stated there is a conditional use in this zone so they would have to come in front of the Planning Board for a conditional use permit. Mike said they have a lot of things they have to check off before they can close. So far the Fire Department approved and all doors are open.

Mr. Edwards asked if the Heritage Commission was good with this. Pam Judge stated it has always been a school, it was built to be a school for the community. It was offered to the Town and the Selectman chose for various reasons not to accept it. What they want to do is to preserve it as a school which would be a historical asset to the town. She had spoken to Mike and Megan and they are happy to have her be involved with the Heritage Commission. They want to restore it with preservation in mind and do it correctly. The Heritage Commission is completely behind them. Mr. Edwards asked how the building stands for safety. Mr. Capello said it was done when the Paul School had it. Mike stated he talked to Todd Nason and was told what chapter they would have to respond to, which is Chapter 12. The building meets or exceeds those regulations anyway. Mr. Winckler asked if there were any other questions or comments. Dick DesRoches asked when a Conditional Use Permit is issued does it state actually what it is to be used for. Mr. Capello stated correct, educational use is a conditional use in that zone. Dave Mankus asked if they had to start charging a fee or tuition would there be any additional barriers or approvals needed. Mr. Capello stated as long as the fee being charged it was for educational use - no.

Mike wanted to know what the next stage was. Mr. Capello told him to file a Conditional Use Permit. If they owned the property at the time they filed they could fill it out, if not they would need the current owners to act as their agent.

## 2. **Gary Bisson – unbuildable lot**

Chairman Winckler asked if Gary Bisson was present. Arthur Capello stated this was added at his request.

The old subdivision that was done on Lord Road there were two lots that were delineated unbuildable, for what reason he is unsure. They are two and three acre lots. The Adjacent lot has

already been built on. Mr. Capello stated that the board has been given a memo from the previous town planner explaining the situation and saying it was okay. Mr. Capello said Mr. Bisson came to talk to him about this. Mr. Bisson owns this lot and someday would like to build a house for his kids or something but it says that it's not a buildable lot. Mr. Capello was here to ask for guidance from the Planning Board as to what should be do. Mr. Capello made a suggestion to the board by saying he suggested that they allow it to be buildable and then record the previous planner's memo with both lots so there's something recorded at Carroll County. Mr. Edwards doesn't see the reason why it is an unbuildable lot. Steve Royle wanted to know what makes it unbuildable. Mr. Capello stated what makes it unbuildable now is that it's not on the plan. Mr. Winckler asked Mr. Capello if we had the minutes from the Planning board meeting when it was determined that the adjacent lot was non- buildable. Mr. Capello stated not with us, we would have to do some research on that. The concern that I have is that the adjacent lot was allowed to be built on. Mr. Winckler said it was allowed to be built on but not until he got DES approval first. Mr. Capello talked about the fact that this would have to be done for any lot. He stated at this point if this gentleman came in and said he wanted to build, I would deny him because it reads unbuildable. Mr. DesRoches asked what if the note was removed and he came in wanting to build. Mr. Capello stated he would allow him to go through the process of building a house there. Mr. Capello's suggestion is that the memo be recorded with both the deeds making a note that both lots are buildable seems how one has already been built on. This would save the Planning Board from having to get a new plan done, and recording it. Tom Dube questioned as to why the Planning Board has to do anything. Mr. Capello responded by saying because the Planning Board is the only one that can remove the note. Mr. Dube stated that the property owner should pay the appropriate fees and come before the board to ask permission to build. Mr. Capello responded by saying why should the tax payer have to come in and pay the fees when we can simply resolve this by recording the memo.

Mr. Winckler stated first off we should find out why the Planning Board deeded it unbuildable and go from there. Pam Judge believes the prior property owners didn't want these lots built on. Mr. Capello stated if you read the memo in your packets it states that the deed of December 7, 1981 transferring the land from W.M. Lord Co, Inc. to David and Martha Towle contains the following language: "The above – described parcel of land is not presently a buildable lot without approval of the Wakefield Planning Board and the New Hampshire Water Supply & Pollution Control Commission." Mr. Edwards stated making it a buildable lot adds more value to the land. Mr. Dube wanted to know if the lot is being taxed as a buildable lot or not. Charlie Edwards and Pam Judge checked in the Town's assessing program and found that the lot is in fact being taxed as a buildable lot. Mr. Capello stated it's up to the board how they want to proceed. Mr. Edwards was concerned that this lot has been taxed as a buildable lot since 1981. Mr. Capello wanted to know what kind of application does the board want to see to get this removed. Mr. Dube stated anything simple as long as the all of the abutters are notified. He also recommended that Mr. Bisson talk to David Towle next door and maybe they can do a plan together. Steve Royle suggests that we research the past minutes first to satisfy the board as to the reason why. Mr. Winckler wants Michelle MacDonald to research the reason why the lot is deeded unbuildable and go from there.

### **3. Discussion on review of applications.**

Arthur Capello stated he asked for this to be placed on the agenda. He wanted to make sure the process or policy of the board is that they want the Planning Consultant to review every

application or just specific ones. Mr. Winckler asked the board what their opinion was. He stated that Mike Garrepy reviewed the last application and he feels there wasn't much to it. Mr. Royle feels Mike should review them. Mr. Winckler states that this is what he is being paid for. Charlie Edwards asked Arthur if he is reviewing them. Mr. Capello stated not if Mike is. Charlie stressed he doesn't feel that the Planning Consultant needs to review every application. Mr. Capello would suggest that Insignificant Change of Use stay in house and everything else Mike should get. Mr. Winckler agreed.

## **CORRESPONDENCE AND MISCELLANEOUS**

### **1. Letters of interest from Doug Stewart and Gerard Levesque to become alternates on the Planning Board.**

Mr. Winckler stated that these gentlemen have been living in Town for quite a number of years and they are fairly well known. Gerry has served on the WERC community and did a nice job. Doug Stewart has been on the Zoning Board for about six years. They both are willing to serve and come to the meetings.

**MOTION: To accept both Doug and Gerry as alternates on the Planning Board.**

**Made by: Steve Royle**

**Seconded by: Charlie Edwards**

**Discussion: Mr. Capello stated they will need to fill out paperwork and be sworn in. Mr. Winckler asked Tom Dube if he had been sworn in yet. Tom stated not yet but he had talked to the Town Clerk about getting that done.**

**Vote: Unanimous**

### **2. Forest Bell – date for workshop**

Mr. Winckler stated that Forest Bell got back to him and gave him a date for a possible workshop involving Low Impact Development. The proposed date is **Thursday, July 19, 2012** at 7:00 pm at the Town Hall. He will have a couple of speakers and is asking for everyone from the Town to come.

Gerry stated since the last meeting he has talked to Linda. He has a meeting with her on May 2<sup>nd</sup> to get the updates for the results of the eight years that were missing. He plans on having this information for the next meeting. Mr. Winckler said he will add it to next week's agenda.

## **APPROVAL OF MINUTES**

Steve Royle had a couple of issues with the minutes. He stated when we elected Tom Dube it said in the minutes that there was no discussion, but, Steve stated that we did have a discussion. He had felt that Mr. DesRoches should have had first refusal but before we talked about it Dick basically stated that anyway. Mr. Royle just wanted in the minutes that we talked about it. Mr. Capello stated that it did say that and pointed out in the minutes where it said that. Mr. Royle said more importantly before we adjourned we voted on Fosters Daily Democrat as the backup newspaper for public notices but it wasn't

in there. Mr. Winckler and Mr. Dube both thought they saw it but we couldn't find anything. Mr. Winckler advised Michelle to add this information to the minutes.

**MOTION: To approve the minutes of the April 19<sup>th</sup> next meeting.**

**Made by: Tom Dube**

**Seconded by: Steve Royle**

**Discussion: None**

**Vote: Unanimous**

**ADJOURNMENT**

**MOTION: To adjourn the meeting at 8:11pm**

**Made by: Steve Royle**

**Seconded by: Dick DesRoches**

**Discussion: None**

**Vote: Unanimous**

Respectfully submitted,

Michelle MacDonald  
Planning Board Secretary