



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

2 HIGH STREET
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MINUTES OF THE PUBLIC HEARING
December 9, 2010

Chairperson Peg Stevenson called the meeting to order at the Town Hall at 7:00 pm. Attendees included:

MEMBERS		ALTERNATES		STAFF	
Peg Stevenson, Chairperson	X	Dave Mankus	X	Anna Williams, Secretary	X
Donna Faucette, Vice-Chairperson	X	Tom Dube	X	Arthur Capello, Bldg. Inspector	X
Peter Kasprzyk, Selectmen's Rep	X	Stephen Royle	X	Mike Garrepy, Planning Cons	X
John Blackwood	X				
Paul Winckler	X				

Also present were Mark Adjutant, Ashley Spinney, Rubin Kinsley and Rodney Eldredge.

Chairperson Stevenson opened the meeting at 7:00pm with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT – There was no public comment.

BOARD DISCUSSION

A Motion was made and seconded to take the agenda out of order and reverse Howe and Adjutant as Mr. Howe isn't present for this Meeting. Faucette/Blackwood – Unanimous.

1. **Mark Adjutant d/b/a E & M Automotive & Performance – M215/L004 – Preliminary Discussion Regarding Request to Perform State Inspections, Light Mechanical Repairs and Transport License Plates** – Ms Stevenson advised this is merely a preliminary discussion and nothing said during it is binding on either the Board or the applicant. She mentioned that the State has sent two notices to the Town which requires the Board's signature.

Mr. Adjutant explained that he currently has a light automotive business in Rochester which he would like to move to Mr. Eldredge's salvage yard here in Wakefield. He stated the State currently requires that oil and antifreeze be recycled. He advised that generally other salvage yards or automobile owners will come in to see if a certain part is available. He said that he will not be advertising except for a sign and something printed on his truck. He informed that he will not be selling any vehicles.

Ms Stevenson mentioned that one of the Town's concerns would be increased traffic which is one of the reasons they required the landowner be present this evening.

Mr. Capello advised that Mr. Eldredge owns a legal salvage yard which was approved by both the Town and the State, therefore, the Board must decide if what is being proposed is an expansion of the existing use.

Mr. Garrepy concurred with Mr. Capello's comment about the need for the Board to determine whether what is being requested is a legal expansion of a non-conforming use or whether Mr. Adjutant is requesting to add something that would be new to the business. He felt this was a natural expansion [of the existing use] and referenced Article 25, Section B regarding non-conforming uses. He mentioned that the Ordinance states they [non-conforming uses] cannot be expanded or enlarged, therefore, if the Board feels this is an expansion, it cannot be approved. He suggested that possibly a variance can be granted.

To Mr. Garrepy's question of why the need for dealer plates, Mr. Adjutant stated they often go to auctions and up to now they have towed the vehicles back, but if they had a dealer plate, they would be able to drive them back. He mentioned that there are no plans to expand the structure which is located almost at the end of the road.

It was determined that Mr. Eldredge's garage contains only one vehicle bay, therefore, how much work can be done is limited by that fact and more than likely it will not be increased.

Mr. Capello explained that while what is being requested is a Repair License Plate, it falls under the dealership section of the law.

To Mr. Kasprzyk's comment that the abutters should be notified about what is being requested, Mr. Adjutant advised he has spoken to the neighbors and no one has voiced an objection.

Mr. Blackwood felt the work will be dealing with automobiles which what is being done at this time and the only addition to the site will be the applicant's ability to conduct State inspections.

To Mr. Kasprzyk's comment that the request also includes servicing vehicles which he feels is an expansion [of the use], Mr. Blackwood stated that he didn't feel that a one bay garage will have any impact [on the neighborhood].

Ms Stevenson pointed out if the State hadn't notified the Town, the Board would have no idea of what is being done there. She stated she didn't want to make it difficult for small businesses.

Mr. Capello advised he is in agreement with Mr. Blackwood that what is being requested is a natural part of the existing business with Mr. Winckler also agreeing. He said if they were requesting to add another bay, he would consider that an expansion. He mentioned the request for the dealer plate isn't part of the proposed use.

Ms Faucette expressed her agreement with Messers. Blackwood and Capello in that what is being requested is not an expansion.

Mr. Kasprzyk reiterated that he considers this request to be an expansion of the current use, therefore, the abutters should be notified. He was concerned that approving this request could set a precedent.

Mr. Garrepy pointed out that if the Board doesn't consider this an expansion then there is no need for the applicant to come before the Board again.

Ms Faucette said if the footprint of the structure were to be expanded that would make a difference, but where everything will remain the same and they will still only be dealing with motor vehicles, she has no problem.

A Motion was made and seconded that the Board does not consider the request to conduct State inspections and perform light automotive work to be an expansion of the existing use and that the State be notified that the Board has approved [the request].

Faucette/Blackwood – 4/1 – Mr. Kasprzyk.

2. **Steven Howe – M213/L12 – Expiration of Conditional Use Approval/Discussion of Outstanding Items** – Mr. Capello explained that Mr. Howe was unable to be present for the Meeting this evening so he suggested that Mr. Howe submit a letter explaining his position for the Board's discussion and they will notify him of whatever action will be taken.

Ms Stevenson explained the application was approved with conditions in April, 2004 and the time to meet the conditions expired, but it was extended in November, 2007. That extension expired in November, 2010. She felt there was an opportunity for Mr. Howe to appear before the Board for another extension and have the Code Enforcement Officer inspect the property to determine what, if any, of the conditions have been met. She mentioned that since most of the conditions deal with landscaping, it is difficult to understand why it hasn't been done since this is a landscaping business.

Mr. Capello advised that the road has been paved but not the driveway. He stated the property is the same as it was three years ago when the last extension was approved.

Mr. Blackwood mentioned he went to the property today and it is as stated by Mr. Capello. He stated with the economy the way it is, Mr. Howe probably hasn't been able to complete the conditions imposed upon approval of the plan. He advised he would have no problem approving another extension.

Ms Stevenson pointed out that Mr. Howe didn't request any extension in his letter, but simply explained why he hasn't been able to meet the conditions.

Mr. Dube stated he agrees with Mr. Blackwood that the Board should approve another extension. He felt the Board made an error by not requiring a bond so the Town doesn't have much leverage.

Mr. Capello suggested that Mr. Howe be requested to come before the Board in January so he can request an extension at which time, the Board can place whatever restrictions they feel are appropriate so he will know what he has to do. He felt there should be a penalty attached to the work he doesn't do. He explained that the Board has options such as withdrawing its approval, but whatever is decided should be put in writing.

A Motion was made and seconded to request that Mr. Howe appear before the Board on Thursday, January 13, 2011 to discuss another extension of the Conditions of Approval for his landscaping business. Faucette/Kasprzyk – Unanimous. (The Vote was taken after the discussion below)

Mr. Garrepy suggested the Board send a letter rather than just telephoning and if Mr. Howe doesn't come in, the Town should take whatever remedy it feels would be appropriate.

To Mr. Blackwood's question of what the Town could do if Mr. Howe doesn't attend the Meeting, Mr. Capello advised he could withdraw the Certificate of Occupancy per State law. He suggested that whatever action the Board wants to take should Mr. Howe not appear be spelled out so he will be aware of the consequences of doing so.

Mr. Blackwood suggested that a copy of the applicable statute be included in the letter so Mr. Howe can see that the Town has the legal right to take action should he not comply with the conditions.

Mr. Garrepy explained any fines that might be imposed begin from the date an applicant is cited and continues until either a court decides the matter or the conditions have been met.

WORK SESSION

1. **Update of Future Land Use Map** – Mr. Capello advised today he, Mr. Garrepy, Mr. Blackwood and the cartographer met and they went over the revisions that were made on the map when he, Messrs. Dube and Garrepy and Pam Judge went over them last week. He mentioned that he explained to the cartographer that the billing for the work must be included in this year's budget. He seemed sure that the maps will contain the location of the conservation easements and stated he will contact the Conservation Committee for their input.

Mr. Garrepy advised that the first map was a draft, but the next map should be the final version of the existing map which will contain all the detail work. He stated they will see if the Assessing Assistant can do some of the work. He didn't think it would be wise to include the Current Use Land unless there is a deeded restriction with an easement.

Mr. Capello stated he will meet with the department heads tomorrow and thereafter meet with the Assessing Assistant. He advised he will obtain a quote of the cost since the Current Land Use map will be sent to the cartographer. He estimated it will take two or three months to get the finished maps from the cartographer.

There was a brief discussion about having some of the work done by the Town Office personnel since the Town owns the same program that the cartographer is using.

Ms Stevenson pointed out that the maps have not been updated since 2005 or 2006 so no money has been expended for this work since that time.

2. **Vision Statement** – There was a brief discussion regarding the revised Vision Statement with the general consensus being that it was all right with the exception of the following revisions made this evening:

“e. Ensure that natural assets such as Wakefield's many ~~lakes, ponds and streams, critical watersheds~~ **waterbodies**, open rural areas, woodlands and view sheds are maintained through

responsible development balanced with wise preservation and protection of these incredible natural resources.”

- “1. Encourage the advancement of technology educational economic opportunities and communication throughout the Town to benefit both residents, and businesses- and education.”

A Motion was made and seconded to accept the above revisions to the Vision Statement of the Master Plan. Winckler/Faucette – Unanimous.

Ms Stevenson gave a brief overview of some documents she received regarding Wakefield’s water resources which included a presentation made in July, 2008 by SRPC on protecting water resources. She mentioned there should be a chapter in the Master Plan regarding water resources. She advised that the documents are available in the Land Use office for the Board Members to pick up prior to the January 6, 2011 Meeting when there will be another public hearing on the revisions to the Master Plan. She referenced the C TAP Grant the Town was awarded which is to be used to develop guidelines for phosphorous and storm water pollution and explained what has been done thus far. She mentioned an e-mail she received from Linda Schier of AWWA which gave the particulars of a seminar dealing with Stormwater Management Regulations and Water Quality Protection Benefits that will be held on December 16th. She advised that currently Wakefield doesn’t have any “low impact” ordinances and if they were adopted, they would give developers an option that they don’t have now.

It was the general consensus of the Board that education would be better than adopting any further ordinances.

At this time, there was a brief discussion regarding this topic with most of the Board Members sharing their ideas.

APPROVAL OF MINUTES

1. **Motion was made and seconded to approve the Minutes of the November 18, 2010 Meeting as corrected. Faucette/Winckler – 4/1 Abstention (Mr. Blackwood as he was not present for the Meeting.).**
2. **A Motion was made and seconded to approve the Minutes of the December 2, 2010 Meeting as corrected. Faucette/Blackwood – Unanimous.**

ADJOURNMENT

A Motion was made and seconded to adjourn the Meeting at 8:40 PM. Faucette/Blackwood – Unanimous.

Respectfully submitted,

ANNA M. WILLIAMS
Land Use Clerk