



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

March 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

Corey Howe, Nicole Howe, Ed Randall, Laura Rousseau, Carlton Rousseau, Jackie Moriarty, Greg Hall 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

Mr. Blackwood was seated for Mr. Stewart and Mrs. Colbath was seated for Mr. DesRoches

Public Comment

None

Public Hearings

None

Conceptual Review

None

Board Business

Cory Howe, Whippoorwill Holdings LLC for property located on Wakefield Road, TM223-3.
Continued Discission from Planning Board meeting of February 2, 2023.

Mr. Howe handed out plans for his property to the Board members. He also had a copy of the twenty five year old plan. He said this is a better representation of what's on the property. He pointed out some areas where they are willing to plant some trees for buffers. He said the old plan isn't very accurate and there has always been an area down back that is cleared of trees. There has been a clearing for at least twenty five years. He doesn't know why it isn't shown on the plan. He pointed out a couple areas where he would like to cut a few more trees. There's an existing shed. He pointed out the areas where he is willing to plant evergreen trees as a visual buffer because there is about 30 feet of wooded area left in the area on Mrs. Moriarty's side. He pointed out where there is about 150 feet of wooded area. He also pointed out an area that he's willing to plant trees in an attempt to deaden the sound. In the original discussion in 1999 it said that one acre of this three acre property will be developed and he said one and a quarter acre is presently being used.

Mr. Dube said there is a site plan in front of us from twenty five years ago that received a variance and was approved by the Planning Board. He stated this not a Public Hearing or a Conceptual Review. We are here to help the town and some abutters for clarification. We are looking at the old site plan and trying to help with some complaints. The abutters have asked us to look at it. Mr. Howe has brought in a plan to show exactly what he is doing on that property. Mr. Dube stated that we can't make any real decision on this new plan. We can talk about whether he's going in the right direction and whether this will help the abutters. At that point the abutters came up to the table to look at the new plan. Mr. Dube said this is our attempt to bring everyone together and perhaps avoid a legal battle. Mr. Dube explained what was on the map and where buffers would be established. Mrs. Moriarty asked how big the evergreen trees would be and Mr. Howe responded 4-5 feet tall.

Mr. Vinagro had taken pictures and Mr. Dube pointed out where the buffer would be. Mrs. Moriarty said she didn't want to see them nor them see her. Mr. Dube did some measuring and said when the buffer, if planted, that the abutters will have the same 40 feet as they had before. Mr. Dube asked if they would be pine trees that will be planted. Mrs. Moriarty said she didn't want pine trees. Mr. Silcocks said they bush out and grow about a foot a year. Mrs. Moriarty said there are some markers out behind her house. Mr. Randall said he had that parcel surveyed before the town would approve it. Mr. Silcocks said he did see the markers and they are pretty close to Mrs. Moriarty's grass line. He said it looks like her shed is right on the line. Mr. Dube pointed out the 1 ¼ acre Mr. Howe is presently using.

Mrs. Rousseau pointed out where she said Mr. Howe has gone over ten or twelve feet and took out trees. She said she has never been able to see the bins but now can. Mr. Silcocks believes it was written that the tree line/buffer would be ten feet behind the bins. Mr. Howe said he can't have any tree limbs hanging over the product in the bins the whole tree has to go because you can't have a tree with no limbs on it. Mrs. Rousseau said we are upset because for twenty five years they weren't exposed to all that and all of the buffer is gone. Mr. Howe said there is 150 feet between the bins and your property. Mr. Howe pointed out on the old site plan where the bins were to stop. Mr. Howe pointed out where the tree line has never been modified. Mrs. Rousseau disagreed.

Mr. Dube asked for comments from the Board. He said keep in mind we are just making suggestions to Code Enforcement and the Selectmen. We're trying to alleviate further action for the abutters and the business owner. Mrs. Colbath said that she thought Mr. Dube's suggestion at their last meeting that the abutters, Mr. Howe and Mr. Vinagro walk the property in the Spring. It's hard to picture everything on a map. Mr. Blackwood agreed. He believes a visual will help. Mr. Silcocks said he walked the property and if a visual will help he understands that. He believes with the buffers put in place it will do as good as it can. Mr. Fifield said he believes putting up evergreens to alleviate the problem is a good compromise. He also thinks a walk in the Spring to fine tune where the evergreens will be placed is a good idea. He believes this is in the spirit of what this property was designed to be used for. He said nothing stays the same in twenty five years but as long as you stay within the spirit.

Mr. Dube said the intent of this business hasn't changed. He said this property is unique because the building didn't get built and feels it would have been a lot noisier if it had. He believes it's a good compromise on Mrs. Moriarty's side and the other side with 150 feet of buffer. Mr. Dube said the old plan did show the driveway with a hash line. Mr. Randall said if you look from the Whippoorwill side you can see a road was up there which he believes was a pit.

Mrs. Moriarty disagreed with that a landscaping business would be louder. She had no problem with Mr. Randall for the past twenty four years. She's concerned that he will be chopping logs up. Now we'll have to listen to saws. She said they're cutting down trees so it's not the same business. Mr. Dube said they're not logging trees and it's not a firewood business. Mrs. Moriarty said he's still cutting trees down. Mr. Howe said he hasn't cut any trees since the last meeting. Mr. Randall said for years he sold firewood. He had a wood splitter there. Mrs. Rousseau said the plan was approved with the buffer going all the way around and if it's not going to go around don't you have to start all over again?

Mr. Dube said the regs say a buffer has to be 30 feet and it's 159 feet on your side. Mr. Howe said the word Buffer is not on the plan and Mrs. Rousseau said the word buffer was used in the notes. Mr. Dube said there is a buffer all the way around. He said Mr. Howe has brought a plan to help on Mr. Moriarty's side with a buffer. He has seen trees planted in a berm which give a little more height. Mr. Dube said on Mrs. Rousseau's side, 150 feet is not being proposed to cut anymore maybe a little tiny section and we can't tell them if they can do that or not. He is willing to help you by putting a buffer in that area too so the noise won't go down into that valley as much. Mr. Fifield said he thinks Mr. Howe is trying with a proposal. He asked the abutters to give it a chance. He's willing to work with you. He said the undergrowth that is gone will grow back.

Mrs. Rousseau said the chain saws were going in February. She said there are logs in the front lot. Mr. Dube said we can't say they can't cut down some trees on that lot. He said our ordinances say the buffer only has to be 30 feet. Mr. Dube said we have no legal right to hold Mr. Howe to the buffer on his new plan. This is a legal business. And you have expectations as homeowners. Mrs. Rousseau expressed her desire for them to come to some arrangement about delivery times and the noise. Mr. Dube said he believes the trees blocking off some of the sound will help a great deal.

Mrs. Howe said they get deliveries Monday through Thursday between 8:00 and 4:00. On occasion when they sell out they may get an occasional delivery on a Monday. Their posted hours are Friday and Saturday. A Friday delivery would happen very seldom. She said that between Rout 16, Route 153 and the train goes by six times a day creating noise. She also said the delivery trucks are there ten minutes tops. Between April and June is their busiest time. Mr. Howe said no one is doing anything to create more noise than what's necessary and it all happens within normal business hours. Mrs. Rousseau is asking someone to be there for a few deliveries to make sure the trucks are using the backup beepers. When they don't use them there is no warning that the tail gate slamming will occur. Mr. Dube said they can talk to drivers if they're there and ask them not to bang the tailgates so hard.

Mr. Blackwood said it's a law to have these beepers. But some of them aren't real loud so you may not hear them. Mr. Fifield reiterated to give what Mr. Howe is proposing a chance. Mr. Dube said in his mind, as far as the Planning Board goes it's a working business and they have the same rights as the abutters have. It's been working for 25 years. Mr. Howe said for the foreseeable future the plan he brought tonight will be it. Mr. Vinagro and Mr. Silcocks walked the property. Mr. Dube will walk it with Mr. Vinagro when the snow is gone. He said we cannot make any decision on this matter. He's not doing anything different than what was approved

Approval of minutes

Mr. Silcocks made a motion, seconded by Mr. Fifield, to approve the minutes of February 16, 2023. (Vote 4-0-1)

Correspondence

None

Set next meeting date

March 16, 2023

Mr. Silcocks made a motion, seconded by Mr. Fifield, to adjourn the meeting at 8:00. (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary