



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

2 HIGH STREET
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MINUTES OF THE PUBLIC HEARING
July 1, 2010

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

MEMBERS		ALTERNATES		STAFF	
Peg Stevenson, Chairman	X	Dave Mankus	X	Donna Beaudoin, Secretary	X
Donna Faucette, Vice-Chairman	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					

Attendees present: Jacqueline McPhail, PeterMcPhail, Arlene Fogg, Mary Heartquist, Craig Heartquist, Lynn Emmons, Wade Chambers, Daymond Steer (Carroll County Independent)

Chairman Stevenson opened the meeting at 7.:00pm with the Pledge of Allegiance to the Flag. Let the record reflect that Alternate Member Mankus is sitting in for Member Winckler.

PUBLIC COMMENT

Chairman Stevenson opened the session for public comment. The Chairman recognized Arlene Fogg; however, her comment related to an application being heard and was tabled for discussion during the public session of that application. The Chairman closed the public comment session.

PUBLIC HEARING

1. The owners/applicants, Mary and Craig Heartquist, have applied for an Insignificant Change of Use requesting to establish a ladies exercise business (CURVES) in a space previously used for retail sales and installation of flooring, paint & building supplies. The parcel, identified as Wakefield Tax Map 180, Lot 20 is located at 185 Meadow Street, Sanbornville, NH and lies within the Village/Residential zone.

Chairman Stevenson invited the Heartquists and Lynn Emmons to approach the table. The Chairman referenced the comments from the Technical Review meeting that the applicants attended and asked if the items noted had been corrected. Mrs. Heartquist replied that they had. The Chairman reviewed the criteria for insignificant change of use and Mrs. Heartquist responded appropriately. Chairman Stevenson questioned the number of parking spaces at the site and Mrs. Heartquist replied that there were nine spaces with the possibility of additional spaces if needed.

Chairman Stevenson stated that there were a few issues that arose while this application was pending. Mrs. Heartquist responded by apologizing for this but said that because of the application deadline being missed, she had no alternative and needed to move forward. The Chairman informed Mrs. Heartquist that the notice requirements are mandated by the State and the deadlines are in place to insure that there is sufficient time to comply. The discussion continued regarding the date that the application was filed as well as the date that the lease was signed between the Heartquists and Lynn Emmons. Chairman Stevenson asked Building Inspector Capello to inform the Board of what has transpired to date regarding this application. Mr. Capello stated that he became aware that the business was open and the

applicants had not yet come before the Planning Board. He left his business card along with a handwritten note at the property informing the owners that they could not be open and needed to call him. He did not receive a call. On the morning of June 22, 2010, he noted that the business was again opened. At the TRC meeting that same morning, he explained to the owners that if they continued to remain open, he would have no alternative except to post a Cease and Desist notice at the property. He posted the Cease and Desist notice on that afternoon and it was removed. He reposted it on June 23, 2010 and it was removed again. At this point, a formal Cease and Desist notice was hand served by the Wakefield Police Department in order to shut down the business until a new certificate of occupancy was issued and the proper approvals were given by the Planning Board. Mr. Capello stated that he needed the electrician who did the work to file for the electrical permit for the wiring that was completed for the emergency lights and smoke detectors. He also said that he needed to do a walk through of the building prior to issuing a certificate of occupancy. Mrs. Heartquist stated that she had enclosed a note with her application informing the building inspector that she would be there on specific Saturdays. Mr. Capello said that typically he does not do inspections on Saturdays; however, he does try to make himself available but was not able to do so due to family responsibilities during the previous month.

Chairman Stevenson asked if there were any other comments from the Board or from Mr. Garrepy. Mr. Garrepy stated that he had originally suggested tabling the application but noted that because it is no longer open, he reconsidered this and had no issues other than that the requirements of the fire department and building inspector be a condition of approval. Alternate Member Mankus asked if the building was ready for inspection and Mrs. Heartquist said that it was. The Chairman asked if a permit was pulled for the electrical work and Mrs. Heartquist stated that it had not. Mr. Heartquist said that he had done the electrical work and Building Inspector Capello informed him that because it is a commercial building, it required the work to be done by a NH licensed electrician. Mrs. Heartquist said that she would have a NH licensed electrician pull the permit and Mr. Capello said that would not be a problem.

The Chairman said that she was concerned about the parking and asked Arlene Fogg to speak. Mrs. Fogg was present on behalf of her son Brian Baxter. (Mr. Baxter had forwarded an email prior to this meeting and it is part of the permanent file) Mrs. Fogg stated that as an abutter, her son has allowed the Heartquist to access the back of this property using his driveway and he would not be extending this courtesy to the tenants. Mrs. Heartquist said that the tenants do not use Mr. Baxter's driveway; however, Mrs. Emmons stated that she had been using it but would not continue to do so. Mr. Heartquist said that the church people have been using the driveway and Mrs. Fogg replied that she had not seen them using it. Snow removal and trash removal have also been allowed by accessing Mr. Baxter's property and he was not extending this courtesy to the tenants. This was clarified by referring to Mr. Baxter's driveway being the dirt section and the Heartquist property that ran along side it was grassed. This resulted in the number of parking spaces being discussed.

Alternate Member Mankus stated that once the code issues were met, the Planning Board was really just considering the change of use. The Chairman responded that it would be strictly conditional until requirements are met. She clarified this by stating that until these conditions are met, the business cannot reopen without incurring fines.

Chairman Stevenson stated for the record that she was aware that the two Cease and Desist notices were ripped down. It took the police to serve the third notice which is the court document. She referenced a handwritten note that was put on the door that blamed the Code Enforcement Officer for their closure.

She stated that it was disrespectful because Mr. Capello did not close Curves; the Town closed it for safety issues. She went onto say that he should be applauded for protecting the safety of the members. She read the content of the note that stated "Curves has been closed by Arthur Capello until the Planning Board meeting Thursday night." The Chairman continued by stating that as Code Enforcement Officer, Mr. Capello works for the Town and did what he was hired to do. Selectmen's Representative Kasprzyk endorsed this message. He added that in the future, it would be best to resolve these issues without going to the newspaper because both sides are not always heard.

Vice-Chairman Faucette commented that she was concerned that this had occurred because all parties involved had been to planning board in the past and were familiar with the process. Mrs. Heartquist responded that she tried to follow the procedure but was informed by the secretary on May 3, 2010 that the agenda was full. The secretary reminded Mrs. Heartquist that their conversation was on May 7, 2010 and that when the secretary informed Mrs. Heartquist of the meeting timelines, Mrs. Heartquist responded that she would be open by them.

MOTION: To accept the application for an Insignificant Change of Use requesting to establish a ladies exercise business (CURVES) in a space previously used for retail sales and installation of flooring, paint & building supplies.

Made by: John Blackwood

Seconded by: Dave Mankus

Discussion: None

Vote: All in favor, none opposed

Chairman Stevenson opened the hearing for public comment. An unidentified woman commented that she thought it was improper for the Code Enforcement Officer to leave a handwritten note. Mr. Capello explained that he was on the road and left a business card along with the note. Mrs. Heartquist added that it had all been said and requested that the public comments stop. Daymond Steer questioned how long it would be before Curves could reopen. Mr. Capello answered that it depended on how long it took the owners to file the necessary permits for electrical, fire and code inspections. Once done, he could reissue a new certificate of occupancy. Mrs. Heartquist suggested that the Board could allow them to open conditionally. Chairman Stevenson said that the conditional approval means that all requirements must be met prior to opening for business. The Chairman asked if there were any more public comments. Hearing none, she closed the public comment session.

MOTION: To approve the application for an Insignificant Change of Use requesting to establish a ladies exercise business (CURVES) in a space previously used for retail sales and installation of flooring, paint & building supplies with the following conditions:

- 1. Proper permitting to be received**
- 2. Satisfactory inspection by Code Enforcement Officer and the Fire Department**
- 3. Issuance of new Certificate of Occupancy**

Made by: Peter Kasprzyk

Seconded by: John Blackwood

Discussion: None

Vote: All in favor, none opposed

2. The owner/applicant, Jacqueline McPhail, has applied for a site plan review that includes the addition of a 4 bedroom, 4 ½ bath, living room and dining room to an existing home in order to accommodate an assisted living facility. The parcel, identified as Wakefield Tax Map 22, Lot 35, is located at 4252 Province Lake Road, E Wakefield NH, and lies within the Residential III zone.

Chairman Stevenson invited Jacqueline and Peter McPhail to approach the table. She asked Mrs. McPhail to provide a brief overview of what she is proposing. Upon completion, the Chairman asked the Board if they had any questions. A question arose regarding additional runoff from the driveway as a result of the proposed addition as this would add to the impervious surface. The Chairman asked if there were any other questions from the Board. Selectmen's Representative Kasprzyk questioned the waiver requests and stated that the plan drawing that was submitted was not adequate because it did not take into account setbacks, topography, driveway, etc. He suggested that they provide a more detailed plan utilizing their current septic design plan. Continued discussion resulted in the Board determining that a site walk was needed to properly evaluate this application.

MOTION: To accept the application for site plan review that includes the addition of a 4 bedroom, 4 ½ bath, living room and dining room to an existing home in order to accommodate an assisted living facility

Made by: Donna Faucette

Seconded by: Dave Mankus

Discussion: None

Vote: All in favor, none opposed

Chairman Stevenson opened the hearing for public comment. Hearing none, the Chairperson closed the public hearing.

The Chairman asked Planning Consultant Garrepy if he had additional comments and he stated that because this property is located on a State road and there would be an intensification of use, the DOT would most likely require an updated driveway permit. Discussion followed regarding various approvals and permits needed as part of the planning board approval.

The Board determined that a site walk would be conducted on Thursday, July 8, 2010 at 6:00pm and the application would be continued to the meeting scheduled for that date at 7:00pm.

MOTION: To continue the application for site plan review that includes the addition of a 4 bedroom, 4 ½ bath, living room and dining room to an existing home in order to accommodate an assisted living facility.

Made by: Donna Faucette

Seconded by: Dave Mankus

Discussion: None

Vote: All in favor, none opposed

BOARD DISCUSSION

1. Wade Chambers has requested a preliminary discussion with the Board regarding the proposed relocation of the Laundromat currently located at 376 Meadow Street, Map 183, Lot 61 to a newly constructed 30' x 40' building to be constructed on Meadow Street, Tax Map 179, Lot 40.

Chairman Stevenson invited Wade Chambers to approach the table. She explained that this was a non-binding discussion. Mr. Chambers stated that he was considering purchasing the vacant lot downtown and constructing a building for the purpose of relocating the Laundromat currently located at the end of

Meadow Street. The lot was identified and discussion involved the size and shape of the lot, placement of the building, architecture, parking, etc. Mr. Chambers suggested that he could return with two designs for the Board to consider. The Board was agreeable to this.

BOARD BUSINESS

Chairman Stevenson explained that this was a non-agenda item that needed to be addressed by the Board. A memo from the Assessing Technician was distributed to the members and attached to this was a real estate listing that stated water access to Belleau Lake could be purchased for \$105.00 a year. It was then discovered that this offer originated from the president of the Belleau Lake Property Owners Association. There were a number of issues discussed including the fact that this would be subject to subdivision approval and would also be subject to State Shoreland requirements. The Chairman suggested that a letter be sent to the president of the Association and polled the Board. It was agreed by consensus that a letter would be drafted by the Chairman and mailed to the Association president.

CORRESPONDENCE AND MISCELLANEOUS

1. Letter from Mary Pinkham-Langer, Gravel Tax Appraiser NH DOR regarding excavation violation

Chairman Stevenson informed the members that this was being distributed as a reminder that the Board needed to work on creating Excavation Regulations and Permitting.

2. 2010 Zoning Ordinance

All members received the 2010 Zoning Ordinances

3. Miscellaneous – non agenda item

Selectmen's Representative Kasprzyk stated that an issue had come up at a Selectmen's meeting regarding Quonset Huts and setback requirements. He asked for clarification from the Board and stated that he did not agree that these were structures. Discussion followed regarding permanent vs. non-permanent structures. This was added to the list of items that the Board would address when reviewing Zoning Amendments for 2011. Member Blackwood was concerned about overregulation and suggested that box trailers also be addressed.

APPROVAL OF MINUTES

MOTION: To approve the minutes of the meeting of June 10, 2010

Made by: Donna Faucette

Seconded by: John Blackwood

Discussion: None

Vote: All in favor, none opposed

ADJOURNMENT

MOTION: To adjourn the meeting at 8:35pm

Made by: Donna Faucette

Seconded by: Peter Kasprzyk

Discussion: None

Vote: All in favor, none opposed

Respectfully submitted,

Donna Beaudoin
Planning Board Secretary