



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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MINUTES OF THE PLANNING BOARD MEETING

21 March, 2019

APPROVED

3/21/2019

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

Also Present: Relf Fogg, Larry and Renee Debow, Bob Colbath, Rita Smith, Robert Smith, Philip Emilio and Donna Martin with ClearView Community TV

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

Mr. DesRoches sat Alternate Donna Martin.

Public Comment

None

Public Hearings

Postage Increase for Abutters Notices

Town of Wakefield Planning Board is requesting an increase to abutter notice fees for Certified Return Receipt mail on all applications to cover the cost of the postage increase. The abutters Notice fees will increase from \$6.76 to \$6.80 an increase of 0.04 cents.

Mr. DesRoches opened the Public Hearing at 7:02.

There were no comments.

Mr. DesRoches closed the Public Hearing at 7:02.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to increase the fees by 4 cents to \$6.80 for abutter's notices. (Vote 4-0)

Major Subdivision Plan Application: submitted by Charlie Zilch for property owned by Philip Emilio, Old Stage Road Holdings, LLC on Old Stage Road & Willey Road, Tax Map 210-025. The applicant is requesting an approval of a Major Subdivision Plan Application to subdivide the current parcel (38.63 acres) into 8 single family residential lots

Mr. Charlie Zilch from SEC Associates, representing Philip Emilio of Olde Stage Holdings LLC introduced himself. Mr. DesRoches asked Mr. Vinagro if the application was complete and Mr. Vinagro responded that it was.

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

Mr. Zilch set up a large plan showing the lots that they are proposing and the existing conditions. The Olde Stage Road is in the Agricultural Zone and the Willey Road is in the R3 Zone. He said the land is gently sloped and comprised of open fields and recently harvested woodlands. The soils are well drained or moderately well drained. There are wetlands present. There is a fairly large wetland area with poorly drained soil and four or five different pockets throughout the parcel. It drains toward the intersection of the two roadways. He pointed out an upper section on the plan that's basically an area when you get a lot of spring melt or rainfall it does make its way from the upper to lower portion of the land. He said it's not wetland but an area you shouldn't build in. He said Mr. Emilio considered many uses for the property but settled on the eight lot conventional single family home subdivision with road frontage and separate driveways, septic tanks and wells. He said that there are good viable areas for septic systems and the driveways are all permitted. All the building areas are generous with no setback issues. They applied for and was granted a state subdivision permit for the lots that are less than five acres. No waivers or variances are needed as everything complies with the towns zoning regulations.

Mr. Vinagro said that the Fire Department recommended widening the driveways for fire apparatus. He said there is a hydrant 2,500 feet down the road so there is no water down that end of the road. It's not a requirement but the Fire Department put in a request for the houses to be sprinkled or a cistern be installed. But this is not legally binding. Mr. Silcocks said the soil is muddy and asked if there was any standing water on the property. Mr. Zilch said this time of year there probably is but not enough for a dry hydrant. Mr. DesRoches asked Mr. Emilio if this is something that he would consider doing. Mr. Emilio replied that he'd have to look at the cost of both. Mr. Silcocks said that a cistern would help the whole community as a sprinkle system would help only the homeowner. Mr. DesRoches said the Planning Board does not have the authority to put this in as a condition unless Mr. Emilio said right now that he is willing to do this. They can put it in as a recommendation from the Fire Chief.

Mr. DesRoches ran down the list of questions and answers from the applicant for the town's requirements. There could be a potential impact on the school. There are no drainage plans besides the culverts. The culverts will be fifteen inches. There is no surface water issues except for snow melt. Septic designs have not been done or approved but two test pits and perk tests on each lot have been done. The wetland area is considered undevelopable. And that area was not included in the lot sizing requirement. Mr. Stewart asked if Mr. Emilio plans on selling these as individual lots and having an association. Mr. Emilio replied there will not be an association they will be sold as individual lots. Mr. DesRoches asked if he plans to build on these lots and sell them. He said, he hadn't decided yet. Mr. DesRoches said he and Mr. Vinagro had gone through the forty four requirements for submission and everything met the requirements.

Mr. DesRoches opened up the Public Hearing at 7:24.

Mr. Smith said he is concerned with the test pit as there is a very large area of exposed ledge on at least one of the lower lots where they had the logging landing. Mr. Zilch said on lot 25 they hit ledge at fifty inches.

Mr. Emilio said the test pit was not near where the ledge is. The test pits do not mean they'll get a permit. They will have to get a full permit from the state. Phil Twombly, whose family owned that property, confirmed what Mr. Smith said about there being ledge. Mr. DeBow had a side conversation with Mr. Zilch. Mr. Twombly asked Mr. Emilio if he was aware that a historic site was on his property, Old Maid's Tavern. He said he had heard about it. Mr. Twombly talked about the Heritage Commission trying to get a preservation easement seven years ago for that site to no avail and asked Mr. Emilio if he'd be willing to talk to the Heritage Commission. It's approximately a half acre and Mr. Twombly pointed the spot out on the map. Mr. Twombly said he could determine a perimeter of the old tavern and Mr. Emilio said he sees only scattered rocks there now. Mr. Twombly's brother, who owned the land prior to Mr. Emilio, decided at the last minute not to agree to an easement. Mr. Emilio is willing to talk to the Heritage Commission. The easement would preserve the site and allow archeology digs to see what might still be there. This tavern site may be in the setback area.

Mrs. DeBow asked what kind of houses are planned. Mr. Emilio said it depends on what someone who buys a lot wants. He's not sure if he will build any. Mr. DesRoches said that this is a Public Hearing for subdivision and does not include anything to do with the type of houses. All regulations would apply to building a house. Mrs. DeBow asked if they have any say on whether they want it or don't want it. Mr. DesRoches said if the applicant meets all town requirements and conditions the Planning Board can't deny it because someone doesn't want it. The Board is bound by the applicant meeting all these conditions and rules. Mr. DeBow doesn't want the city brought to them.

Mr. Colbath said that area is part of the aquifer that flows down from Copps hill. He asked if the cistern would have an effect on people's wells. Mr. Silcocks explained that a cistern is standing water in a concrete tank that is filled by the fire department and doesn't leak out. Mr. Colbath said the drainage from that hill is atrocious. The sides of the road is washing away. His lots have drainage problems. Water drains from the hill down to Old Stage Road. He asked where exactly the easement on the right-of-way is located and if the land locked parcel will still be able to use it. Mr. Zilch said it is an access easement and it was defined by plan which was recorded and used to define this on this plan. Mr. Emilio has absolutely no right to block or cut off access to that lot. The property line follows the stone wall. The entire easement is on Mr. Emilio's property. Mr. Colbath asked if a state permit is needed to remove stone walls for driveways and if they were considered historic. Mr. Silcocks said there had been discussion but knows of no legislation to that affect. Mr. DesRoches knows of no statute. Mr. Colbath asked about the water runoff considering the deep trenches on the side of Willey Road. Mr. Zilch said there is an existing 18" culvert at the corner of Willey and Olde Stage. Mr. Smith said more houses with bigger lawns will create more runoff and that culvert will not handle all the runoff. Mr. DesRoches explained that no more water is allowed to be discharged off a property than is discharged now. The property owner will have to see that water management such as Infiltration and dripline trenches, rain gardens, retention ponds, etc. be done on the lot. The applicant does not have to improve the existing conditions but can't make them any worse. Mr. Zilch said he doesn't think people will create large lawns as the trend is towards smaller lawns and wooded areas and he's sure the trend will be the same here.

Mrs. Colbath asked if surface water is standing water that is muddy all year long. Mr. DesRoches said his understanding is there is no pond or brook, no standing water year round. Mrs. Colbath said it's muddy year round and not just the wetlands area but the land close to Willey Road, it's muddy in the summer. Mr. Silcocks asked how far down was the moderately drained soil, Mr. Zilch said the spot is composed of moderately well drained soils. He said this is right in the middle towards the wetter side but it is soil that will support septic systems and development such as this. Mrs. Colbath said we need to have a sump pump not even in a full cellar and there are two houses down on Willey Road that have had mold issues because of the wet area. The whole area is very muddy. Mr. Smith said his foundation is just four feet into the ground and its solid ledge and he wants to see the test pits because he truly believes they're not the standards. Mr.

Twombly pointed out a section on the map where there is standing water almost all year long. He said they could never mow the grass there. There was a dug well where they watered the cows every day and you will not be able to build there. Mr. Silcocks said he had done some site work across the street and sunk a tractor out of sight in June. He said he's not saying the rest of the lot is this way but that was his experience. Mr. Smith said he can't mow his back lawn until the middle of June.

Mr. DesRoches said the Planning Board cannot say it's too wet so we're not going to approve the subdivision. They will have to get state permits for septic. They have heard your comments that the land is wet and the engineer has indicated that that's a symptom of the moderately, poorly drained soil that holds the water at the surface and doesn't let it drain through easily. The engineer expects the septic systems will be raised systems. Mr. Emilio will have to keep in mind that there is groundwater and will have to keep the foundations up. He said this is typical soils throughout the state. Mrs. DeBow asked what the setback from the road is. The answer is fifty feet. And the setback between neighbors is twenty feet with fifteen feet from the back and thirty feet from the wetlands. Mrs. Colbath asked, considering the setbacks, is the amount of buildable space they can use quite small? Mr. Zilch said they didn't include the wetland areas as part of the lot sizes. There is about four and a half acres of wetlands. Mr. Colbath said that wetlands is delineated by soil and vegetation. What does the vegetation show? It could actually be larger than what is shown. Mr. DesRoches said they had to hire a certified soil scientist to physically flag the wetlands. Mr. Colbath said it has to be flagged by soil and also by vegetation. He holds certification as a wetlands scientist. Mr. Zilch said that's exactly what was recently done. Mr. Silcocks asked if he was able to check vegetation recently. Mr. Emilio said it was done in June.

Mr. DesRoches closed the Public Hearing at 8:07

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve the application with the recommendation of the fire department for the installation of a cistern or sprinkling the houses. (Vote 4-0)

Minor Site Plan Review Application: submitted by Relf Fogg for Lakeview Marble & Granite owned by Lance Moulton at 2106 Wakefield Road; TM 179-051. The applicant is requesting a Minor Site Plan Review for an addition to an existing commercial business.

Mr. Vinagro said the application is complete, the abutters have been notified and the fees have been paid.

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

The Board and Mr. Fogg discussed the storm water management plan in the form of a dripline trench which Mr. Fogg believes will address effectively any concerns the Board may have. Mr. Fogg had included a drawing of a six inch pipe that the Board felt wasn't needed. If it's not necessary to have it and the infiltration trench is sufficient it will be omitted from the plan. Mr. Silcocks felt eliminating the pipe was the best way to go. You want to keep the water in and around the foundation around the foundation so it can slowly perk down not make an exit for the water. Mr. Silcocks asked if the shed needs a dripline trench now that it's getting moved. It now sits on a slab. It will be placed on a slab similar to what it sits on now. A small trench on one side of the shed will be done. The setback regarding the shed will be checked. Mr. Fogg will, on the plan, show the boundary lines and the distances between the boundary lines and the new building. Indicate on the plan the road frontage along with the setbacks. The plan will be approved without the pipe. Remove the spillway between the existing fill behind the wall to the new dripline trench. The trench will be standalone. The pipe will be removed from the plan. The plan will also show existing structures, driveways and parking spaces and the total percentage of impervious area on the lot, present and proposed. The village/residential zone will be shown on the plan. The traffic flow will be waived and not put on the

drawing. Note on the drawing where the storage tanks are. The Board would like Mr. Fogg to come back in two weeks with all the above on the plan submitted all on one drawing. The Board requires four large copies and one reduced copy of the plan. Must show purpose on the plan- expansion of existing business. Drawn up to show the addition.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to table the application and continue the Public Hearing until the April 4th. (Vote 4-0)

Numbers 15-22 and 24 and 25 are no change to the existing condition will be waived 1:52.

Correspondence

None

Approval of previous meeting minutes

February 21st and March 7th 2019

Minutes of February 21st were tabled. Mr. Stewart made a motion, seconded by Mr. Silcocks, to approve the minutes of March 7th as written. (Vote 4-0)

Public comment

None

The Planning Board will meet next on April 4, 2019

Adjournment

Mr. Stewart made a motion, seconded by Mr. Silcocks, to adjourn the meeting at 8:55 (Vote 4-0)

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath