



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

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**MINUTES OF THE PUBLIC HEARING  
September 6, 2012**

**Final Copy**

<b>MEMBERS</b>		<b>ALTERNATES</b>		<b>STAFF</b>	
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	
Stephen Royle	X				
Tom Dube	X				

Attendees present: George MacDonald Jr., Addison MacDonald, Lieutenant Mark O'Brian and Jerry O'Connor

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**

No Public Hearings

**CORRESPONDENCE AND MISCELLANEOUS**

No correspondence and miscellaneous

**BOARD BUSINESS**

**Arthur Capello, Recommended Zoning Changes.**

Mr. Winckler stated that Arthur Capello, Building Inspector had some possible Zoning changes.

Mr. Capello stated at the August 16<sup>th</sup> meeting he had brought forward some suggested Zoning changes and mentioned that the Board had approved him to move forward with writing rough drafts. Mr. Capello reviewed the hand out given to the Board.

**1. Pharmacy or Drugstore w/or w/o other retail sales, page 7**

Mr. Capello stated that he was looking to make a Pharmacy or Drugstore w/ or w/o other retail sales a Conditional Use in the RIII and Agricultural Zones. Mr. Capello stated the reason for this change is Route 16 is primarily RIII and Agricultural so a Pharmacy or Drugstore could not be built without applying for a Variance with the Zoning Board. Mr. Winckler asked if there were any questions or comments.

Mr. Edwards didn't believe that a Pharmacy would be built without a drive- thru and felt that the Board needed to address the fact that drive-thru's are not permitted in any zone before they make Pharmacy or Drugstore a Conditional Use in RIII and Agricultural. Mr. Capello stated he didn't disagree but mentioned he went down this road two years ago and got shot down. The Board had a brief discussion about a drive- thru restaurant verses drive- thru pharmacy. Mr. Capello stated if the Board wanted to it could be written to say Pharmacy or Drugstore w/, or w/o other retail sales and/ or drive-thru, which would then permit it. Mr. Winckler felt that the other retail sales may be a problem. The Board had a brief discussion about restaurants. Mr. Blackwood felt if the Planning Board wanted to bring in businesses to the community they are going to have to lighten up on some regulations. Mr. Stewart asked Mr. Capello if the article could be written stating drive-thru only for retail and not for a restaurant. Mr. Capello replied yes but stated the Board should be prepared to deal with legal fees if a restaurant wants to build and can't have a drive thru but a pharmacy can. Mr. Winckler made the comment that the Board would deal with that when it happens. Mr. Blackwood didn't feel that would pass. Mr. Edwards felt the Board should not single out businesses for drive – thru's. Mr. Winckler agreed but felt this was not the time to discuss this. He wanted to concentrate on Zoning Route 16 first. After a lengthy discussion a motion was made.

**MOTION:** To have Arthur Capello write up a Warrant Article on drive-thru's to review at the next meeting.

**Made By:** Charlie Edwards

**Seconded By:** John Blackwood

**Discussion:** None

**Vote:** 4 in favor / 1 not in favor

**2. Dwelling Unit, page 36 –Change.**

Mr. Capello stated that the minimum square feet of 1500 didn't get changed to the 1150 square feet that was passed last year for Open Space. Mr. Edwards asked Mr. Capello to read the article so he could understand it better. Mr. Capello stated this is not in general this is just for the Conservation Open Space Subdivisions. Mr. Edwards questioned the 1150 sq. ft. stating he thought the Board reduced the Sq. Footage to 850. Mr. Capello replied only if you wanted to build a house on a standard lot, this is just for Open Space Subdivisions. Mr. Edwards asked Mr. Capello why a full basement is needed. Mr. Capello stated that's what the Board decided. The Board had a brief discussion on basements and foundations. Mr. Edwards asked what the definition of Open Space was. Mr. Dube stated it allows for smaller lots. Mr. Edwards asked Mr. Dube if he felt that every house needed a full foundation. Mr. Dube stated he felt that any new house, in order to keep the value should be on a foundation. A brief discussion followed. Mr. Capello asked if it was the Boards decision to remove the line that states "include a full basement with poured foundation and concrete floor." The Board replied yes. Mr. Royle felt that they

should reduce the 1150 square feet to 850 square feet to match the rest of the town. The Board agreed to the change of 850 square feet.

**3. Private Campsites, page 44 –**

Mr. Capello stated that he was proposing to change this ordinance from one camper and/or tent to no more than two plus change the number of days they are allowed on the property from 75 consecutive days to unlimited as long as the waste disposal can handle it. Mr. Stewart asked if the property owner would still be required to get a Private Campsite Permit. Mr. Capello replied yes. Mr. Stewart was concerned that this would be giving people permission to live in a camper/tent permanently. Mr. Capello stated that this is not allowed by Code. Mr. Stewart asked where this was stated in the Zoning Ordinance. Mr. Capello replied that this was not in the Zoning Ordinance but as the Health Officer he would enforce that. Mr. Royle asked how many days someone would have to stay in the camper/tent in order for it to be considered full-time. Mr. Edwards stated 180 days. Mr. Stewart thought there should be some sort of limitation on the number of days. A lengthy discussion of number of days allowed and how to enforce it followed. Mr. Winckler asked Mr. Capello if the issue is that he thought he couldn't enforce the Ordinance the way it is written? Mr. Capello stated "not unless you want to monitor how long someone has been staying in the camper/tent." Mr. Winckler felt they should eliminate the number of days. A brief discussion follows. Mr. Royle made a motion to change the number of days to 180. No one seconded the motion.

**4. Political signs, page 48 – Housekeeping**

Mr. Capello stated that a petition Warrant Article passed changing political signs from 90 days to 30 days prior to an election. This was a typo.

**5. Yard Sales, page 52 – Housekeeping**

Mr. Capello stated this was a typo. The article reads "A sign for a yard sale shall be in conformance with the requirements of Article 20" This should read Article 21.

**6. Assisted Living facilities/ Life care Facilities, page 53**

Mr. Capello stated this was an Article that Mike Garrepy, Planning Board Consultant is going to re-write. Mr. Winckler stated he has not heard from him on this as of yet. He will get in touch with Mr. Garrepy.

**7. In Law Apartments, page 58**

Mr. Capello stated he is proposing to change this to Accessory Apartments. The Board had a brief discussion on who could live in an In Law Apartment. Mr. Stewart stated he felt this is something that can be bought to the Zoning Board of Adjustment instead of being changed to Accessory. A brief discussion followed. A motion was made.

**MOTION:** To accept Accessory Apartment in place of In Law Apartment

**Made By:** Charlie Edwards

**Seconded By:** John Blackwood

**Discussion:** None

**Vote:** 4 in favor/ 1 not in favor

**8. Workforce Housing, page 59**

Mr. Capello stated this is an Article Mike Garrepy is going to re-write. Mr. Winckler stated he would get in touch with Mike Garrepy about this.

**9. Non-Conforming Structures and Uses, page 71**

Mr. Capello stated he was proposing to make this Ordinance follow the State. A brief discussion followed. Mr. DesRoches made the comment that this will make for more roof area. Which will increase the run-off. Mr. Dube stated that the State permit takes care of that issue. Mr. DesRoches did not agree. He felt that the State permit was a joke and the Town should not be relying on the State permit to take care of this issue of run-off that will be going into the lake. Mr. DesRoches would like to see some verbiage added to the article stating that the additional run-off from the roof be dealt with on-site. The run-off needs to go back into the ground through Best Management Practices (BMP). Mr. Capello stated that he could add verbiage that says Best Management Practices for Storm Water must be approved prior to the issuance of a Building Permit by the Building Department. A brief discussion followed. Mr. Winckler told Mr. Capello to go ahead and add the verbiage.

**10. Bunk House and Caregiver/Caretaker, page 79**

Mr. Capello stated that he is proposing to add a definition of a Bunk House – A Building providing sleeping quarters with no stove. May have heat and plumbing. If the Accessory Apartment passes then he is proposing to get rid of the definition of a Caregiver and Caretaker because there would be no need for it. Mr. Stewart asked if a bunkhouse was considered a bedroom and if the septic had to be sized for the extra bedroom. Mr. Capello replied yes. Mr. Winckler asked why they have to add a definition for a bunkhouse. Mr. Capello felt if there was a definition in the Zoning Ordinance that he would have a place to refer people to who were inquiring. After a brief discussion Mr. Capello stated he will add that a bunkhouse is not a dwelling unit.

**11. Definition of In-Law Apartment, page 82**

Mr. Capello stated if the Accessory Apartment passes they could eliminate the definition of an In-Law Apartment.

**12. Base Zones, page 89**

Mr. Capello stated he is proposing to change the Base Zone/Split Zone to a 500 foot area instead of a 100 foot area but must follow the zoning boundary as determined by a NH land surveyor. He stated that the Board did not want to go with acreage which he could understand. After a brief discussion the Board agreed.

**13. Outhouses, page 89**

Mr. Capello stated he wanted to add zoning requiring the construction of outhouses. Mr. Capello told the Board the way he worded it was “Existing outhouses are currently allowed to be replaced. If an existing outhouse is in need of replacement, it must be replaced by an environmentally friendly outhouse. The plans must be approved by the Building Inspector”. Mr. Winckler thought that was really broad and asked Mr. Capello if he was the one that determined what was an environmentally friendly. A brief discussion followed. Mr. Capello stated he will make the requested changes and have them available at the next meeting. Mr. DesRoches asked

when the public hearing needs to be. Mr. Capello stated December will be the first public hearing.

**Michelle MacDonald – Possible application revisions**

Mr. Winckler informed the Board that Mrs. MacDonald had possible application revisions and read the handout provided by Mrs. MacDonald to the Board.

1. The Board voted to increase the advertisement fee from \$100.00 to \$121.00. This will need to be changed on the application.
2. Remove envelopes for abutters because these no longer need to be provided by the applicant.
3. Change the need for 4 labels to 2 labels.
4. Add the new fax number to the applications.
5. Remove the recording fee line from applications that this does not apply.
6. Put the application fee on the application so the applicant doesn't have to refer to the fee schedule.
7. Adding "if applicable" to certain steps in the General Instructions because the steps will not apply to all applications.

**MOTION:** To allow Michelle to make these changes to the applications and present them to the Board next meeting.

**Made By:** Tom Dube

**Seconded By:** John Blackwood

**Discussion:** None

**Vote:** Unanimous

**OLD BOARD BUSINESS**

Mr. Winckler stated he was proposing that the entire left side of Route 16 from Route 109 all the way to the Ossipee line be zoned Business/Commercial as well as 300ft South of Route 109 toward the Lagoon. Mr. Winckler felt this was simple and would not interfere with any of the waterways.

Mr. Edwards proposed to have a 500ft overlay on both sides of the road. It wouldn't be Business/Commercial but Commercial/Residential. The only change would be if they got a change of use on the land. Mr. Winckler had a problem with the Lagoon and the Water Shed.

Mr. Edwards stated that another thing that needed to be discussed is the Set- Backs before the Board makes any decisions. Right now the Commercial Set-Backs are 15 feet from the side-lines and 10 feet from the rear. He felt that this should be changed to 75 to 100 feet from side-lines. The Board had a brief discussion.

Mr. Capello suggested instead of changing the Set-Backs for the entire Business/Commercial district you could set up a Set-Back just for the Business/Commercial Overlay district. Mr. Dube suggested zoning Route 16 a Business/Commercial Overlay District from Milton to Ossipee on both sides of the highway. The Board had a discussion on an Overlay District and what kind of businesses they would like to attract. Mr. Edwards felt that a business needs to be closer to the road in order to be seen. Mr. Blackwood agreed but felt that a business should be closer to the road to be seen for protection from robberies.

Mr. Stewart felt the Board was looking at too big of an area and that it won't pass. He knows that residents are not going to want this Town looking like Ossipee. He felt it was a better idea to focus on putting an Overlay District where it was already Business/Commercial, going from Governors Road to the Wakefield Diner. The Board had a lengthy discussion.

Mr. Edwards stated the only spots he can see that would work would be from Stoneham Road up to Wontons Restaurant. Mr. Royle felt there was land that could be developed South of Stoneham Road. The Board had a brief discussion on parcels of land that could/could not be developed. Mr. Winckler stated the Board should keep it simple by making a 500 foot Overlay on both sides of Route 16. Mr. Blackwood thought they should go from the Puffin Stop up to Wilson Road. The Board had a brief discussion. Mr. Winckler asked if the Board had come up with a consensus. Mr. Dube suggested that they propose putting the Overlay going from the Milton Town Line all the way to Wilson Road. A brief discussion followed.

Mr. Royle stated he thought they should only go as far as Gage Hill. Mr. Edward thought there wasn't enough opportunity. Mr. Levesque agreed with Mr. Royle. After a lengthy discussion the consensus was to propose zoning on both sides of Route 16 - 500 feet South of Route 109 to Wilson Road to allow Business/ Commercial. Mr. Winckler stated he would contact Mike Garrepy, Planning Board Consultant and inform him of this agreement. Mr. Dube asked Michelle MacDonald, Planning Board Secretary if she could find the ballot from the election where the article about zoning Route 16 failed. He thought it was a close vote.

Mr. Winckler informed the Board that there are some training seminars from the Local Government Center that they may want to attend and gave the times and dates. Mrs. MacDonald told the Board that she would scan the information to all of the members so they can review.

## **APPROVAL OF MINUTES**

**MOTION:** To approve the minutes of the August 16<sup>th</sup> meeting.

**Made by:** Tom Dube

**Seconded by:** Charlie Edwards

**Discussion:** None

**Vote:** Unanimous

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:03 pm

**Made by:** John Blackwood

**Seconded by:** Charlie Edwards

**Discussion:** None

**Vote:** Unanimous

Respectfully submitted,

*Michelle MacDonald*

Michelle MacDonald  
Planning Board Secretary