



TOWN OF WAKEFIELD, NEW HAMPSHIRE  
PLANNING BOARD

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**Planning Board  
Minutes of the Meeting  
21 July 2005**

**Members Present** John Blackwood, Selectmen Rep.; Rod Cools, Vice-chair; Joe Fluet, Chairman; Ed Morrison, Member; Nancy Spencer-Smith, Member; Desiree Tumas, Secretary.

**Others Present** Donna Faucette, Alternate Member; Al Huntoon, Alternate Member; Steve McDonough, Code Enforcement.

**Public Present** (As signed in) Charles McLaughlin, George Frothingham, Mark Murphy, Scott Spindler, Carroll Wilcox, Tom Dube, Chuck Robbins, Charlie Karcher.

**Pledge of Allegiance** Chairman Fluet called the meeting to order following the Pledge of Allegiance, recognized Mark Murphy.

**Public Hearing**

- 1. The Applicant, Mark Murphy has applied for a Minor Site Plan Review in which he seeks approval to operate a business office from the existing building shown as Wakefield Tax Map 28 Lot 35A. Said property is located at 1621 White Mountain Highway, Wakefield, NH.**

Mr. Murphy and Scott Spindler come forward and explain they seek approval to operate a business office in the building located at 1621 White Mountain Highway.

Board Members discussed the prior uses that were approved, concluding that prior approvals are no longer valid due to the extended period of time that has elapsed without approved use.

Board Members went on to discuss and review the criteria of Exempt Application; Insignificant Changes of Use and Minor Site Plan Review, concluding that the Minor Site Plan Review was appropriate and the Board should continue with the application review.

Board Members, discussed the setback requirements and determine that the original approval was in February 1985; one (1) year prior to the Planning Board enacting the Zoning Ordinance. Chairman Fluet entertained a motion that the existing setback of the building is grandfathered.

***Member Cools moved that the existing building setback is grandfathered due to the existence one (1) year prior to the enactment of the Wakefield Zoning Ordinance, Mr. Morrison seconds the motion as stated; the motion passed unanimously.***

Chairman Fluet called for further discussion from the Board, hearing none; Chairman Fluet opened the public discussion recognizing Alternate Member Huntoon who questioned the septic requirements.

Board Members reviewed the existing file and it was explained that the current septic is adequate for the proposed office use and that there would be no further impact than currently approved. Board Members agree the septic is adequate for the proposed business office use.

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Board Members briefly discussed the safety issue related to the Rte. 16 location concluding that the state regulated the approval, which already exists. Member Smith requested copy of the NH DOT driveway permit.

Chairman Fluet went on to review the Minor Site Plan Review Checklist concluding the following items incomplete according to the criteria outlined in the checklist.

1. Copy of the NH DOT driveway permit
2. Addition of curbing in the parking lot
3. Designated Handicap Parking space with ADA approved sign
4. Landscape plan around the building; including trees where possible along Rte. 16 (It is suggested that Mr. Murphy consult State Road Agent, Todd Nason for recommendations regarding the most suitable trees and if needed a landscaping company for design ideas)
5. Fire/Police Approval
6. Exterior lighting delineated on the plan

Board Members briefly discussed paving of the parking area or maintaining the gravel parking that currently exists. **Member Cools moved to maintain the gravel parking area, Member Smith seconds the motion as stated; the motion passed unanimously.**

Board Members discussed and agreed that any other proposed business use beyond the scope of a business office would require further review by the Planning Board to determine if the change of use is exempt, insignificant or may require a site plan review. Mr. Murphy and Mr. Spindler state agreement to seek Planning Board approval of any other business beyond the scope of a business office.

Chairman Fluet called for further public discussion, hearing none; Chairman Fluet closed the public discussion and entertained a motion to accept the application.

**Member Cools moved to accept the application, Selectmen Blackwood seconds the motion as stated; the motion passed unanimously.**

Board Members reviewed the incomplete items as outlined; Mr. Murphy and Mr. Spindler state that they will provide the requested information and request the Board continue the hearing until August 18, 2005.

**Member Smith moved to continue the public hearing at the applicants request until the August 18, 2005 regular meeting, Member Cools seconds the motion as stated; the motion passed unanimously.**

Having nothing further, discussions are concluded.

**Public Hearing**

2. **The Applicant, Charles & Charletta McLaughlin w/ McLaughlin Real Estate have applied for a Boundary Line Adjustment in which they seek approval to adjust the Boundary Line between the properties shown on Wakefield Tax map 33 Lot 81 and Tax map 33 Lot 81A by adding 6,446 square feet to Tax Map 33 Lot 81A from the existing 0.516± acre parcel shown as Wakefield Tax Map 33 Lot 81 located on the corner of Wakefield and Witchtrot Roads, Sanbornville, NH.**

Member Fluet recognized Charlie McLaughlin who requested the Board hear the scheduled Preliminary Discussion with Chuck Robbins out of order; Board Members agree to take the Agenda out of order.

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**Preliminary Discussion**

**1. Wakefield Tax Map 31 Lot 203 & 204 – Chuck Robbins – Retail Development**

Chairman Fluet recognized, Chuck Robbins, who came forward with Land Agent, Charlie Karcher. They explained that after consulting the Town Survey, conducted in 1999, (See attached); indicated that 189 people (46%), favored the Route 16 area as the location that residents would like to see additional business. Additionally, the most recent Strafford Regional Planning Commission's Future of Wakefield: Year 2020 (Master Plan Update Plan) that indicated the proposed area a prime location, proposes the development of a 38,000 square foot building for grocery retail business with the possibility of a pharmacy. Additionally, Mr. Robbins proposed a 7-8,000 square foot building for a yet undetermined business.

Chairman Fluet explained, preliminary discussions are non-binding to either party and are for purposes of discussion and information only.

Mr. Robbins and Mr. Karcher went on to explain that several meetings have taken place in preparation for topography and wetlands delineation as well as to address DOT issues. The proposed parking area would accommodate 190 vehicles. Mr. Robbins went on to explain they would address several traffic and safety issues with NHDOT, as well as drainage and sight distance and visual buffers that are proposed.

Board Members reviewed the regulations and zoning ordinance briefly discussing various studies that would be required for such development.

Board Members thanked Mr. Robbins and Mr. Karcher for attending and providing preliminary plans. Having nothing further, discussions are concluded.

**Public Hearing**

- 2 The Applicant, Charles & Charletta McLaughlin w/ McLaughlin Real Estate have applied for a Boundary Line Adjustment in which they seek approval to adjust the Boundary Line between the properties shown on Wakefield Tax map 33 Lot 81 and Tax map 33 Lot 81A by adding 6,446 square feet to Tax Map 33 Lot 81A from the existing 0.516± acre parcel shown as Wakefield Tax Map 33 Lot 81 located on the corner of Wakefield and Witchtrot Roads, Sanbornville, NH.**
- 3 The Applicant, Charles & Charletta McLaughlin, have applied for a Minor Subdivision Review in which they seek approval to subdivide the newly created 16,020 sf parcel shown as Wakefield Tax Map 33 Lot 81 creating 1-additional 0.184 acre parcel. Said property is located on the corner of Witchtrot and Wakefield Roads, Sanbornville, NH.**
- 4 The Applicant, Charles & Charletta McLaughlin, have applied for a Minor Subdivision Review in which they seek approval to subdivide the newly created 17,732 sf parcel shown as Wakefield Tax Map 33 Lot 81A creating 1-additional 0.184 acre parcel. Said property is located on Wakefield Road, Sanbornville, NH.**

Chairman Fluet recognized Charlie McLaughlin who in attendance with Land Agent, Bryan Berling and Attorney Wm. Tanguay present the Boundary Line Adjustment and subsequent subdivision of the parcels.

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Board Members and Attorney Tanguay briefly discuss the explanation of subdivision related to further subdivision following a minor subdivision and agree to disagree regarding the interpretation.

Attorney Tanguay went on to explain that Mr. McLaughlin has received the necessary rear and side setback variance pending Planning Board approval and requests the applications are reviewed concurrently. Further explaining that according to the TRC Report submitted to the Planning Board by Gerry Mylroie indicated that the applications are complete and requests the application is accepted based on the completeness of the application allowing the Board to address the substantive matters of the application.

Mr. Berlind explained the proposed Boundary Line Adjustment would allow for the subdivision of the newly configured lots creating a total of 4-lots; 3-with existing buildings and 1-vacant parcel.

Mr. Berlind went on to explain the history of the property and the differing high-watermarks used to determine the setbacks.

Mr. Berlind explained that the existing businesses would continue to maintain shared parking and there will be no change to the existing building. Mr. McLaughlin is tentatively entertaining residential development of the remaining undeveloped parcel.

Chairman Fluet suggests continuing the hearing to allow Town Counsel to attend; Board Members agree.

Chairman Fluet suggests the amended subdivision regulation might apply due to the length of time the Board has work on the amendments during the public meetings; Town Counsel will be consulted for clarification of the applicability of the amended subdivision regulations.

Board Members and Attorney Tanguay continued to debate the completeness of the application with regard to acceptance and related time allowed for approval and conclude that accepting the application and continuing the hearing until the August 18, 2005 meeting would adequately fulfill the requirements.

Chairman Fluet entertains a motion to accept the application to allow counsel to review and contingent upon the applicants request to continue the hearing.

***Member Cools moved to accept the Boundary Line Adjustment application to allow Counsel to review and contingent upon the applicant requesting a continuance, Selectmen Blackwood seconds the motion as stated; the motion passed unanimously.***

Chairman Fluet opened the public discussion, hearing none; Chairman Fluet closed the public discussion.

Board Members revisited the 65-day requirements to hear the case with consideration of the Boards current schedule allowing for hearings one meeting per month and conclude that the applicants request to continue the hearing extends the 65-day requirement.

***Member Cools moved that the Board accept all three applications to allow Counsel to review and contingent upon the applicant requesting a continuance, Member Smith seconds the motion as stated; the motion passed unanimously.***

***Member Smith moved to accept the Wakefield Tax Map 33 Lot 81 subdivision application to allow Counsel to review and contingent upon the applicant requesting a continuance, Member Morrison seconds the motion as stated; the motion passed unanimously.***

***Member Smith moved to accept the Wakefield Tax Map 33 Lot 81A subdivision application to allow Counsel to review and contingent upon the applicant requesting a continuance, Member Cools seconds the motion as stated; the motion passed unanimously.***

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***Member Smith moved to continue the Boundary Line Adjustment and two subdivision applications pertaining to Wakefield Tax Map 33 Lots 81 & 81A until August 18, 2005 at the applicants request, Member Cools seconds the motion as stated; the motion passed unanimously.***

Having nothing further, Chairman Fluet explained that the hearing has been continued until August 18, 2005 and discussions were concluded.

**Preliminary Discussion**

**2. Wakefield Tax Map 90 Lot 3 – Carroll & Dianne Wilcox – Subdivision**

Mr. Wilcox is unable to remain at the meeting and rescheduled discussions until September 18, 2005 meeting.

**3. Wakefield Tax Map 69 Lot 3 & 4A – Mark Drena – 155-E Application**

Chairman Fluet recognized Mark Drena who comes forward and explains that sand and not gravel is being removed from the property. The purpose of removal is to make the area look better, increase the safety of the area and make the lot more developable in the future. Approximately 250 yards have been removed and another 250± yards in the future.

Mr. McDonough refuted the notion that the combined amount removed and the amount proposed would be considered incidental.

Mr. Drena reiterated, it is his intent to remove enough material to shallow the slope for safety, aesthetic reasons and clean the lot, not to sell the sand that is removed. Chairman Fluet suggested Mr. Drena contact the Crew Road Association, if he is looking to off load the sand.

Selectmen Blackwood suggested the Board visit the site for a better understanding of work that has been done, thus far. Board Members agree to visit the site.

Board Members agree that the combined 500 yards would be incidental. However, if more were to be removed, it would require a site plan review.

Mr. Drena explained that additional removal would be required, to adequately slope the area and to allow vegetation to grow. Additionally, explained was that the sloping would minimize the appealing look to ATV riders, who in the past have attempted to traverse the area.

Board Members agree with the proposed intent and it is furthered reiterated by Chairman Fluet, that a site plan application would have to be submitted to ensure that the site is developed in accordance with the Wakefield Site Plan Review Regulations and Wakefield Zoning Ordinance.

Mr. Drena agreed to meet with Secretary Tumas to complete the application process on Tuesday July 26, 2005.

Having nothing further, discussions were concluded.

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**Code Enforcement Q & A**

1. **Wakefield Tax Map 41 Lot 141 – Ongoing excavation without a permit – Felton Francis**

Steve McDonough explained that there is ongoing excavation that is being conducted by Skip Garland questions if the Board has received an application.

Secretary Tumas confirmed that no applications have been submitted, to date and Board Members agree that Code Enforcement should send a letter regarding the Site Plan Review Regulation violation.

Having nothing further, discussions were concluded.

**Approval of the Minutes**

1. **July 14, 2004**

*Member Cools moved to continue approval of the July 14, 2005 Minutes of the Meeting until August 4, 2005, Member Smith seconds the motion as stated; the motion passed unanimously.*

**Correspondence and Miscellaneous**

1. **PC Development Realty Trust – RE: BOS Determination; Request to Name Roads**

The letter was provided for information purposes only and required no action by the Planning Board

**Adjournment**

*Member Smith moved to adjourn the meeting, Member Morrison seconds the motion as stated; the motion passed unanimously.*

Respectfully submitted

Desiree Tumas, Secretary