



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

August 3, 2023

Approved

| MEMBERS | | ALTERNATES | | OTHERS | |
|------------------------------|---|------------------------------|---|------------------------------------|---|
| Tom Dube, Chairman | ✓ | Johnny Blackwood, Alternate | | Peter Gosselin, Building Inspector | |
| Doug Stewart, Vice Chairman | ✓ | Stephen Leroux, Alternate | | | |
| Ken Fifield Selectmen's Rep. | | Priscilla Colbath, Alternate | ✓ | | |
| David Silcocks, Member | | Rose Cleveland, Alternate | | Steven Whitley, Town Counsel | |
| Dick DesRoches, Member | ✓ | | | Public Hearing | ✓ |

Others present

Alternates Steve Leroux, Johnny Blackwood, Rose Cleveland

Mary Collins, Sandy Ouellette, Tom Daniels, Lenny and Cindy Marshall, Michael Moore, Dammon Frecker, Kerry Brown Jr., Kerilyn Ring, Kerry Brown Sr., Leonard Marshall, Cynthia Marshall, David Wyckoff, Carl Macedo, Vivian Macedo, George Fredette, Raymond Bisson, Mr. and Mrs. William Cox, Kathy O'Brien, Mary Lou Phillips, Kelli Cooper, Michael Cooper, Carol Engels, Mary Ellen Leone, Michelle Keating from Clearview Community TV and Greta Masiello, Lisa Champy, Andrew Kellar and Kayla Maggio via Zoom.

Mr. Dube told the audience what was on the agenda for the evening.

Pledge of Allegiance & Call to Order

Mr. Dube called the meeting to order at 7:35 and led those present in the Pledge.

Seat Alternates as necessary

Mrs. Colbath was seated for Mr. Silcocks.

Public Comment

None

CIP Plan

Mr. Stewart said this is a kick off of the 2024 Town Capital Improvement Plan process. Mr. Daniels and Mrs. Collins have worked on this for the last several years. Mr. Daniels gave an overview of the Plan. He said if we ever got to the point where the Town had to implement impact fees we must have a CIP in place. It's a tool to help the Selectmen, School Board and Budget Committee identify capital projects and lay out a plan eliminating major fluctuations in

expenditures which impact taxes. We meet with all the department heads, School Board and Water Precinct. We will come back to the Planning Board where you'll have a Public Hearing to go through all the details. We are looking for the Planning Board to appoint the members of the Committee for the coming year so we can get meetings lined up. Mr. Stewart said that the Board had put out a public notice looking for volunteers for the CIP Committee. Mr. Stewart said he would be overseeing the committee as the Committee meets during the day with the department heads so it doesn't impact their schedules.

Mrs. Colbath made a motion, seconded by Mr. DesRoches, to appoint Tom Daniels, Mary Collins and Sandy Ouellette to the CIP Committee. (Vote 4-0)

Mrs. Colbath said that three people on that committee work well. She, Howie Knight and Denny Miller did it for eleven years.

Mr. Dube made a motion, seconded by Mr. DesRoches, for Mr. Stewart to help Mr. Daniels chair the committee and to keep Mr. Stewart informed so he can bring the information back to the Planning Board. (Vote 4-0)

Public Hearings

Conditional Use Permit Application

Submitted by Nathan Ashe, Sunrun Installation Services, for property located at Map 107 Lot 003, 8.049-acre lot, 1557 Province Lake Road, owned by Lakefield Realty Trust, David Wyckoff, Trustee. The applicant seeks approval of a Conditional Use Permit to install 32 ground-mounted solar panels. The property is located in the R3 Residential zone.

Ms. Maggio said this is a small scale residential ground mounted solar installation. It will be 390 watts each. It will require an 18"-24" deep trench to be dug and grass will be replanted after the conduit is covered. There will be no concrete pads poured. The mounts are installed using ground screws. It will be located behind the home within the property lines and should not be visible to any abutters.

Mr. Dube said that the application is complete, the abutters have been notified, fees paid and the notice has run.

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

The power will be used for one residence.

Mr. Dube opened the Public Hearing at 7:50.

Mr. Dube closed the Public Hearing at 7:50.

The back property line is about 62' which is the closest it is to any property line. The panels are approximately six to seven feet high. The array will be on a lawn completely surrounded by trees.

Mr. Dube read the seven Conditions:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
2. The proposed use(s) is/are consistent with the adopted Master Plan;
3. The specific site is in an appropriate location and of adequate size for the use;
4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;
5. There will be no nuisance or serious hazard to vehicles or pedestrians;
6. The use will not place excessive or undue 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.

Mr. Stewart made a motion, seconded by Mr. DesRoches, that the applicant meets the seven conditions. (Vote 4-0)

Major Subdivision Application (Continued from July 20 Planning Board meeting)

Submitted by Daniel Flores, PE, of SFC Engineering Partnership, Inc., of Windham, NH, for property owned by Wyman's Cove LLC, 161 North Road, TM 110-6, 23 acres in the RIII and RII Zoning Districts. The applicants seek approval of a Major Subdivision Application to create four new buildable lots, with the original lot reduced to 1.35 acres and four new lots >3.4 acres. The application includes a waiver request from Development Regulations:

Article VI, Section 6.01.7 that requires Subdivision along a Class VI Road, or any private road, shall not be approved unless the applicant upgrades such road to meet the design standards of this regulation and the Town's ordinances. The owner proposed continuation of the existing private road (North Road.)

Mr. Fredette said he would like to start by answering questions from the last meeting. He said he had a revised plan. lot 1A is now lot 6A. Note 3 was revised and states that the lake access is on lot 6A and will not be public access. Lot 6A will be part of lot 6 and it will be noted on the deed and there will be no development on 6A. We moved the Fire truck turnaround northerly to have it on flatter ground and we graded it so water would flow northerly to flow through the existing wetland to the lake. There were questions about the stockpile on lot 1. He said the stockpile never made it into any resource area. It's about ten feet above it. Mulch was spread around the perimeter when it was put in and there is a silt fence there now.

The people who live on that road are asking deficiencies that require ongoing maintenance of that road. There are three things that exacerbated that. One, there was a culvert that was rerouted at Wyman View Drive. He said when that culvert was rerouted the flow was directed to an area along the roadway that had not seen water before. Then we got a deluge of rain that caused flooding in some towns which happened to cut a new ditch along North Road. That has now been filled in with rocks but he feels they are not done with that area yet. The area at the base of the swale was the area where most of the silt went. He said they can stabilize that area. He said anytime you work on land you create runoff but we can take care of that. They will make improvements to the road so residents don't have the ongoing maintenance. Some parts of the road were in failure and not because of what Kerry Brown did, they were in failure because that's the way it exists and we can fix that so it will work better.

Mr. DesRoches said the applicant is asking for a blanket waiver from bringing the road up to town standards and offering to cut the trees and build a turnaround. He asked, if this were a new subdivision we would never waive the requirement that it meets Town standards? His opinion is we should be starting at the other end of the curve and have him tell us specifically in the standards what he'd like to have waived. He said the road looks like a mess. The drainage is disastrous. He feels there should be a drainage design. He would like to see the applicant provide the Board with a drainage plan.

Mr. Fredette said, your request is fair and he thinks they can come back and do that. The road has existed since 1974 and neighbors are living there. We are adding up to three lots and it seems proportionately that the road has been functioning for almost fifty years. He believes it needs some improvements. It's not all attributed to what's happened or going to happen. Mr. DesRoches said the regulations don't say anything about the impact. You're developing over the entire length of the road. He would like to see a road and drainage design and then discuss individual pieces he would like relief from.

Mr. Stewart said, for the record, if you were proposing a minor subdivision it would be a different conversation. This is a major subdivision with regulations. After walking the road, he is leaning towards Mr. DesRoches opinion. He said, also, our zoning states once a lot is developed it is not supposed to shed any additional water than what it had been shedding prior to development. He believes there is a concern on the lot with the barn that it's shedding more water than before development. Mrs. Colbath agreed that a road and drainage design would be best before waiting for things to happen.

Mr. Dube said associations all around the lakes are taking care of their roads by having adequate associations. He said there has never been a private road accepted by our town. He will not support a waiver without this project along with the other ten lots on Wyman View Drive without a viable road association. He said we've had over forty five days of rain over the last couple of months so that has made road conditions difficult to maintain. The lots close to the wetlands should have some kind of BMP's. There are some issues with the barn lot and the culvert for Horn Brook is not adequately sized. Should there be a retention lot on the barn lot for overflow? Mr. Fredette doesn't know if the Wyman View Drive lots are taxed as buildable lots.

Mr. Dube told the residents that they had to come together and have a viable association that benefits everyone. Mr. Dube said we should see some engineering on drainage and flow. He said there were some BMP's that were tried and perhaps under normal conditions they may have worked but we didn't have normal conditions and it needs maintenance. Mr. Fredette should be telling us about the ten lots because that will be using North Road if they get developed. There is one house on Wyman right now. Mr. DesRoches agrees with having an association. He would like to see Town specs superimposed on the plan along with a drainage design. Mr. Dube said we'd expect some BMP's on the front lots and some BMP's on some of the other lots like larger culverts or retention ponds should be shown on the plan. Swales should be designed.

Mr. Stewart also agrees that an association be formed. He doesn't think the Board can make it mandatory for everyone to join the association in order for us to approve the waiver. There is an RSA that says all will contribute and there are consequences for not contributing to the road association. The applicant's attorney said they did submit documents to create an association. Clarifying what lots would be part of the association is needed. He's concerned that he has to form the association prior to approval. If it's denied where does it leave my client? He does see that it should be a condition of approval.

Mr. Dube opened the Public Hearing at 8:47

Mr. Blackwood said when that road was built it was supposed to be a seasonal road and not maintained in the winter. Mr. Cox asked if the road association could maintain the road without

taking ownership of the road? The applicants attorney said that his client has ownership of the road. The association takes over the maintenance and it doesn't necessarily change the ownership of the road although it could be deeded to the association. Mr. Dube said ninety percent of the associations own their roads. The attorney said that the proposal is for the association to own the road. Mr. Fredette pointed out on the map where the turn around will be and it's dimensions and drainage on the map for Mr. Cox. Mr. Cox said his concern is that most of the wetland is on property and the culvert goes under the road. He asked how much water will there be when they do the cutout? He'd like to find that out. Mr. Fredette said he will get a number for him.

Mrs. Cox said they had no problem with the road and now it will built up so the lots can be sold. This will cost the residents more money because it will need more maintenance. Mrs. Engles asked if there was a Town Inspector to stay on top of this or do we have to take their word for it? Mr. Dube said we will require them to post a bond for the drainage plan and they wouldn't be able to get their money back until an engineer signed off on it. The Planning Board would have jurisdiction over that. We may inspect it or have an outside agency do the inspection.

Mr. Cooper asked why not bring the road up to town specs now? It would make it cheaper to maintain for everyone. Mr. Dube listed a few of the reasons. Mrs. Cooper told the Board that only one family lived on the road year round and the rest know not to come up during mud season which lasts a couple of weeks. Filtration trenches or level spreaders may be needed on the Acton Ridge side of the property where it's swampy.

Mr. Dube closed the Public Hearing at 8:50.

Mr. Fredette will send a letter to Larissa requesting a continuance until September 7th.

Conceptual Review

Province Lake Road Solar, LLC, ground mounted community solar array, on Map 92, Lot 34, presented by Dammon Frecker, Project Manager, Nobis Group

Mr. DesRoches asked if a question in our regulation allows solar farms versus a single lot ground mounted unit ever get resolved? If the regulations doesn't say it's allowable then it isn't allowed without a variance. Mr. Frecker said that has been an issue in other communities but didn't envision that being the case here. Mr. Stewart said the table says solar panel not panels. Mr. DesRoches said he's not against the project but if it's not in the regulation a variance would be required.

Mr. Dube said, this is a Conceptual Review and anything said tonight by either party is not binding on either party. Mr. Kellar, the developer, said they were before the Board many years ago looking to do a project on the landfill. They also came back for a project on route 16. We were not required to go for a variance for either project. They did check the office to see if they'd need a variance and was told no. Mr. Dube said the question could come up during the process of the regulation being just residential use or also a solar farm. The Board would make that decision. Mr. Kellar said he than would ask for Town Council to weigh in for the official use as to not waste the Boards time.

He said he was recently here in front of the Conservation Commission trying to help the School Board understand that there was an opportunity they had. There is a state statute that has guidance on what they could and couldn't do in towns without an ordinance. Mr. Dube said we have never done a solar project in Town except for residential use. Is this a commercial entity and is commercial allowed in that zone? Mr. Kellar said there is also a cell tower on this property.

Mr. Frecker said this will encompass 14 acres on a 140 acre lot. There is a 300' setback from the road, 200' setback from one abutter. They are continuing to look at features to minimize the area of impact and view from the road. They still have a lot of field studies left to do like having their wetlands scientist walk the site, permits for storm water management and drainage along with contacting fish and wildlife and other agencies. It will generate 3 megawatts of electricity. There will be continuous monitoring. There will be good vegetative buffers all around.

Mr. Stewart said he read it won't be seen most of the year. He would like to see evergreens planted along Province Lake Road and Perkins Hill Road so it wouldn't be seen any time of the year. Mr. Frecker said they will certainly look at that. Mr. Kellar said what they have done in the past is wait until the project is done, go out with the Board and the abutter and decide where trees should be planted. This would be a condition of approval. He said they are also open to pushing the project further away from the abutter. Any noise from the array will not be audible.

Mr. Dube said in our definitions solar panels free standing, it says a configuration of solar panels with an s, in an array. There is still the question of whether it's a commercial entity or not. Mr. Kellar said he's not saying they are not commercial but are leaning towards a very low profile type of development. Mr. Dube does not look at it as commercial because there's no building or people or vehicles coming in. Mrs. Colbath asked, what is it zoned? Mr. Dube replied R3. Mr. DesRoches said there is no language around solar farms in the regulations. He suggested getting an opinion from SRPC. Mr. Stewart said either the Planning Board can approve this or you'd need to get a variance. He's leaning toward the Planning Board being able to approve this.

Mr. Blackwood asked how long these panels last. Mr. Felker said you get a 25 year guarantee but they last about 40 years and they are recyclable. The project will put up a whole decommissioning plan. The bond will be posted with the Town. Mr. Felker explained how the bond works and how the pieces are recycled.

Mr. Kellar will send information containing RSA's that are applicable to this project to the Board. Mrs. Cleveland asked where the energy will be going. Mr. Felker said there are organizations that benefit from the power at lower rates. Mrs. Cleveland also asked if this is something we should be putting out to the public to get their view on solar farms? Mr. Dube said this is just a Conceptual Review. Mr. Stewart said if they come forward with a plan there will be a public notice and abutters will be notified. Mr. Dube said one issue that had come up was drainage. He said there will probably be an Alteration of Terrain Permit. Will there be any drainage ponds or infiltration pits? Mr. Felker replied there may be a retention basin that could match runoff rates.

Board Business

Application for Planning Board Alternate member: Mary Ellen Leone and sign-off swearing in/nomination form

Mrs. Colbath asked Mrs. Leone if she was a permanent resident of Wakefield. Mrs. Leone said she has been a summer resident for 52 years and plans to retire here. Mr. Stewart said unfortunately you need to be a resident of the Town in order to be an alternate to the Board and as soon as you're a resident we'd be more than happy to have you join. He also said she was more than welcome to attend meetings.

Voluntary Lot Merger- Brunnell; and re-assignment of signature authority

Mr. Dube signed the paperwork and Mrs. Colbath will take it to the office in the morning. Mr. Dube said right now Mr. Gosselin is the department head.

Mr. DesRoches made a motion, seconded by Mr. Stewart, to give Peter Gosselin the authority to sign for the Planning Board when it comes to lot mergers. (Vote 4-0)

Approval of minutes

Mr. Stewart made a motion, seconded by Mr. DesRoches, to approve the July 20, 2023, minutes. (Vote 4-0)

Correspondence

None

Public comment

Set next meeting date

August 17, 2023

Adjournment

Mr. Stewart made a motion, seconded by Mr. DesRoches, to adjourn the meeting at 9:45 (Vote 4-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath,
Planning Board Secretary