



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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## MINUTES OF THE PLANNING BOARD MEETING

21 February 2019

APPROVED

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart, Member		Donna Martin	X	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		Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member				Richard Sager, Town Counsel	
Dick DesRoches, Vice Chair	X				

Also Present: Relf Fogg, Edward Nason, Tina Nason, Kirk Gillum, Maureen Gillum and Donna Martin with ClearView Community TV

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

### Seat Alternates as necessary

Donna Martin was seated by the Chairman

### Public Comment

None

### Conceptual Review

#### **Relf Fogg representing Lance Moulton: Lakeview Marble & Granite, 2106 Wakefield Road, Tax Map 179-051: expansion of a commercial business.**

Mr. Relf Fogg presented for Mr. Moulton. This is a conceptual review and nothing here is binding. Mr. Fogg presented what he hoped would be what the Planning Board required. He opened the map and pointed out where the infiltration trench, to handle the storm water runoff, would be placed on the property. He pointed out the area around the foundation of the addition. The area around the foundation will be oversized and he will run a six inch corrugated flex pipe all around the foundation using erosion cloth and will be filled with 1½ minus. That will serve as an infiltration trench allowing the water coming off the roof to filter. Mr. DesRoches asked where the pipe would daylight. Mr. Fogg pointed out where that would be. He said it would be acting as a drywell. He explained that with his system it would

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be almost impossible for the abutter's property to take on any water from this property. With the new addition there will be a larger area that will be impervious than now exists. Mr. Dube has no problem with the area around the addition but does with the height of the pipe. The Planning Board wants the pipe at least two feet up for some retention. Mr. DesRoches said it would be like a retention basin under the eaves. Mr. Fogg said they would be in perkable soil. Mr. Dube and Mr. DesRoches question the need for a pipe at all. Mr. Dube said he feels that there should be some kind of overflow coming from the retention. Mr. Fogg thanked the Board for their time and said he would have an updated list of abutters and be ready for a site plan review.

**Edward & Tina Nason: Stoneham Road, TM135-006: Farm stand**

Mr. Nason passed out paperwork. They have a Purchase & Sales agreement on a 16 acre piece of property and it's contingent on retail space for what they do now and what they are hoping to do. They are hoping to get closer to Route 16 and have a bigger retail space and also put up a greenhouse, pasture some animals, gardens, farm stand and move the bakery to this property. He wants to operate his farm at that location following the guidelines of RSA 21:34-a. Mr. Vinagro said it is zoned Residential 3. Agricultural/Commercial is allowed with a conditional use permit. Mr. DesRoches asked if there were any zoning conflicts with the retail stand. Mr. Vinagro said no, not as far as zoning. The farm stand will be the first item he establishes. Mr. Dube said retail sales is produce grown onsite. Mr. DesRoches said it looks like everything he would like to do is permitted or permitted with a conditional use permit in R3.

Mr. Nason's biggest concern was making sure everyone realized that agricultural is not a commercial venture. Mr. Dube agrees. Farm to table (a dinner that's produced from the farm and served out of doors) falls under Agritourism that's in the same RSA but they do not do that now but something they would like to do in the future along with educational classes. Mr. DesRoches said that a term used in the zoning, Agricultural/Commercial will require a conditional use permit. The greenhouse construction permit is only required for less than five acres and this is more than five acres. Mr. Vinagro said Agricultural/Personal would be a farm where you're not selling anything.

Mr. Dube told Mr. Nason he'd need a conditional use permit and the abutters would have to be notified and he'd have to come in and pass the seven zoning criteria.

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use;
2. The proposed use(s) is/are consistent with the adopted Master Plan;
3. The specific site is an appropriate location and is 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. Dube said that Mr. Nason could sketch on the tax map where the parking lot and other things will be located. Mr. Vinagro said when Mr. Nason is ready they can meet and discuss how he will notify abutters and go through the rest of the application process. Mr. Dube stated that this is a conceptual review and nothing we say here binding.

**Kirk Gillum representing St John's, 118 High St; TM 179-001: Parish Hall addition**

Mr. Gillum told the Board that they just tore down their old parish hall built in 1867 and plan to build another that will be an addition to the church. It will be one floor, no basement and smaller at about 2,200 sq. ft. on a concrete slab on grade with frost walls. Mr. Dube asked if they would be doubling the size of the existing building. Mr. DesRoches said that the zoning permitted use says, and may not apply, because the church is already there, a church/place of worship requires a conditional use but is the hall considered a place of worship? He doesn't know. Mr. Dube said, and Mr. DesRoches agreed, that they didn't see this as being an issue. Mr. Dube said the board will need to know how they plan to control the water coming off the building. Most of the building will be located in the grass area. We will need some kind of plan showing how the water will be handled. Mr. Gillum said these are just preliminary plans. He said when we get more formal we need to come back before the Board for a site plan. Mr. Dube said you may need a stamped engineer. Mr. Gillum stated there will be a general contractor and he assumes they will have access to a stamped engineer. Mr. Dube said perhaps some of the water coming over the parking lot now may be diverted into some kind of retention area.

The leech field design is planned for the area of the old parish house. You'd want to coordinate that with some drainage runoff said Mr. Dube. There is a culvert that comes across the road and dumps water onto the property. There is water that goes into the Town drainage system now. But we need to see if the system can take more water. The regulations say you can't let more water off your land than is leaving now. The Board doesn't see any issue with this meeting the zoning requirements. Mr. Dube suggested before they go too far into the building design itself to get your people on board to do some of the engineering for the parking lot and drainage to make sure it's something your land can handle. The water from the roof must go into the ground it cannot exit the site quicker. You will have more impervious area with a new building. An engineer would look at the regs and have answers that may come up at a public hearing. Mr. Gillum thanked the Board for their time.

### **Board Business**

#### **Postal Increases**

Postage fees have increased \$.04. Because the Board has adopted the application fees they must hold a public hearing in order to increase them. Abutter notices will go from \$6.76 to \$6.80. The Public Hearing will take place at the next meeting.

#### **Planning Board Escrow Deposits**

This is money for application fees for past projects being held in escrow. They were charging \$150.00 for a professional planner fee incase more information was needed. The charges were less than the amount paid by the applicant and with accrued interest there is money left. Mr. Dube told Mr. Vinagro he had the authority to give their money back as long as we agree. The Board, by consensus, agreed to return the money and any accrued interest to Flint, Canal Farm, Martel, and JKOJA.

#### **Letter from Town Attorney Richard Sager**

According to the November 2, 2017 minutes Vincent Carbone on Scribner Hill Road, tax map 114, lots 4 and 14, two parcels were created by the subdivision in 1984 however they weren't included in the original subdivision. Mr. Sager is trying to settle this matter rather than go to court and suggested that the Planning Board and the Selectmen sign the stipulation agreement. All abutters were notified and no one showed up to court so by default Mr. Carbone won his case against Scribner Hill Estates and now they have to settle with the town as the town was named in the suit. After some discussion by the Board members there was a motion made.

Mr. Dube wondered if this discussion should have taken place in non public. He questioned if signing off is procedurally correct although he does agree with Mr. Sager. Mr. DesRoches stated that the document says the lots were appropriately subdivided and are buildable lots therefore the Planning Board would not have to vote on this matter again. Mr. Dube concurred. If the parties returned to the Planning Board what action would the Board need to take? The stipulation spells out that the lot is buildable and must comply with all Wakefield Regulations. This is an agreement that would end the lawsuit and the way it's worded it doesn't leave anything more for the Planning Board to do other than sign the paperwork.

**Mr. DesRoches made a motion, seconded by Mrs. Martin that we accept the advice of town council on lot 14, tax map 114 and have the town sign the stipulation and agreement for judgement for Vincent Carbone and Marie Ramiro v Scribner Brook Estates Homeowners Association and the Town of Wakefield. That the Planning Board portion of the stipulation and makes a motion that we sign it. (Vote 3-0)**

#### **Approval of Minutes**

The minutes of February 7, 2019 were tabled for a lack of a quorum present who could vote on them.

#### **Correspondence**

None

#### **Public comment**

None

#### **Set next meeting date**

The Planning Board will meet next on March 7, 2019.

#### **Adjournment**

Mr. DesRoches made a motion, seconded by Mr. Dube, to adjourn the meeting at 8:30 (Vote3-0)

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath