

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
January 3, 2008

Vice-Chairman Rod Cools called the meeting to order at the Town Hall at 7:00 p.m. Attendees included:

MEMBERS		ALTERNATES		STAFF	
Joe Fluet, Chairman		Donna Faucette		Kathy Menici, Town Planner	X
Rod Cools, Vice Chairman	X	Ed Morrison	X	Bette Gallagher, Secretary	X
John Blackwood, Selectmen's Rep	X	Dick Atwater		Richard Sager, Town Counsel	
Al Huntoon	X	Peg Stevenson	X	Arthur Capello, Bldg. Inspector	
Nancy Spencer-Smith				John Ciardi, Code Enforcement	

Other Attendees as signed in:

Joanne Coppinger
Phil Wood
Tom Dube

Vice-Chairman Cools opened the meeting with the Pledge of Allegiance to the Flag.

Vice-Chairman Cools stated that the record should show that Alternate Member Peg Stevenson is sitting in for Member Nancy Spencer-Smith and Alternate Member Ed Morrison is sitting in for Chairman Joe Fluet.

PUBLIC HEARING:

Wakefield Tax Map 69 Lot 2 and Map 56 Lot 90
Property located at 57 Blue Wave Lane
Residential II – Shorefront Zone
Property Owners: Thomas R. and Sharon L. Smith

Planner Menici read the purpose of the public hearing from the Agenda.

The owners/applicants, Thomas R. Smith and Sharon L. Smith, through their agent, Kerry M. Fox, have applied for a Boundary Line Adjustment to annex 10,479.74 sq. ft. from Wakefield Tax Map 69/2 to Wakefield Tax Map 56/90. Proposed lot sizes are 0.83 acres for Tax Map 56/90 and 1.18 acres for Tax Map 69/2. Said properties are located at 57 Blue Wave Lane and Blue Wave Lane, Wakefield, NH, and lie within the *Residential II – Shorefront* zone.

Member Huntoon asked about the restrictions referenced in one of the deeds and also asked if Mr. Fox had the Windover subdivision map. The Board reviewed and discussed both the February 1986 map and

the revised map from July 1986 that showed the closure of a cul-de-sac and the granting of a fifty-foot easement in its place.

Vice-Chairman Cools questioned Mr. Fox about the size of the proposed lots. The Vice-Chairman stated that the two lots comprise approximately two acres and asked why each lot was not being adjusted to one acre thereby creating conforming lots. Mr. Fox said the proposed sizes were chosen as the best configuration. Mr. Fox said the applicant, Tom Smith, owns both lots and had Dennis Rafferty stake the boundaries. Tom Dube spoke up saying that to his knowledge, Mr. Smith wants room to put in a leach field should that become necessary and the boundary line adjustment would enable him to do this.

Selectmen's Representative Blackwood asked if the soil is gravel or sand. Mr. Dube replied that it is all sand.

There was additional discussion concerning the configuration of the lots and if two-tenths of an acre was to be moved from one parcel to the other what that piece of land would look like. Mr. Fox showed the Board what the result would look like and said that although it would be ideal to have both lots conforming it was not the best solution.

Vice-Chairman Cools brought the discussion to the Board's concern over the reference to Tract 1 and Tract II in the deed as well as the restrictions on Tract II referred to in the deed.

Mr. Fox said that when Betty O'Brien deeded the piece of land referred to as Tract II, she didn't want to see it become a separate building lot so the restrictions were placed on that piece. Mr. Fox said that the applicant has always treated this as one lot and in fact the two pieces were merged in 2003.

After some additional discussion, the Vice-Chairman asked for a motion to accept the application.

MOTION: To accept the application for a Boundary Line Adjustment for Wakefield Tax Map 69 Lot 2 and Map 56 Lot 90
Made by: John Blackwood
Seconded by: Peg Stevenson
Discussion: The Vice-Chairman asked for any additional comments from the Board, but there were none.
Vote: Unanimous

Vice-Chairman Cools said the application was accepted and opened the discussion to the Board for questions.

Member Huntoon again brought up his concern over the restrictions referenced in the deed.

Mr. Fox said when the lot was conveyed as a separate piece, the Planning Board placed the restriction so it couldn't be built on, but the lots have been merged and are shown as one lot. Planner Menici pointed out that the restriction was only on Tract II.

Vice-Chairman Cools said his concern was that the Board not over ride restrictions that are already in place.

Planner Menici explained to the Board that Tract I and Tract II are one lot and the plan submitted coincides with the description in the deed.

The general feeling of the Board was that an approval should be conditioned upon the receipt of additional information.

Planner Menici suggested that Town Counsel could review the information and give an opinion to the Board. Mr. Fox said he would obtain a copy of the voluntary lot merger and submit that for review.

Vice-Chairman Cools asked the Planner if the hearing should be continued until an opinion was obtained from Town Counsel, but Planner Menici said the Board could grant a conditional approval.

Member Huntoon asked if there was a possibility that the Board might never know exactly what the intention of the restriction was, but the Vice-Chairman said that is on the deed.

The Planner stated that once a voluntary lot merger takes place, the lot cannot be subdivided and once merged Tract I and Tract II no longer exist.

Mr. Fox said that the merger of the two tracts almost makes the restriction null and void.

Vice-Chairman Cools said the condition would be for the Board's peace of mind pending a legal opinion.

At this point, the Vice-Chairman opened the floor to public comments and there being none, closed the public discussion.

Mr. Fox asked if the Board wanted the dimensions along the shoreline on the plan? Vice-Chairman Cools said yes and that this would be another condition of approval.

The Vice-Chairman then asked for a motion.

MOTION: **To approve the application for a Boundary Line Adjustment for Wakefield Tax Map 69 Lot 2 and Map 56 Lot 90 with the following conditions:**

- 1. Kerry Fox to provide documentation regarding the voluntary lot merger to be reviewed along with the deed by Town Counsel and a legal opinion rendered;**
- 2. Kerry Fox to add shoreline dimensions to the BLA plan.**

Made by: **Peg Stevenson**
Seconded by: **John Blackwood**
Discussion: **None**
Vote: **Unanimous**

Mr. Fox thanked the Board for their time and told the Planner he would bring the documentation to her office on Friday.

Vice-Chairman Cools then proceeded to Board Business.

Board Business

1. Continued discussion regarding Lake Ivanhoe Estates, Acton Ridge LLC drainage plan.

Joanne Coppinger, engineer for the project, and Phil Wood, contractor and co-owner, were in attendance. Mrs. Coppinger laid out a copy of the drainage plan for the Board to look at while she explained the specifics. She stated that the large, shallow detention pond catches the majority of the water to create a zero percent increase in the amount of water reaching Acton Ridge Road. Mrs. Coppinger explained that the pond intersects with a culvert and the water ends up in the wetlands behind Lot 6. She explained the dimensions of the pond and said it can fill to a depth of two feet.

Alternate Member Stevenson asked the acreage of Lot 4 on which the detention pond is proposed. Mr. Wood said it is approximately two acres and that the house would be built to the front of the lot as the other homes already built in the subdivision had been sited. Selectmen's Representative asked if it were possible to build the home on the rear portion of the lot behind the detention pond? Mr. Wood said that was not possible because 100 feet of the back portion of the lot is part of the wilderness/green space.

Alternate Member Morrison asked how long the pond had been there and Mr. Wood replied that it was not there yet, that it had been started but was not yet complete.

Mr. Wood explained that the swales allow the water to go under rather than over the road.

Selectmen's Representative Blackwood asked if there was room for the septic between the house and the detention pond. Mr. Wood said the septic would be in the front portion of the lot with the well behind the house.

Mr. Wood stated that the original plans had been given Planning Board approval without the detention pond. However, Planner Menici said that was not the case, the approval required the original owner to submit detailed plans but this was never done.

Mr. Wood explained that the base of the pond was actually above the high water table and the pond would only have water in it in the event of a storm.

Alternate Member Stevenson said this pond would be considered unbuildable land.

Planner Menici reminded the Board that the approval for this subdivision was given in 2005 prior to the Zoning Ordinance containing the definition for unbuildable land and that this subdivision was not subject to the ordinances now in effect.

Alternate Member Stevenson said that the easements would require agreement from the current owners as to the fees.

Planner Menici said the homeowners' association documents would require amendment to include maintenance of the drainage system including the detention pond. The Planner recommended to Mr. Wood that his attorney work on that.

As explained by Mr. Wood the proposed drainage system would keep water from coming down in a rush onto Acton Ridge Road, but doesn't change the natural flow of the water. He said that the drainage system won't fix any existing problems on Acton Ridge Road, but would not make the situation worse.

Vice-Chairman Cools asked Mr. Wood if they were looking to obtain permission for building permits. Mr. Wood answered no, that they were here tonight for approval of the drainage plan.

The Vice-Chairman said that the Town's engineer was okay with the plan and was asking only for the easements to be put into place.

There were additional questions concerning the dimensions of the pond and the construction of the swale and pipe across Lot 5 and the wetlands on Lots 6 and 7.

The Planner reminded the Board that only so much re-visiting can be done and that the Board must adhere to the approval granted in 1998.

The Vice-Chairman asked for a motion to approve the drainage plan with these conditions:

The agreement for easements must be approved by Town Counsel; and
The Homeowners' Association documents must be revised.

Alternate Member Morrison asked whether the drainage plan would make the water issue better or no worse than it is now? He asked what happens if the engineers are wrong and there is more water?

Planner Menici said that this is the reason the engineer, Don Rhodes, is recommending the easement be written in such a way that the swale could be expanded.

Alternate Member Morrison asked what the recourse would be?

Planner Menici said that is the reason for the language making the Homeowners' Association responsible.

Alternate Member Stevenson said the easements should be in the individual deeds. The Planner said the intention is not to make the individual homeowner responsible. Alternate Member Stevenson said that this would be a change to the subdivision plan since the easements are not on there, but the Planner said that there is no change to the subdivision plan. Planner Menici said the easements would be recorded and the Homeowners' Association documents would be modified to show the easements and to make the association responsible for maintenance of the drainage structures.

MOTION: **To approve the drainage plan for Lake Ivanhoe Estates with the following conditions:**
1. The agreement for easements must be approved by Town Counsel;
2. The Homeowners' Association documents must be modified to show the easements and to make the association responsible for maintenance of the drainage structures.

Made by: **John Blackwood**
Seconded by: **Al Huntoon**

Discussion: None
Vote: Unanimous

The Board took a five-minute break at 8:10 pm, reconvening at 8:15 pm.

APPROVAL OF MINUTES:

MOTION: To approve the Minutes for December 13, 2007
Made by: Peg Stevenson
Seconded by: John Blackwood
Discussion: None
Vote: 4 Aye, 1 Abstaining

APPROVAL OF MINUTES:

MOTION: To approve the Minutes for December 18, 2007
Made by: John Blackwood
Seconded by: Al Huntoon
Discussion: None
Vote: 4 Aye, 1 Abstaining

2. Plan NH Application

Planner Menici told the Board that there are more applications to Plan NH every year and that she has heard this year is going to be especially competitive.

The Planner asked the Board for their opinion of a joint Wakefield/Brookfield application for Community Gateways at the 16/109 intersections. She said that to her knowledge, a joint application had never been submitted and this could make the application stand out from the others. The Planner reminded the Board that there is a \$2,500.00 donation required from a participating Town and this is usually solicited from local business as a show of support. She said that Denise Roy-Palmer, Chamber of Commerce President, is in full support of this project and would be a great help in contacting the businesses.

Planner Menici said that the Route 16 and Route 109 intersections are the gateway to two communities – Wakefield and Brookfield. Member Huntoon commented that bringing both communities in could be the “hook” that is needed to make our application stand out.

Alternate Member Morrison asked if Brookfield had been contacted? Planner Menici said they had not but if the Board agrees, she would call several people in Brookfield to discuss the possibility and then report back to the Board.

Member Huntoon asked if the Planner had seen an application. She said she had not, but had seen the final work product. The Planner said she would e-mail the link to the Board members for them to look at a design that was done for Warner and told them there was a hard copy in the Planning Office if anyone wanted to stop by to review it.

Member Huntoon wanted to know who sits on the judging panel. The Planner said judging is done by planners, architects, construction professionals, developers, bankers, real estate professionals, and others. Alternate Member Stevenson commented that the report would be helpful for updating the Master Plan.

The Board and the Planner further discussed the process involved in the two-day review including public involvement. The completed report identifies possible sources of funding to make the development happen.

Vice-Chairman Cools noted that in the past there has been a lack of community interest in commercial development at this intersection. Alternate Member Stevenson said having a vision for residents to look at might help.

Planner Menici said that re-zoning of some of the land around this intersection comes up every year and the charette may put that to rest based upon the opinion of the environmental engineers.

The Vice-Chairman brought up the issue of water supply stating that it may be at its maximum limit and this type of commercial development could require a well. The Planner said that issue would be part of the design charette.

The Board decided to have Planner Menici contact Brookfield and report back to them next week.

ADJOURNMENT:

MOTION: **To adjourn the meeting at 8:35**
Made by: **John Blackwood**
Seconded by: **Al Huntoon**
Discussion: **None**
Vote: **Unanimous**

Respectfully submitted,

Bette Anne Gallagher
Planning Board Secretary