



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

February 15, 2024

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chairman via Zoom	✓	Johnny Blackwood, Alternate		Peter Gosselin, Building Inspector	
Doug Stewart, Vice Chairman	✓	Stephen Leroux, Alternate		Jen Czysz, SRPC	✓
Ken Fifield Selectmen's Rep.		Priscilla Colbath, Alternate		Amber Marcoux, Land Use Clerk	✓
David Silcocks, Member	✓	Rose Cleveland, Alternate		Steven Whitley, Town Counsel	
Dick DesRoches, Member	✓			Public Hearing	✓

Others present: Brian Taylor, Bob Adams, Barry Gier and Gill from Clearview TV

Mr. Dube led those present in the Pledge of Allegiance. Mr. Stewart led the meeting.

**Seat Alternates as necessary**

None

**Public Comment**

None

**Public Hearings**

Conditional Use Permit Application: submitted by Brian Taylor, for Michael Fairchild Trust, of Laconia, NH, for property located at Hilltop Drive, Map 149, Lot 41, a 1.60-acre lot owned by Michael Fairchild Trust. The applicant seeks approval of a Conditional Use Permit to allow construction of a single-family home. The property is located in the Business Commercial Zone.

Mr. Fairchild has a Purchase and Sales agreement and would like to sell this land for a home.

The land is located in the Business Commercial zone but there are houses all around this piece of land. This land will not have a curb cut on Route 16. Mr. DesRoches pointed out on the map the semi-circle that contains Business/Commercial.

Mr. Dube said it's a little cul-de-sac with all houses. Mrs. Marcoux agreed that all fees have been paid, abutters notified, the notice has run and it is administratively correct.

**Mr. DesRoches made a motion, seconded by Mr. Silcocks to accept the application. (Vote 4-0)**

Mr. Stewart opened the Public Hearing at 7:08

Mr. Robert Adams said his home is the only one in the cul-de-sac that is actually in the Residential Zone. He is in favor of a house rather than a commercial building.

Mr. Stewart closed the Public Hearing at 7:10.

Mr. Stewart read the seven applicable conditions:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit; Residential uses are allowed in the Business and Commercial district with a Conditional Use Permit. Table 1, page 5.

2. The proposed use(s) is/are consistent with the adopted Master Plan.

The proposed use is consistent with the Master Plan in that it will not impact the rural character and encourages livable residential areas.

3. The specific site is in an appropriate location and of adequate size for the use;

The property is adjacent to other single family homes, where all developed lots along Hilltop Drive are residential, and on the boundary of the Agricultural Zone. 1.6 acres of land is adequate for a house

4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located.

The proposed use is consistent with the character of the surrounding area.

5. There will be no nuisance or serious hazard to vehicles or pedestrians.

There is no known potential nuisance or hazard.

6. The use will not place excessive or undue burden on Town services and facilities;

There should be no burden on town services and facilities.

7. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.

There should be no impact upon the public health, safety, and general welfare of the neighborhood.

**Mr. DesRoches made a motion, seconded by Mr. Silcocks to grant the Conditional Use Permit. (Vote 4-0)**

#### Boundary Line Adjustment Application

Submitted by Steven Oles of Norway Plains Associates, for three properties, owned by Montvale Realty LLC, Lord Road, TM 58-50-1, 26.94 acres, and Kevin Train, 128 Camp Road, .327 acre, TM 68-21, and Mueller Family Revocable Trust, 120 Camp Road, TM 68-22, .40 acre. The applicants seek approval of a Boundary Line Adjustment Application whereby parcel 58-50-1 would convey a 1.25 acre parcel to TM 68-21 and a 2.38 acre parcel to TM 68-22. The result would adjust the size of TM 58-50-1 to 24.56 acres and TM 68-21 to 1.58 acres and TM 68-22 to 2.79 acres. The application includes waiver requests from Development Regulations for TM 58-50-1: Article IV – Section 4.06, 11 – Delineation of all wetlands and wetlands buffers Article IV – Section 4.06, 12 – Delineation of all slopes over twenty-five percent (25%)

Mr. Oles showed the Board the old configuration and the new configuration on his maps. They are trying to give the two smaller lots a lot more land for septic and garages. There are no wetlands on the two smaller lots. Mrs. Marcoux stated that all fees have been paid, abutters notified, the notice has run and the application is administratively correct.

**Mr. Silcocks made a motion, seconded by Mr. DesRoches to accept the application as complete. (Vote 4-0)**

Mr. DesRoches wished to have on the record that the owners of the land may initially want the land for a septic and or a garage but there are no restrictions on the lots. Mr. Stewart said this isn't creating new lots but a boundary line adjustment. Mr. Stewart questioned having a lot with a road going through it. Ms. Czysz said the definition of a lot is a singular area. A good question is do you cross the road to play in your front yard? The larger of the three lots owns the road. Mr. Silcocks said he would like to see very clear boundary line and details about the road on the plan. Mr. Oles said he could provide that. Ms. Czysz said as soon as you need to draw lines on the map as to where the road is you need to show the easement.

Ms. Czysz pointed out parcels that were separated by a road but owned by the same property owner and asked why that's not being done in this situation. Mr. Stewart answered. you'd have to have a subdivision. Mr. Stewart also said that in this case you have some very small lots without the ability to put in a septic system if needed. This gives them that ability without creating more lots. After some discussion about the width of the easement it was settled that the easement would be 30' wide, 15' on each side from the middle of the existing road. Mr. Oles said everyone who has a lot on that road has deeded access to that road.

Mr. Stewart asked about putting a condition on this that they couldn't use Lord Road as an access. Mr. Dube said the Board has no jurisdiction as to where they put their driveway on these private roads. Mr. Dube said it looks like people may want to buy pieces of the large lot across from their lots on the lakeside. We may be setting a precedent to possibly do more subdivisions. If it's across the street it's a separate lot and here we're making an exception to make it the same lot. He's not against them having land across the road to put a garage, leech field etc. He questions doing large parcels across the road as they can build whatever they want. Mr. Oles said that there is not enough buildable land to make a subdivision with the 25% slope for a third of that land or more. Mr. Stewart said for the record having a driveway off Lord Road is not an optimal place to put a driveway.

Ms. Czysz said that Note 1, the purpose statement, does not support what you submitted for an application. Mr. Oles said that was originally done when we were looking at a subdivision. Mr. Dube said he'd be in favor of making the lake lots bigger but never be able to subdivide and be separate lots.

Mr. Stewart opened the Public Hearing at 8:00.

Mr. Stewart closed the Public Hearing at 8:00.

**Mr. DesRoches made a motion, seconded by Mr. Silcocks to grant the waivers for Article IV – Section 4.06, 11 – Delineation of all wetlands and wetlands buffers and Article IV – Section 4.06, 12-Delineation of all slopes over twenty-five percent (25%). (Vote 4-0)**

**Mr. DesRoches made a motion, seconded by Mr. Silcocks to grant the boundary line adjustment for TM 68-21 with conditions. Condition 1. This lot cannot be further subdivided Condition 2. There will be a right of way of at least thirty feet wide written on the plan. Condition 3. Correct the purpose statement in note 1. Condition 4. Eliminate note 8 on the plan. Condition 5. The septic system cannot be within in the right of way. (vote 4-0)**

**Mr. DesRoches made a motion, seconded by Mr. Silcocks to grant the boundary line adjustment for TM 68-22 with conditions. Condition 1. This lot cannot be further subdivided. Condition 2. There will be a right of way of at least thirty feet wide written on the plan. Condition 3. Correct the purpose statement in note 1. Condition 4. Eliminate note 8 on the plan. Condition 5. The septic system cannot be within in the right of way. (vote 4-0)**

**Mr. DesRoches made a motion, seconded by Mr. Dube to grant the boundary line adjustment for TM 68-21 with conditions. Condition 1. This lot cannot be further subdivided Condition 2. There will be a right of way of at least thirty feet wide written on the plan. Condition 3. Correct the purpose statement in note 1. Condition 4. Eliminate note 8 on the plan. Condition 5. The septic system cannot be within in the right of way. (vote 4-0)**

#### Site Plan Review Application

Submitted by Jones & Beach Engineers Inc. of Stratham, NH for property located at NH16/Governors Road & Crystal Lane, Map 214, Lot 13, a 1.00 acre lot & Lot 14 a 1.41 acre lot, owned by Coleman McDonough. The applicant seeks a design review for a Major Site Plan Application with the intent of this project to construct a site plan consisting of 2 retail/commercial buildings containing 6,000 S.F. total and one light industrial building containing 18,000 S.F. Buildings to be served by on-site well and septic.

Mr. Gier said they would like to do three lots on Governor's Road and Crystal Lane. They would like to construct three new buildings on the properties. Two buildings would be retail and the third would be an industrial building. They are looking to do boat storage warehousing and a possible contractors garage. He said they have access to Governors Road and Crystal Lane.

They plan on one septic and well for the two retail buildings and one well and septic for the industrial building. He explained how the drainage would be set up. Lots 14 and 14.1 are in the aquifer zone which restricts impervious surfaces to 50%. Lot 13, the industrial lot has a larger setback. They will be seeking a variance to the setback on Governors Road to ten feet as this will help with the grading. He said this is a Design Review and they will be back with the final design in the future but wanted to get the Boards input.

Ms. Czysz said neither the application nor the notice said Design Review. Mr. Gier said there was no check box for Design Review. Septic design and drainage calculations have not been submitted yet. He said they will probably do condos. Mr. Dube said this is a Public Hearing. It's been noticed. Ms. Czysz said it will come back to the Board as a full application. She said on the zoning side; the note on the plan says 50' setback but the drawing has a 30' setback. Parking lots are included in what cannot be in the setback. The parking area in front of the two commercial buildings encroaches on the setback for the business/commercial area. The industrial building is located in two zoning districts. 40% of the building is in a zone where business/commercial is not a permitted use. This would need a variance or ask for a special exception from the ZBA to extend the boundary line. This merger would have to happen prior to Planning Board approval.

The wetland impact would require a Conditional Use Permit. The minimum lot sizes are actually the minimum buildable area and that's unknown right now. Snow removal and methods for erosion control, outdoor lighting, building elevations and uses of the buildings were other things mentioned by Ms. Czysz. Mr. Gier said building one could possibly have a drive thru although the owner has no tenants at this time. After some discussion about tenants not following ordinances Mr. DesRoches said, for the record, why couldn't the submission include statements to the fact that we could approve with the condition that businesses that are going to rent this space must comply with the zoning? He said we need something on the plan. Mr. Dube said if it's a light industrial building only our permitted use could be in that building. Mr. Silcocks thought having our Industrial Park on our town aquifer seems wrong. Ms. Czysz said it would be helpful to show the Aquifer Protection District on the plan. We should also know the uses that will be in the building. Mr. Dube felt the project does not look that complicated but we can have a third party review if needed.

**Mr. Dube made a motion, seconded by Mr. DesRoches, that the application is not complete.**

As this is a Design Review Mr. DesRoches withdrew his second and Mr. Dube withdrew his motion.

Mr. Stewart opened the Public Hearing at 8:42.

Mr. Stewart closed the Public Hearing at 8:42.

#### **Conceptual Review**

None

#### **Board Business**

None

#### **Approval of minutes**

**Mr. Silcocks made a motion, seconded by Mr. DesRoches, to approve the February 1, 2024, minutes. (Vote 4-0)**

#### **Public comment**

None

#### **Set next meeting date**

March 7, 2024

#### **Adjournment**

**Mr. Silcocks made a motion, seconded by Mr. Dube, to adjourn the meeting at 8:47. (Vote 4-0)**

Respectfully submitted for approval at the next Planning Board meeting.

Priscilla Colbath  
Planning Board Secretary

