



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

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**MINUTES OF THE PUBLIC HEARING
November 1, 2012**

Final Copy

MEMBERS		ALTERNATES		STAFF	
John Blackwood, Chairman	X	Richard DesRoches		Michelle MacDonald, Secretary	X
Paul Winckler, Vice-Chairman		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 Arrived at 7:05 pm	X				

Attendees present: Bruce Rich, Nancy Smith, Keith Fletcher, Steve Brown, Teresa Williams (Town Administrator), and Pam Judge.

Chairman Blackwood opened the meeting at 7:00pm, with the Pledge of Allegiance to the Flag. Let the record show Alternate Member Doug Stewart sat in for Vice-Chair Paul Winckler and Alternate Member Gerry Levesque sat in for Member Tom Dube.

PUBLIC COMMENT

Chairman Blackwood asked if there were any public comment. Hearing none he went on to Old Board Business.

OLD BOARD BUSINESS

- **Arthur Capello – Zoning**

Arthur Capello, Code Officer stated there were two questions the Board wanted him to research last meeting. He stated he called the Local Government Center to ask them the concerns they in turn told Mr. Capello to consult with the Town attorney.

Mr. Capello informed the Board he contacted the Town attorney and passed out an e-mail he received from Rick Sager (Town of Wakefield's Attorney). Mr. Capello stated Mr. Sager would not recommend changing the private camp sites to two tents and/or campers. Mr. Capello mentioned he would still propose to the Board to make the other changes within the ordinance but to stay with one camper and/or tent. Mr. Capello stated Mr. Sager is also proposing to not make any changes with the in-law apartment ordinance as well.

Mr. Royle mentioned the Board was bound by the RSA. Mr. Capello stated this is why the Board cannot change the number of campers and/or tents to two. Mr. Royle stated Mr. Sager was also mentioning the number of days someone is allowed to stay in a camper and/or tent. The Board had a brief discussion on private camp sites. Mr. Capello asked the Board if he could look at the ordinance in more detail and get back to them. The Board had a discussion on how to enforce the number of days. Mr. Capello stated he wanted to do more research into RSA 216. Mr. Edwards was in favor of keeping the number of campers and/or tents to one but leaving the number of days at 75. The Board had a lengthy discussion on septic design that may be needed and how to enforce the number of days. The Board felt this ordinance was enforceable.

Mr. Capello stated that Mr. Sager recommended to not change an in-law apartment to an accessory apartment because it could affect a multi-family dwelling. Mr. Edwards stated he disagreed because in-law apartments are usually above a garage or in the basement. Mr. Edwards wanted to know how adding an in-law apartment would constitute a duplex. The Board had a lengthy discussion on Mr. Sager e-mail and what the Board's intent was to change an in-law apartment to an accessory apartment. Mr. Stewart felt that the ordinance should be kept as an in-law apartment and stated that if someone wanted to rent the apartment to a non-relative that they could come to the ZBA for a variance. Mr. Edwards felt that Mr. Sager should have re-written the ordinance instead of just disagreeing with the Board. The Board had a brief discussion. Mr. Dube stated he thought an in-law apartment was enforceable. The Board had a discussion on density.

Mr. Capello stated "an ideal Zoning Ordinance within an ideal world you would never have to go before the ZBA" and "the Planning Board is charged with what the taxpayers want them to do not what individuals want them to do and you can't zone based on what people may like or not like." The Board had a discussion on the number of in-law apartments in the Town and the number of complaints there has been. Mr. Blackwood felt the ordinance should remain the same. The Board has a brief discussion. Mr. Stewart felt if the change is accepted the way it is written then the Board is opening up every single property in Wakefield to allow for multi-family dwellings. The Board had a discussion. A motion was made.

MOTION: To remove the opposed zoning change for in-law apartments and leave the ordinance the way it is.

Made by: Steve Royle

Seconded by: Doug Stewart

Discussion: None

Vote: 4 in favor, 1 not in favor

Mr. Capello mentioned to the Board the letters they requested last meeting went out to Bickford's Excavating and North Coast Construction both regular and certified. A Cease and Desist was also posted at the site of Bickford's Excavating. Mr. Edwards asked if the posting was supposed to remain on site. Mr. Capello replied "yes". Mr. Edwards stated he will need to post another one because the first one had been removed. Mr. Royle asked Mr. Capello if he had been out to the North Coast site. Mr. Capello stated he had and it was nowhere near being re-claimed. The Board had a brief discussion.

- **Workforce Housing**

Mr. Blackwood asked if anyone had read the handout that Mike Garrepy, Planning Board consultant gave the Board. He asked if the Board had any questions. Mr. Capello suggested that the Board give Michelle MacDonald, Secretary any questions the Board may have so she could e-mail them to Mike Garrepy ahead of time so he could come prepared with answers to the next meeting.

CORRESPONDENCE AND MISCELLANEOUS

- **Dave Mankus - Union Meadows**

Mr. Mankus stated the Board had all the information in their packets on the property referred to as Union Meadows, land the Conservation Commission would like to purchase. Mr. Capello stated the intent was to for the Board to ask any questions they may have and make a recommendation to the Board of Selectman. Mr. Mankus stated the previous Board of Selectman already signed the purchase of sale agreement. Mr. Mankus mentioned several grants had already been applied for. Mr. Mankus stated the bottom line was "the Town out of conservation money which has already been voted by tax payers for this purpose is only a little more than \$30,000.00 by the present budget. In return the Webber Trust which is exclusively used for scholarship for Wakefield students will get half of the purchase amount, which is \$75,000.00." Mr. Mankus mentioned the side issues are the fact that the property is a mile of river frontage that supplies the drinking water for four communities down the stream. This property protects water quality as well as wildlife habitat. Mr. Mankus stated there would be no use of motorized vehicles on the property. Mr. Edwards stated a concern if there were no motorized vehicles allowed then how else would someone get a boat to the river. Mr. Mankus stated that was another property, the South part which the Town acquired years ago before Mr. Mankus was on the Board. The Conservation Board is aware there is an access issue and they are working to solve it but stated this was a separate property. The Board and Mr. Mankus had a brief discussion about the property. Mr. Edwards felt this deal would be for the few and not the many. Mr. Edwards wanted to know if Fish and Game would be regulating the property. Mr. Mankus stated Fish and Game would not be watching the property. Mr. Edwards stated Fish and Game make the rules. The Town would be spending the money but would have no say. Doug Stewart thought it would be the homeowner making the decision. The Board had a discussion. Mr. Mankus stated the owner is selling the property to the Town for at least \$50,000.00

below market value because her and her partner Webber Trust wanted the property preserved. The Board and Mr. Mankus had a discussion.

Mr. Capello asked Mr. Mankus if the Town had the right to put an ATV trail on the property or does Fish and Game have control over that because they control the easement. Mr. Mankus stated “we can do anything we want with the property but as soon as the agreement is violated with the conservation easement Fish and Game will take their money back.” The Board had a lengthy discussion about what could be done on the land. Mr. Dube stated he is also on the Conservation Commission and mentioned he has walked the property and talked with the owners. Mr. Dube stated the owners want the land to be in conservation and they do not want motorized vehicles on the land. Mr. Dube felt this was a perfect piece of land to conserve.

Pam Judge, Chair of the Heritage Commission stated the Heritage Commission is in favor of conserving this land not only for the reasons that have already been stated but because the land is beside an historical mill site. Mrs. Judge briefly talked about the mill site.

Mr. Mankus briefly talked about the grants from the Fish and Game, Moose Mountain Regional Greenway and a watershed organization.

Mr. Mankus stated the Conservation Commission was just looking for a yes or no recommendation from the Planning Board. The Board had a lengthy discussion. Mrs. Judge stated her understanding was that the Town would own the land it would just have an easement over it. Mr. Mankus replied “yes”.

Steve Brown, member of the Conservation commission stated the Town will own the land but felt people would be giving up their private property rights to said land. He mentioned this would go through the Federal Government and Fish and Game enforces the rules for the Federal Government. He thought it would be a good deal but he felt it would be a better deal if the Town was to buy the land themselves and tell Fish and Game to keep their money. Mr. Brown talked briefly about giving up property rights. The Board had a brief discussion. Mr. Mankus stated there wasn’t a lot time to make a decision about purchasing this land. A motion was made.

MOTION: For the Planning Board to recommend this deal to the Selectmen
Made By: Steve Royle
Seconded: Gerry Levesque
Discussion: None
Vote: 3 in favor, 2 not in favor – vote passed 3 to 2

Michelle MacDonald brought up an issue to the Board. She stated the Land Use Boards are getting busy and was worried about not being able to complete the tasks at hand with only 20 hours per week. The Board had a brief discussion. Mr. Blackwood asked Mrs. MacDonald how many more hours she would need. Mrs. MacDonald stated no more than 10 hours per week. Mr. Edwards stated he doesn’t see why the Board couldn’t approve her for the extra hours when there is work to be done. A motion was made.

MOTION: To recommend Michelle MacDonald gets 10 more hours a week when needed
Made By: John Blackwood
Seconded by: Charlie Edwards
Discussion: None
Vote: Unanimous

Mr. Edwards stated Michelle MacDonald needed to get together with Arthur Capello and then Arthur would need to bring the issue before the Board.

APPROVAL OF MINUTES

MOTION: To approve the minutes of November 1, 2012 with changes.
Made By: Charlie Edwards
Seconded By: John Blackwood
Discussion: None
Vote: Unanimous

The Board continued the discussion on Union Meadows.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:18 pm
Made by: Charlie Edwards
Seconded by: Steve Royle
Discussion: None
Vote: Unanimous

Respectfully submitted,
Michelle MacDonald

Michelle MacDonald
Planning Board Secretary