



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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MINUTES OF THE PLANNING BOARD MEETING

7 February 2019

Approved: 3/7/2019

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Member	X	Donna Martin		Victor Vinagro, Land Use Clerk & Code Enforcement Officer	X
Tom Dube, Chair	X	John Blackwood		Russ Bookholz, Building Inspector/Co-Code Enforcement Officer	
Connie Twombly, Selectmen's Representative	X	Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member	X			Richard Sager, Town Counsel	
Dick DesRoches, Vice Chair	X				

Also Present: Robert Hallahan, Kimberly Mendell, Relf Fogg and Donna Martin with ClearView Community TV

Mr. Dube called the meeting to order at 7:00pm.

Public Comment

None

Conceptual Review

Robert Hallahan, 161 River Road, Tax Map 124-4, Minor Subdivision.

The last time Mr. Hallahan came before the Board there was a question on an existing subdivision. He brought in a map showing the three properties, lots 32, 33 and 34 that the Board had asked him to research because there could have been another subdivision that existed out there. Nancy Dee did a title search on the properties. Mr. Dube said that written on the plan is that there could be no more further lots subdivided but we know there have been other lots subdivided since that plan because they are shown on our tax maps. Mr. Dube read the report from Nancy Dee, Mountain View Title Abstracting. (Report attached). There were no restrictions on the lots in question and no subdivision plans. Mrs. Dee found no reason for "No further subdivision" condition on the plan. Mr. Dube said that the three lots were already there. There were thirty something deeds that comprised the 100 acres. Mr. Hallahan owns 8.15 acres. Mr. Dube said this doesn't make it any cleared for us.

Mr. Hallahan owns the roads and infrastructure, lot 4, the beach common area and he wants to subdivide his lot into two lots. Mr. DesRoches asked if the wording did not exist on the plan would there be any reason why he couldn't subdivide. Mr. Dube replied, no. The Board suggested that he look into a formal homeowners association to help maintain the roads and make the properties more saleable. The Board

Planning Board Minutes

January 7, 2019

1 of 6

talked about the width of the roads and the possibility that there could be lot line adjustments. Mr. Dube said that the Town regs say you must bring the roads up to Town standards in order to do a subdivision but he could ask for a waiver for that. Mr. Stewart asked if this were to come before the Board as a minor subdivision would all the property owners that have rights to the beach area be notified? Mr. Dube said, absolutely. Mr. Hallahan said his neighbors are on board with this and have offered to help him. Mr. Stewart said if a neighbor had a problem with this plan saying their rights and deed say they have a right to the common area and their rights would be taken away, he might have a problem approving a subdivision. If that's not the case and the neighbors supported it he doesn't feel he'd have a problem. He said this is a discussion, conceptual, and nothing is binding. Mr. Dube said if it were him he'd put the property into three deeds, his lot, the other lot and the common space.

Mr. DeRoches said that the roads would be commonly owned by a homeowners association rather than a deeded right. Mr. Hallahan would no longer own the roads and he can own and run that association. Mr. Hallahan said he's all for it. Mr. Silcocks commented that the confusing part is that the maps do not line up as far as lots go. Mr. Dube said that the surveyor will be able to figure this all out. Mr. Dube feels that "No further subdivision" came from something like what he did which was give 150 acres of open space on a dirt road, not up to town specs, in lieu of not upgrading the road in order to subdivide five lots. That may have been the reason in 1991 but it wasn't spelled out that way. Mr. Hallahan said it sounds good. Mr. Dube reiterated that this is a conceptual review and nothing is binding.

Mr. Hallahan asked what his next steps should be. Mr. Dube suggested that he talk to a surveyor, take a sketch to homeowners and your attorney can easily draft up something. There are plans and deeds that have to be recorded before Mr. Hallahan's are recorded. Mr. Silcocks stated that a homeowners association would benefit all even if this plan doesn't go through. Mr. Halloran was concerned that if he spent \$10,000 for a survey, came back and had the Board say, sorry this isn't going to work out. Mr. Dube said, talk to your surveyor and attorney about what was discussed here. The Board members responded, don't go out and have it surveyed right off. Speak to your abutters and let them know what you want to do and get some feedback from them. Mr. Silcocks said to sum it up, separate the two lots and make the roadway part of lot 4. Mr. Dube satated because there are so many ambiguities we need a survey plan.

Kimberly Mendell, Relocation of Sharper Image Salon from 3 High St; Tax Map 180-107 to 27 Meadow St; Tax Map 179-133.

Ms. Mendell came before the Board to explain that she plans to relocate her existing hair salon from the Garvin building to the old Myers building. Parking at the Garvin building can be extremely hard for her handicapped clients because of the incline. The Myers building parking lot is flat. Mr. Dube said this does met the zoning. Mr. Bookholz sent her to the Board to make sure she didn't need a site plan. Mr. Stewart said the building already exists and there will be no changes to the outside of the building except for a sign and a place is already there for a sign. The Board said she does not need a site plan. Her next step will be permits.

Lance Moulton, 2106 Wakefield Road, Tax Map 179-051: expansion of a commercial Business.

Mr. Relf Fogg presented for Mr. Moulton. Mr. Dube stated that this is a conceptual review and nothing here is binding. Mr. Fogg said they reduced the size of the addition from 36x40 to 32x40. This has been a working business since 2005. He employees three full time and one part time employee. He would like to begin construction in mid-April. Mr. Fogg said it meets all setbacks. He pointed out on the map where

the proposed building would be located and where the holding tanks for the sediment coming off the machines would go, also where the shed, that will be relocated, is now located. The additional runoff from the two roofs would run into a 500 gallon catch basin, corrugated pipe and utilizing infiltration trenches. He said the storm water management system they have in place is functioning properly and is able to accept any additional runoff from the new roofline. He said they use best management practices. Mr. Fogg said he had a message from Jeff Lacharzek (sp?) from DES. Mr. Fogg called him and asked him to ask that he review the file and Mr. Lacharzek said as long as there's no persistent emergent area it would not need a revision on the existing plan.

Mr. Dube said that the Board needs a site plan. You're putting in a 32'x40' building. You're expanding an existing building, double in size so you need a site plan. Do we need a site plan stamped by an engineer for drainage or is what Mr. Fogg has here ok as long as he shows on the plan a catch basin and drainage as to where the roof water is going to go? Do we need it engineered or do we need a stamped drawing by a surveyor? Mr. Fogg said he left the environmental scientist who originally worked on this on the list of abutters. Mrs. Fogg stated that the person from DES said no additional permits would be required. Mr. Dube asked if he knows our zoning? Mr. Fogg said he knows storm water and that what was presented to the state is sufficient.

Mr. Fogg went on to say that the wetlands permit application was submitted to the state in 2014. David Clough did a survey and delineated the wetlands. One culvert existed prior to the permit and one was permitted. Mr. Fogg drew on the plan as to what the plans are for the drainage. A 500 gallon retention tank, backfill will be stone. The driveway is gravel and there is a concrete apron so it's already non pervious. The Board would like, at a minimum, to see something catch the water coming off the roofs. Mr. Silcocks said we do not want to see it drain and going straight into the lake. Mr. Fogg said the plan is to oversize the irrigation trenches that are around the foundation, the foundation drains themselves. Mr. Dube stated that we want the roof water into the ground, into stone. Mr. Fogg said the intention is to mimic what is there now.

Mr. Dube said what we're trying to do is have you engineer something better so you don't have to hire an engineer. Mr. Fogg responded that existing now, behind the shed, there is a 10" perforated pipe wrapped in cloth and 1 ½ stone that catches any amount of water that's coming along the slope now and it dumps behind the retaining wall. It's six feet deep and properly functions as a filtration trench and they only plan to enhance what's currently there.

Mr. Dube explained what the Board would be looking for as far as a drainage system goes. And the Board would like to see a retention area. He told Mr. Fogg that the Board needs to see some kind of plan for the drainage of water off of the new building. Either a registered engineer or Mr. Fogg could supply the needed drawing. The regulations show that more water cannot be put off from this site anywhere. Mr. Dube said some kind of drainage will probably get bonded to make sure the drainage is put in. We're not asking for a drainage study and a stamped plan but that could be asked for at the meeting. Mr. Silcocks recommended that Mr. Fogg show cross sections of the system that Mr. Fogg plans to install to show depth on the drawing. Photos aren't necessary. Mr. Fogg said that Mr. Moulton does not intend to pave the lot. There may be another concrete apron which would be on the gable end. There could be a question on the impervious area.

Board Business

Postage increases for applications

Mr. Vinagro said the postage went up. He is asking for permission to change the forms. He is asking to change the abutter's fees to \$6.80 an increase of \$.10 per abutter. Mr. DesRoches asked if the fee schedule is in the zoning requirements. Mr. Dube said it hasn't been voted on so the Board can change the fees.

Mr. DesRoches made a motion, seconded by Mrs. Twombly, to change the fees on the application for abutters in line with the new postal rates. (Vote 5-0)

Site-Plan Review Authorization

The Board discussed having the Code Enforcement Officers make decisions that do not require Board input. Mr. Vinagro said the question is in the zoning regs, page 9, "permitted use subject to site plan review if required". Mr. Stewart said Code Enforcement has leeway depending on what the application might be. A quick email to Board members of what has come through the office would be helpful. Then if there was anything we wanted to discuss we could and we would be aware of what was going on.

Approval of previous meeting minutes

January 24th minutes

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve the minutes of January 24th as written. (Vote 3-0-2) Mr. Dube asked the secretary to put all votes taken be in bold.

Mr. Dube apologized to Mrs. Martin for not recognizing her as an alternate at the beginning of the meeting. She accepted his apology.

Set next meeting date

The next meeting will be held on February 21st, 2019.

Adjournment

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

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath

Nancy L Dee
Mountain View Title Abstracting

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December 11, 2018

Robert Hallahan
161 River Road
Wakefield, NH 03872

PROPERTY: **161 River Road, East Wakefield, NH** being Tax Map 131, Lot 4.

CURRENT OWNER: **Robert M. Hallahan** by virtue of the Warranty Deed of Ernest R. Belleau, Jr. Trustee of the Pickpocket Revocable Trust dated 12/3/99 in Book 1840, Page 937 and the Confirmatory Warranty Deed of Ernest R. Belleau, Jr. dated 2/1/00 in Book 1854, Page 581.

This is not a typical title search. I was asked specifically to address the condition of "No further subdivision" on the plan of Ernest R. Belleau, Jr. & Christopher N. Bancroft, approved 5/30/91 in Plan Book 135, Page 63 of the Carroll County Registry of Deeds. I was also asked to address lots 32, 33 and 34 on tax map 131.

I took the chains of title to lots 32, 33 and 34 back to the common ownership of James G. Mooney, who acquired 100+ acres in 1940 from James S. Mooney.

Lot 33 was first conveyed by Mooney in 1967. Lot 34 was first conveyed by Mooney in 1963. Wakefield voted for Subdivision Regulations in December 1972. Lot 32 was first conveyed by Mooney by a deed dated 4/11/72, but not recorded until 7/2/73. There is a Waiver from the Planning Board, waiving jurisdiction of this lot at 1710-955. So, there were no restrictions on these lots and NO subdivision plan.

When Ernie Belleau acquired the property from Mooney in 1978, that deed (720-203) described the 100+ acres, with the exception of 30 deeds, for small lots within the 100 acres that had been conveyed. Lots 33,34,35 were among the exceptions. These lots do not appear on the 1991 plan, 135-63. Nor do they appear on the 1995 tax map, which shows the current lot 4 as Map 39, Lot 56.

I could find no prior conditions or any other reason for the "No further subdivision" condition on the plan at 135-63. I ran the chain of title for Lot 35 also. That deed refers to Lots 3 & 4 of "Scribner River Shores", which is not recorded at the Registry, but does suggest the existence of a subdivision plan. No surveyor was named.

Encl \$12.00 copies

