



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

December 7, 2023

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 via Zoom	✓
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

Mary Palmer, Courtney Weymouth via Zoom, Steve Brown and Michelle Keating from Clearview TV.

Pledge of Allegiance & Call to Order

Mr. Stewart led those present in the pledge.

Chairman Dube asked Vice Chairman Stewart to run the meeting as he was present on Zoom.

Seat Alternates

Mr. Stewart seated Mrs. Colbath for Mr. Silcocks.

Public Comment

None

Public Hearings

Conditional Use Permit Application: submitted by Mary Palmer, for property located at Map 45, Lot 102, a 0.72 acre lot, at 285 Robinhood Road, East Wakefield, NH. The applicant seeks approval of a Conditional Use Permit to allow chickens on the property. The property is located in the R1 Residential Zone.

Mrs. Palmer has ten chickens which are allowed in the zone where she resides with a Conditional Use Permit. She said they are all pets. She lets them out of their pen only when they are out watching them. Mrs. Colbath asked why chickens can't be pets. She said hooved animals aren't allowed but she knows someone who has a potbellied pig in a residential area. Did they get a permit to have their pig? What about people who have chickens in residential areas all over this town? Are they paying three to four hundred dollars to have their chickens? Some of them are

probably pets. Mr. Stewart responded that according to our zoning they should. He said in certain zones the town doesn't want agricultural livestock because of water quality. He believes chickens fall under that category. Ms. Czysz said it was actually under the definition of personal agriculture, which is extremely vague. It would be assumed that consumption of eggs is personal agriculture. Mrs. Colbath said you don't have to get a permit for your pet rabbit, cat or Guinea pig. Ms. Czysz said when Mrs. Palmer was here for a conceptual review it was felt that a permit was a good idea to cover her. Mr. DesRoches felt this is a little inconsistent, you need a Conditional Use permit in R1 but you don't in R2. Mrs. Plamer said closer to town with town water would be more of a concern than where she lives where there's well water. Mr. DesRoches said in village residential chickens are permitted but not permitted in R3 where the lots are bigger. He said perhaps we should take a look at that. Mrs. Palmer said the coop and pen are on the side of her driveway furthest from any neighbor.

Mr. Stewart said all fees have been paid, abutters notified, the notice has run and the application is administratively complete.

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

Mr. Stewart opened the Public Hearing at 7:15.

Mrs. Weymouth, who lives across the street, said she's had a huge rodent issue and she's concerned that the chickens are keeping the rodents here. She said Mrs. Palmer is dumping shavings on the opposite side of where the chickens are located next to Mr. Brown's property. She said she's spent over \$4,000 replacing the interior of her vehicles because of rodents. Her homeowners covenant says the properties are residential only. Mrs. Weymouth said there were no rodent problems until Mrs. Palmer got chickens.

Mr. Brown said the first time she had chickens he lost a vehicle. He said she is dumping the excrement on our property boundary which he said attracts vermin. They chewed the wiring in his car and he had to poison the house to get rid of them. He's never had this problem for forty years until Mrs. Palmer got chickens. He said they now have chickens for a second time and now also turkeys. He said there was dumping every single day. He said Mrs. Plamer has violated a town ordinance and it's not the first time. He is also requesting the permit be denied.

Mr. Stewart closed the Public Hearing at 7:22.

Mr. Stewart asked if Mrs. Palmer if she had anything but chickens. Mrs. Palmer responded that they got rid of the turkeys in August. This was prior to her finding out that she needed a permit. Mrs. Palmer said she was using the shavings and waste for landfill, a low spot on her property. She put dirt from the landfill on top. Mr. Stewart said he's not sure that there is a direct correlation between this and the rodents but it could have an impact.

Mr. Stewart said a condition could be made, if this was to be allowed, that the shavings be disposed of off property. That would stop that problem if in fact that was the cause. Mrs. Palmer said there were rodents before she got chickens but will obey this condition. Ms. Czysz said that cooperative extension that deals with agricultural best practices says the feed is the correlation between chickens and rodents. Mrs. Palmer said she keeps her feed in a metal garbage can with a metal lid. Ms. Czysz said the recommendation for handling the litter is composting. Mr. Dube said rodents have been worse the last couple of years than they have been in a long time. They

have to be treated or they will multiply. He said chickens are very good at eating bugs and help in the neighborhood. The rodents could be related to the chickens but people have to take care of their own cars and houses too. If that were the case every neighbor who lives near someone with chickens would be complaining. It takes work to get rid of rodents. Many people have chickens and he knows many who probably don't have permits. This woman is before us asking for a permit. He asked to move the question.

Mr. Stewart reopened the Public Hearing at 7:30.

Mr. Brown said he had pictures on his phone. Mr. Brown asked Mrs. Weymouth if her husband had videos of rats. She answered yes and her husband said you could see tracks in the snow of rats coming from her side to their side of the road. Mrs. Weymouth said she has lived there for ten years and they had no problems with rodents until Mrs. Palmer moved in.

Mr. Stewart closed the Public Hearing at 7:33.

Mrs. Colbath said she lives on Willey Road and there are houses that have chickens plus a horse farm. She has seen rats and mice. Mice are attracted by everything. If you see one there are more. It's not unusual. Mr. Stewart said, if approved he is leaning toward having the shavings and manure removed from the property. Mrs. Colbath agreed. If she tried to compost and there were still rodents then she would be doing it wrong. If she removed it from the property and there were still rodents then it's not her manure.

Mr. Stewart stressed that he sees both sides.

Conditional Use Permit Application

Mr. Stewart read the seven Conditions:

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
It is allowed under conditional use.

Mr. DesRoches made a motion, seconded by Mrs. Colbath that it meets condition 1. (Vote 4-0)

2. The proposed use(s) is/are consistent with the adopted Master Plan;
Consistent with maintaining the rural character of Wakefield.

Mr. DesRoches made a motion, seconded by Mrs. Colbath that it meets condition 2. (Vote 4-0)

3. The specific site is in an appropriate location and of adequate size for the use;
There are ten well cared for hens in a 10x10 pen and is buffered by trees. A condition of no more than ten chickens will be on this property

Mr. DesRoches made a motion, seconded by Mrs. Colbath that it meets condition 3. (Vote 4-0)

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

The shed is surrounded by trees and it's normal to have chickens in the rural character of Wakefield

Mrs. Colbath made a motion, seconded by Mr. DesRoches that it meets condition 4. (Vote 4-0)

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

It will have no impact as this only relates to vehicles and pedestrians.

Mr. DesRoches made a motion, seconded by Mrs. Colbath that it meets condition 5. (Vote 4-0)

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

It will have no impact on town services.

Mr. DesRoches made a motion, seconded by Mrs. Colbath that it meets condition 6. (Vote 4-0)

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. DesRoches made a motion, seconded by Mrs. Colbath, with a condition that no more than ten chickens and it doesn't extend to turkeys or anything else besides chickens. The feed will be tightly contained and the shavings/manure be removed from the property and taken to the landfill that it meets condition 7. (Vote 4-0)

Mr. DesRoches made a motion, seconded by Mrs. Colbath, that the applicant meets the seven conditions and that it be approved with the following conditions: that no more than ten chickens. The feed will be tightly contained and the shavings/manure be removed from the property and taken to the transfer station. (Vote 4-0)

Mrs. Weymouth asked how to contest the decision. Mr. Stewart said to get hold of the Code Enforcement Department

Board Business

Septic Ordinance-Wastewater System Health Regulation for the benefit of Wakefield's Waterfront District

Mr. Stewart said this is not something that is under the authority of the Planning Board. This will be presented to the Selectmen to see if they are interested in adopting a wastewater ordinance.

Mr. DesRoches said this draft ordinance is to the point and basically deals with an older system like are around the lakes. Mr. Stewart asked if the Board felt that this should be presented to the Selectman and that he'd be willing to do so. He'll let everyone know when he can get on the agenda and let everyone know and anyone who would like to join him are welcome to do so. Mr. Dube suggested sending a letter to the Town Administrator with the draft ordinance.

Solar Ordinance

Ms. Czysz said the ordinance is about two pages long and the changes to table 1 and the definitions are also included. She said there are three kinds of solar, roof mounted, ground mounted as an accessory use and ground mounted as a primary use. She recommended the Board look at Table 1, permitted uses. She cut out anything that would be covered under the major site plan application requirements. Mr. Dube said that solar farms is ambiguous. He'd like it pretty simple for people. He said if we are allowing solar and it doesn't go back into their home then it needs a site plan. He feels that's the only distinction that should be made. He said a conditional use permit should continue to be needed. He would prefer just two kinds of solar. Buffering should be included in the site plan and be up to the discretion of the Planning Board.

Mr. DesRoches said right now we have two roof mounted that have to meet building requirements and we have the conditional use permit for ground mounted. So, the only thing being added is the primary use being used to generate electricity to the grid. Primary is going to the grid and accessory is going into a building. There was a discussion about changes that are likely to happen in the future. It's fluid. The legal terms primary and accessory will stay with some things in footnotes see definitions. Mr. DesRoches said he had a conversation with a family member and realizes this should not be limited to certain areas as long as setbacks etc. are met except in wetland areas and the historical district. Although Mr. Dube feels they should ask Pam Wiggan for her opinion. The Board agreed on some language changes.

January 15th is the last day to hold a public hearing. Ms. Czysz suggested scheduling the first public hearing for January 4th. And have Amber post the notice for the hearing on January 22nd. This can be voted on at the next meeting.

The Board talked about submitting a plan in advance when the solar will no longer be in use, removing all items and restoring the land. An abandonment time limit will be set.

Approval of Minutes

Mr. DesRoches made a motion, seconded by Mr. Dube, to approve the minutes of November 16th. (Vote 4-0)

Correspondence

Letter from Wakefield Zoning Board of Adjustment

Whittier's rehearing will take place on December 14th and they are asking that The Chairman or designee of the Planning Board attend that meeting and bring any evidence that supports your decision. Mr. Dube will be there by Zoom but he did not have any part in the decision when it was approved as he was out with injuries. He said he was dead set against approving it but would be at the meeting in support of the Board. Mr. Stewart voted against the Perkins Hill project. He said he could state that the majority voted yes. The vote was three to two on advice of council. Mr. DesRoches said that was the only reason we voted for it. Mr. Dube said because the tower wasn't up. It was approved but not up. Mr. DesRoches said that was the sole reason. Mr. Stewart said this is going to go round and round until both sides get together and mediate this. Mr. DesRoches said we denied both applications and they appealed that decision to the ZBA. The ZBA said the Planning Board was wrong and sent it back to us. We heard it again this time with legal advice that we couldn't say the Whittier is existing. Two people voted no and the other three voted yes. The ZBA has granted a rehearing as to whether the Whittier Tower should be considered existing. Mrs. Colbath said Whittier is contesting the four miles. Mr. DesRoches said what is the ZBA being asked, to send it back to the Planning Board and we'd have to rehear it or that the Planning Board acted correctly and we're not going to send it back? Mr. Stewart responded, correct. Mr. Dube said things have changed, the tower is up and Verizon has pulled a permit to put their equipment on that tower scheduled for April. Mrs. Colbath said another thing the ZBA questioned was coverage. They didn't feel they had enough information from the consultant. Mr. DesRoches said there was plenty of information.

Letter from the Effingham ZBA

The letter is about a gas station to be built on Route 25. Mr. Dube said we had already decided we had no jurisdiction there.

Public Comment

Mr. Dube and Mr. Brown had a conversation. Mr. Dube apologized for responding to Mr. Brown. Mr. Stewart told Mr. Brown that he hoped the conditions the Planning Board put in place will help alleviate the problems in his neighborhood.

Adjournment

Mrs. Colbath made a motion, seconded by Mr. DesRoches to adjourn the meeting at 9:30 (Vote 4-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary