



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

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## MINUTES OF THE PLANNING BOARD MEETING 2 August 2018

Approved 8/16/2018

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Member	X			Victor Vinagro, Land Use Clerk & Code Enforcement Officer	X
Tom Dube, Chair	X	John Blackwood			
Vinton Wallace, Selectmen's Representative		Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member				Richard Sager, Town Counsel	
Dick DesRoches, Vice Chair	X				

Also Present: Richard Greene, Sara Willworth\*, Dennis Badman\*, Shirley MacCormack, Neil Rowe, John Robleski, Lorie Dunne, Melanie Buell, Norm Dudziuk, Jean Greene, Edward Melanson\*, James Akien, Debra LeClair, Edward Martisius, Sara Martisius, Mary McLaughlin, Becky Lightizer, Jeffrey Lightizer, Thom Townsend\* and Larry Moody\*

\*= Present for the Sitewalk, not present for Town Hall Meeting

### **Site Walk, August 2<sup>nd</sup> at 6:00pm at the corner of Bonneyman Road and Silver Hill Drive, Tax Map 8-Lots 34 & 40.**

T Dube opened the public hearing for the site walk.

The Board reviewed the lot lines, for both lots. Water frontage is 300' for the second lot with a 20 foot setback for buildings on the lakefront lot, the proposed building is 14x20, its use will be for storage of life vests and paddles etc,. The board viewed the lake frontage and there was discussion about crossing between lots and the road, Melanie showed where the walk way would be between the two lots. There was concern that due to vegetation cut, that is why there are weeds growing in the lake.

The proposed parking lot on lot 34 was staked out for the board and public to view. Tom Varney, surveyor, spoke about where the retaining wall would be placed. The board reviewed property lines on both lots as well as the driveway and parking lot. The previous owner cleared the lot. It was asked if the building would be built on a slab or frost wall, T Dube stated the building would be built to current codes. It was asked if the owner would adhere to the regulations when it comes to clearing the lot. Regulations are that you cannot cut certain sized

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trees within 250' of lake frontage. And it was noted that it seems that those regulations haven't been followed, due to the amount of trees cleared. T Dube clarified that there will be shoreline protection permits, and the state needs to approve those, so the owner will need to follow regulations. He also added that they cannot tell if too many trees have been cut where they are currently standing, it has more to do with creating impervious surfaces when clearing lots, rather than a certain number of trees cut. It was asked what the slope of the lot was, T Dube stated the board will be looking at the slope of the lot further.

T Dube temporarily closed the public hearing until readjournment at the Town Hall.

A. Pledge of Allegiance & Call the meeting to order

T Dube called the meeting to order following the pledge of allegiance.

B. Seat Alternates

None

C. Public Hearings/Comment

No Public Comment

**•Continuation of a Major Site Plan & Conditional Use Permit Applications:**

submitted by Melanie Buell for property owned by Savannawood, LLC, on Bonneyman Road, Tax Map 8 – Lots 34 & 40. The applicants are requesting approval of a Major Site Plan application and Conditional Use Permit to construct a Facility for rental of non-motorized boats on Province Lake. An office with parking area is to be constructed on the lot area of land across the street from the lake. The shoreland portion of the lot will have a dock with tie ups for non-motorized boats and a small storage shed. The building is to have living space on the upper floor and sales of non-motorized boats on the lower floor.

Tom Varney spoke to the board about the tree cover question that came up at the site walk. He stated that the ground cover that was removed by the previous owner was not to regulations, so he would like to make a note to allow ground cover to regrow if approved. He stated a few changes to the plan, to add drippage under shed by the lake, there will be a painted cross walk, and add a place to store snow in the winter over the retaining wall.

Due to only having three members sitting on the Board tonight, T Dube gave Melanie the option to continue the public hearing to another time when they have a full board, if she wishes. It was decided that the board would hold the hearing that night.

It was agreed that the board would go through the Conditional Use Permit first.

D DesRoches had questions about the boat launch. Specifically, how launch is used, and that he believes Criteria #8 would apply to this conditional use permit due to the definition of "Boat Launch". D Stewart agreed with D DesRoches.

T Dube asked Melanie if she is formally asking for a boat launch, she is not. There was further discussion about the definition of a boat launch, and if this would pertain to her business.

The board asked Melanie if they were to review criteria #8 for the boat launch, do they have a measure for infestation of weeds if this does occur. Tom stated that Melanie would watch for it. There was concern that invasive species would still happen if there was not a set plan on how to stop them. There was further discussion between the board and Melanie about the boat launch, the concern being if she rents kayaks to a group that already have some of their own kayaks, she is now launching a kayak that has been on other lakes from her business.

The Board agreed that Criteria #8 needs to be considered in the Conditional Use Permit.

D DesRoches discussed the application from Melanie and the consistency between the application and the master plan. There are concerns on a few sections of the application that he does not feel is consistent. The first concern is the preserving the rural area, and the second being that the commercial use within the zoning is not allowed, so it would need to be consistent with the neighborhood.

T Dube opened the Public Comment

Lori Dunne VP of Province Lake Association spoke that all the members of the association voted opposed of this business. She spoke about the major concern of the cleanliness of the lake and invasive species.

John 445 Bonnyman Road spoke about concerns of the extra traffic on the lake due to rentals

Sarah Martisius of 561 Bonnyman Road spoke with concerns of increased traffic on the road due to the business

Chuck of Roach Realty Group, represents the current land owner, he spoke to clarify comments of how the lot was cleared. He stated Wagner Forestry came to the property, set the guidelines of what could be cut, and then another company was hired for removal. He just wanted to make it clear that they followed the shoreland regulations.

Becky Lightizer of 185 Bonnyman Road spoke with concerns about the reeds being disturbed in the lake due to the business, as well as the driveway being washed out, increased traffic on the road, and the rowdy atmosphere that a rental company may create.

Tom Varney spoke about erosion and milfoil, stating that the regulations are higher in the area than other lakes, and the milfoil grows from the water in the lake due the water itself not being healthy, not that its necessarily brought into the lake.

(Inaudible) spoke about concerns with loon nests.

Peter Thayer of 141 Bonnyman Road spoke in rebuttal of what Tom Varney stated above, explaining the measures they take to keep the lake clean, lake hosts every day in the summer, grants for reducing the erosion in the lake.

Norm Dudziuk of 625 Bonnyman spoke further about the loons in the area of the property.

T Dube closed the public comment

Criteria #1 The proposed use in only those allowed in the ordinance by conditional use permit.

**Motion: to accept criteria #1**

**Made by: D DesRoches**

**Seconded by: D Stewart**

**Discussion: None**

**Vote: 3-0-0**

Criteria #2 The proposed use is or are consistent with the adopted master plan.

D DesRoches felt that it is not consistent with the master plan. D Stewart expressed that this particular Conditional Use Permit is not an easy one, as it is all in how one interprets the Master Plan. D DesRoches agreed.

**Motion: To not accept criteria #2 as it does not meet the Master Plan**

**Made by: D DesRoches**

**Seconded by: D Stewart**

**Discussion: T Dube disagreed as the Board uses the Master Plan as guidance, it is not zoning. He stated it is very clear that anything recreational with the lakes is in the master plan. D Stewart agreed, but stated that there are also water quality aspects in the Master Plan. D DesRoches stated that with T Dube's clarification, he is under the understanding that to turn down an application based on the Master Plan, is not in the Board's best interest. D DesRoches withdrew the motion. D Stewart reiterated that this isn't an easy decision due to the water quality aspect of the Master Plan. T Dube shared his opinion that AWWA and the Lake Association is doing a great job keeping up the water quality. He does not believe there should be concern of a non-motorized boat changing the water quality. He also stated he believes kayaks on the lake helps with boat traffic, because people go slower on the lake with kayaks. His opinion is that to vote against criteria #2 for the water quality aspect in the Master Plan would be unreasonable. D DesRoches wanted to clarify that he is on the AWWA board, and has been for 13 years, and is a lake front property owner and one of the reasons he joined the Planning Board is for water quality promotion. He is not opposed to kayak business. The concern is if this site is appropriate for the proposed business.**

**Motion: that the proposed use is consistent with our adopted Master Plan**  
**Made by: D Stewart**  
**Seconded by: T Dube**  
**Discussion: None**  
**Vote: 2-0-1**

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

It was agreed that the site is an adequate size. The concern is the appropriate location for the business. The size of the road is a concern, due to it being a camp road, even though it is a town maintained road. The steepness of the site, as well as the steepness of the current driveway, is concerning, for accessibility reasons as well as erosion, leading to water quality. D Stewart stated he does not believe this site is an appropriate site due to the steepness of the site, the increased traffic and the erosion which would affect the lake water quality. D DesRoches added that it's not that the property itself is not appropriate to be developed in some way. It has to do with if it's appropriate to approve a business in this particular residential zone. D DesRoches states that this specific site is not appropriate for a commercial business.

**Motion: That Criteria #3 is not met**  
**Made by: D DesRoches**  
**Seconded by: D Stewart**  
**Discussion: T Dube commented that it is relative, and dependent on the particular lot.**  
**Vote: 2-0-1**

The conditional use permit has failed due to criteria #3

The Board went through each following criteria briefly, for the applicant's knowledge.

Criteria #4 The use as developed will not adversely affect the area in which the proposed use will be located. It was expressed by D DesRoches that it would adversely affect the area.

Melanie stated zoning allows recreation, and the board states the site is not good, but it's a paved public road, she disagrees that the site is not a good place for the business.

D DesRoches explained that every commercial business except home businesses on the shore front in their zoning, require a conditional use permit. Any business that was applying for a Conditional Use Permit, would have the same questions asked. He reiterated that the main concern is if the business is appropriate in the specific location, due to the zoning not allowing commercial businesses unless approved with a conditional use permit.

D Stewart added that traffic, pedestrian safety and kayak traffic are all concerns with the conditional use permit. And that would adversely impact the area of the neighborhood.

Criteria #5 There will be no nuisance or serious hazard for vehicles or pedestrians.

Pedestrian hazard is very concerning, due to the narrowness of the beginning of the road. T Dube stated he believes if customers are unfamiliar to the road, they would be apt to drive slower, and that it is a paved public road.

Criteria #6 The Use will not place excessive or undue burden on services or facilities

The board agreed there would be no issues with criteria #6

Criteria #7 There would be no significant effect resulting from such use upon the public health safety and general welfare of the neighborhood where the proposed use would be located.

Storm drainage is a concern for D DesRoches with the general welfare of the neighborhood would be affected.

T Dube disagreed with D DesRoches, he believes the board could help solve the problems with storm drainage, the board could suggest ways to help with drainage and control it with a site plan.

D Stewart is concerned with the added pressure on Province Lake, due to its current status. But he sees both T Dube and D DesRoches' sides of the matter.

T Dube added the vegetation is well established in the area which also helps, and the vegetation on the lake front lot is continuing to grow. He believes there are measures to help with storm drainage and erosion and the board has the ability to have the applicant use certain measures.

Criteria #8 Invasive species

T Dube states that this criteria is about the board doing their due diligence and making sure the applicant is protecting the lake from invasive species. D DesRoches asked if it qualifies as boat launch, does it have to meet all the zoning regulations, if it is not a stand-alone boat launch. It was suggested that for future encounters with boat launches, clarification on what zoning regulations would need to be met, and which ones would come into play, depending on what type of boat launch is being applied for.

The permit was denied, and V Vinagro will be sending a notice out to Melanie.

D. Conceptual Review  
None

E. Board Business:

CIP

D Stewart reached out to the school committee, they have their own subcommittee for CIP. Howie and Denny will be meeting with the school to walk through of the process. There is a CIP meeting scheduled for August 8, 2018. The Town Administrator will be working on a schedule for the CIP to meet with department heads during the day for working sessions. Pricilla is the secretary for the CIP and will be handling the minutes.

F. Approval of previous meeting minutes: July 19, 2018

**Motion: to approve July 19th minutes**

**Made by: D DesRoches**

**Seconded by: D Stewart**

**Discussion: None**

**Vote: 3-0-0**

G. Correspondence  
None

H. Public Comment  
None

I. Set Next Meeting Date: August 16, 2018

J. Adjournment

**Motion: to adjourn**

**Made by: D Stewart**

**Seconded by: D DesRoches**

**Discussion: None**

**Vote: 3-0-0**

The meeting adjourned at approximately 8:25PM

Respectfully Submitted, *Jeanne Paul*