



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

February 2, 2023

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman by Zoom	✓	Johnny Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer Shoreland Officer	✓
Doug Stewart Vice Chairman	✓	Stephen Leroux		Peter Gosselin, Building Inspector	
Ken Fifield Selectmen's Representative	✓	Priscilla Colbath			
David Silcocks, Member	✓			Steven Whitley, Town Counsel	
Dick DesRoches, Member	✓			Public Hearing	

Others present

Alternate Stephen Leroux, Corey Howe, Nicole Howe, Ed Randall, Laura Rousseau, Carlton Rousseau, Jackie Moriarty, Tanner Howe, Rose Cleveland Baxter, Robert Baxter, Margot MacArthur and Michelle Keating from Clearview Community TV.

Pledge of Allegiance & Call to Order

Mr. Dube called the meeting to order at 7:00 and those present joined him in the flag salute.

Seat Alternates as Necessary

None

Public Comment

None

Public Hearings

None

Conceptual Review

Margot MacArthur for Gavin Mercantile LLC, TM 180-107, 3 High Street, Discussion of wedding/event venue.

Mrs. MacArthur said they have a 1,040 sq. ft. space on the bottom floor of the Garvin Building and would like to use it as a meeting/event/wedding space for a daily rental. They would like to offer this space until a full time tenant comes. The space has a dedicated bathroom and they would provide internet, a tv and a refrigerator. She has spoken with the fire department and they

said she could have up to 50 people in that room. Mr. Dube said this is a conceptual review and nothing said tonight is binding on either party. Mr. Vinagro said it is a permitted use and subject to site plan review if required by the Planning Board. The Board members all felt that this was a good use of the space. There are no restrictions on parking. Mrs. MacArthur said two parking spots come with the building and they are thinking about an idea of designating the spots for EV charging stations. Right now, it's just a thought.

Board Business

Cory Howe, Whippoorwill Holdings LLC for property located on Wakefield Road, TM223-3.
Discussion of approved site plan for existing Business.

Mr. Dube said that Ed Randall got approval, with a variance, for this business 20 plus years ago. There has been a lot of discussion since Mr. Howe took over the business from Mr. Randall. Some of the abutters have some questions about the previous approvals. He said that he and Mr. Vinagro decided to have everyone come together and air this out and see if we can help everyone with this situation.

Mr. DesRoches said it wasn't clear to him why Mr. Randall got a variance. Mr. Vinagro said because material storage wasn't permitted in zoning. Mr. Dube said what was originally permitted was storage bins, and a garage to do maintenance on vehicles. Mr. Vinagro said from what he gathered it was landscaping and a building to store a vehicle for loading purposes. They didn't want to see it used for storage of equipment. Mr. Fifield said there is a 40x60 building with an office and a bathroom on the plan.

Mr. Vinagro said there have been multiple citizen complaints of excessive noise and cutting of a buffer. Currently, we make sure there is a buffer around a business especially in a residential area but there is nothing in the notice of decision or on this plan that required a buffer. He said Mr. Howe was just trimming trees that were hanging over the bins so he didn't have pine needles and cones in his materials. He went ten feet back and started limbing trees. When I spoke to him, he stopped. He'd like to take some of those trees down as the branches will keep growing over the bins. He also trimmed a little bit in the back. Another problem is that the business was parttime, every other day. It still is open to the public every other day but he's also using it for his landscaping business. Also noise, when the dump truck tailgate makes a loud crash is a complaint.

Mr. Howe felt they should hear from the abutters first. Mr. Silcocks said on the plan it looks like the bins are 20-30 ft away from the tree line. Mr. Stewart said it does appear on the plan that there is a pretty significant buffer. Mr. Dube said the site plan shows what will be cut and he believes it's now smaller than what's actually cut. Mr. DesRoches said the variance goes with the land. Mr. Dube said there is no change of use. Mr. Stewart asked Mr. Howe if he had any other plans to do anymore cutting. Mr. Howe said they do have plans to cut a few more trees. Mr. Dube said as long as you're not cutting beyond where it shows on the site plan there should be no issue.

Mrs. Rousseau, an abutter, said the first few years when Mr. Randall owned the business there were no problems because Mr. Randall was doing the transporting. The business grew and more bins were added. There are now commercial trucks and they bang and grind and the noise is horrific. When the Randalls ran the business they opened in April/May and closed early fall. She wants the Howes to be successful. It got worse during the summer and then the tree cutting started. She said there is ten to twelve feet from the back of the bins to the wood line on her side.

He cut a ton of trees down to the neighbors property. She would like to have an agreement that deliveries would be on certain days. The site plan allows six bins and there are actually seventeen. They have extended the bins so they are right outside her window. She passed around pictures. She pointed out on the map what is now cleared.

Mrs. Moriarty said she's only heard some of the noise because she's out during those days. Her biggest complaint is the buffer. She said Mr. Howe had cut down trees and he can see her whole back and front yard and she can see his business. She also passed out pictures. Mr. DesRoches said if the map is the basis for the variance than you can't cut anything in the buffer or you have to come back to the Planning Board for a change. He said the tree line is clearly marked on the plan. Mr. DesRoches said it must have been all trees and some were carved out for the operation of the business creating the operating area.

Mr. Vinagro said he walked the property with Mr. Howe and the hedges on the plan were not there. Mr. Randall said the hedges were to be put in when the septic system was put in. He said he never put in a septic system. He also said that the pine trees in the back that Mr. Howe is now cutting is where the garage is supposed to go.

Mr. Howe said there are three companies that deliver and delivery hours are 8-4, occasionally 7:30. An abutter said he moved into his home five or six years ago and it was peaceful, It has now become unbearably loud and the business is now visible from their back yard as well. Mr. Howe said there are no weekend deliveries but their business operates on Saturdays. Mrs. Rousseau said they have no problems with customers who are loading it's the delivery trucks that are causing the noise. Her windows rattle and her floors vibrate. There are sometimes three deliveries in a day. She said the bins have been widened and they have put in additional bins. Mr. Tanner Howe said there have been no bins widened or added since they bought the property last spring. There have been no changes made to bins or materials. He said in answer to Mrs. Moriarty all the trees cut in the space were all beech saplings well under three inch diameter.

Mr. Randall said there was no buffer required between the business and Mrs. Moriarty's house. Mrs. Moriarty said that the minutes stated that there was to be a buffer around all the houses. Mr. Howe said on the Wakefield Planning Board Checklist of Site Plan Review Standards under landscaping and buffers. All have a no for requirement, signed by Paul McNally Chair of the Planning Board. Mr. Tanner Howe said anything they cut didn't exist twenty-five years ago. Mr. Howe said the hours of operation are the same as what Mr. Randall had for years. In the paperwork there is no restriction on days or hours of operation or amounts of material. He talked about the trucks used to dump materials, one is brand new and the others have a vibrating system that vibrated for about two seconds to shake the materials down. Mrs. Cleveland said even small trees in a buffer aren't supposed to be cut.

Mr. Dube said that this is a special case and nothing said her tonight is binding on the town, Mr. Howe, his business or the abutters. We're just here to try and help. He said the business has been there for many years and there are modern things that have developed. The business was approved and we would like to try and help the abutters with some noise issues and believes all can come to some kind of agreement. He suggested that Mr. Vinagro, Mr. Silcocks an abutter and Mr. Howe walk the property when the snow is gone. Maybe some trees could be planted if it's overcut.

Mr. DesRoches said the checklist says you don't have to plant a buffer but in the minutes it does talk about this being a seasonal business and the existing tree cover was going to provide the

buffer which in his mind you don't go in and cut anything at all. It's supposed to be left alone. The plan shows a tree line that has to be maintained and any changes would have to come back to the Planning Board. Mr. Dube agreed with Mr. DesRoches but said if the garage had been built Mr. Randall would have had to go into the buffer thus the hedge requirement. Mr. Dube said we'll have to figure out where the old tree line is supposed to be per the plan and hope they all can come to an agreement. Then either the abutters can take it to court, Mr. Howe can cut more trees and take his chances. There may be an option to cut a tree in the buffer that doesn't help with noise and replace it with another tree that does.

The abutters could show where their line is on a plan and measure to the buffer to show it doesn't meet the plan or Mr. Howe can show that he's not over the buffer. He said the Howes could probably see that the delivery people go a little easier on the vibration and tailgate slamming. Mr. Stewart asked Mr. Howe if he's willing to, in the spring, to see if there is something that can help the families. Mr. Howe said he's certainly willing to work with everyone on this. He will look at the plan and take some measurements and will continue the tree cutting as planned and try to respect what's on the plan for work that they planned to get done this winter when they have the time. They will take a look at in the spring and make a decision on what they will do from that point. Mr. DesRoches said the buffer is for two reasons, vision and noise.

Approval of minutes

Mr. DesRoches made a motion, seconded by Mr. Stewart to approve the minutes of January 19, 2023. (Vote 4-0-1)

Correspondence

Mr. Vinagro received an application for Rose Cleveland Baxter for Planning Board alternate. That will be taken up at the next meeting.

Public comment

Set next meeting date

February 16, 2023

Mr. Stewart made a motion, seconded by Mr. DesRoches, to adjourn the meeting at 8:25. (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary