



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

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MINUTES OF THE PLANNING BOARD MEETING

November 21, 2019

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chair	X	Donna Martin		Victor Vinagro, Land Use Clerk, Code Enforcement Officer, Building Inspector	X
Dick DesRoches, Vice Chair	X	John Blackwood		Mike Garrepy, Planning Consultant	
Charlie Edwards, Selectmen's Representative	X			Richard Sager, Town Counsel	
David Silcocks, Member	X				
Doug Stewart, Member	X				

Others present

Cindy Bent, Brennan Peaslee, Brian and Margot MacArthur, Jim White, Deb White, Donna Tilton, Jessica Mangano, Joe Mangano, Fred Guldbrandsen, Megan Ulin, Chuck Robbins, Phil Hespeth, Barry Ellis, Janet Ellis and Jim Miller with Clearview Community TV

Pledge of Allegiance & Call the meeting to order

The Chair called the meeting to order at 7:00.

Seat Alternates as necessary

None

Public Comment

None

Public Hearings

Conditional Use Permit Application: submitted by ReVision Energy, Inc. for property owned by Sandra L. Tremblay located at 23 Stoneham Road, Tax Map 132-3. The applicant is seeking approval of a Conditional Use Permit to install a grid tied ground mounted tracker solar photovoltaic system.

Mr. Vinagro said notices have been posted in the newspaper, abutters have been notified and fees have been paid. This is a twelve acre lot and the unit will be located 750-800 feet back. There is no one closer than 300-400 feet. The unit will be located in the middle of the lot, at least 100 feet from any lot line.

There was no public comment. Mr. Dube read the seven criteria.

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

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- Meets this. No public comment.
2. The proposed use(s) is/are consistent with the adopted Master Plan;
Meets this. No public comment.
 3. The specific site is in an appropriate location and of adequate size for the use;
Meets this. No public comment.
 4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;
Meets this. No public comment.
 5. There will be no nuisance or serious hazard to vehicles or pedestrians; Meets this
Meets this. No public comment.
 6. The use will not place excessive or undue burden on Town services and facilities;
Meets this. No public comment.
 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.
Meets this. No public comment.

Mr. Edwards made a motion, seconded by Mr. Silcocks that there is no adverse effect on all seven criteria (Vote 5-0)

Conditional Use Permit Application: submitted by Jessica Mangano and Donna Tilton directors of Wakefield Childcare Early Learning Center owned by Bruce Tucker for property owned by Lavender & Peony LLC, 26 High Street, TM 179-010. The applicants are looking to move their childcare facility from 18 School Street to 26 High Street.

The director said there was a previous fire at their present location. It was discovered there was lead in the building and so they can't have children in that building. The landlords will not fix this problem so they need to move. No one can buy that building until it's fixed. Licensing has looked at the new location and they will have to downsize. A daycare is allowed with a conditional use in the village location. Mr. Dube will read each of the seven criteria and open each one up for public comment.

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
Meets this. No public comment.

Moved by Mr. Dube, seconded by Mr. Edwards (Vote 5-0)

2. The proposed use(s) is/are consistent with the adopted Master Plan;
Meets this. No public comment.

Motion to move by Mr. Edwards, seconded by Mr. DesRoches (Vote 5-0)

3. The specific site is in an appropriate location and of adequate size for the use;
Mr. DesRoches asked if there was a play area. The director said they will use the town park and licensing has approved that. The park is fenced and they will install a gate. Mr. DesRoches asked if the town had to approve their using the play area and Mr. Edwards didn't believe so. The director said parents' arrival is staggered and they will park in the town parking lot and walk their child across the street. She said they have five employees. Five cars can park behind the building. Public Comment: Mr. Ellis said it sounds like they'll be conducting a business in a public park. The director said they use the public park now and so does the Rec. Mrs. Ellis was concerned that the public park will now be consumed and you won't want to take your children there. She was concerned that the children would be out back of the building in the parking lot. Mr. Stewart said there is nothing in zoning that says a business has to have parking space. They expect to have thirty-five children age six weeks to eleven years old.

Motion to move by Mr. Edwards, seconded by Mr. Silcocks (Vote 5-0)

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

Meets this. No public comment.

Motion to move by Mr. Edwards, seconded by Mr. Silcocks (Vote 5-0)

5. There will be no nuisance or serious hazard to vehicles or pedestrians; Meets this
Meets this. Public Comment: Mrs. Ellis asked for confirmation that there will never be any children in the back yard because they have thrown rocks and taunted her children. Mr. Ellis asked that it be part of the conditional use. He said living across the street from a daycare is difficult and now they want to move to my back yard. Mr. Edwards questioned a promise that someone for the rest of your life will not have a playground in their backyard. Mrs. Elis said she is liking for the safety of her children if it were closer she would not feel safe with her children playing outside. Mrs. Peaslee, Paul School Transportation Director, said there is no problem with the new location, it's just a matter of manipulating the bus.

Motion to move by Mr. Edwards, seconded by Mr. Silcocks (Vote 5-0)

6. The use will not place excessive or undue burden on Town services and facilities;
Meets this. Public Comment: Mrs. Ellis asked if the daycare could have liability added to their insurance policy. The director said they do have liability insurance. Mr. Dube said that would be for administration to handle. Meets this.

Motion to move by Mr. Silcocks, seconded by Mr. DesRoches (Vote 5-0)

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.

Meets this. Public Comment: Mr. Ellis said he wasn't trying to say anything against this business. They have to be out of their current location by the end of December. Mrs. Peaslee asked them to notify the school when the move has been made.

Motion to move by Mr. Silcocks, seconded by Mr. DesRoches (Vote 5-0)

Mr. Dube said the Conditional Use Permit has passed.

Conceptual Review

Brian MacArthur, Garvin Building, TM 180-107, 3 high St.: commercial renovations

Mr. Dube told the MacArthur's that this is a Conceptual Review and anything that is said here tonight by either party is not binding on either party. Mr. MacArthur said they wanted to share their thoughts on the project and feel at some point they will need a variance on where the ADA ramp meets the parking lot. They're looking for some support. He showed some drawings from the 90's. Mr. Stewart said there are not a lot of significant changes here. They want to put new windows in, replace the deck, doors, get it energy efficient and put up a new sign. He had some pictures of the rotting windows and deck. He said a lot of it is cosmetic. Mr. Vinagro said the issue is the ADA ramp encroaching into the parking lot. The building is on a separate piece of land from the parking lot. Mr. MacArthur said the parking spaces are long so it wouldn't be difficult to redraw the lines. Mr. Silcocks said we'd be losing probably a foot and a half and that could be an advantage for the handicapped. Mr. Stewart said you'd probably have to get a variance but everything you're doing would certainly help the town and believes we can make this work. Mr. Hespeth said based on his familiarity with the building and the way the parking lot slopes off to the right he told the MacArthur's they need to go straight along the building until they came to a flat spot. Because where the handicapped spot is now it slopes off pretty hard. He decides to make it work the

way it is. It is within all the handicapped slopes by the ADA. They all discussed the design of the building. The parking lot is town owned land. The MacArthur's need approval from the Heritage Commission for design changes to the outside of the building which is in the prior deed. It appears that the owner has exclusive control of the land around the building but not the parking lot. Mr. Dube said you may need a survey. The Board does not believe the ZBA can grant a variance to use or change town land. They may have to lease the portion of the parking lot they would encroach on like the Food Pantry has a lease with the town. Mr. MacArthur asked what the next step for him should be. Mr. Stewart said first you have to find out where that line is and if you had to encroach on town property you would probably go to the selectmen and tell them you met with the Planning Board who seem to approve of this plan but if you did it this way you'd be encroaching on town property. How can we rectify that? He thinks they may be able to lease that small piece of property for a small fee. And if you find that all can be placed on your land you would need to go to the ZBA for setbacks. To do windows etc. you'd just need a building permit. The Heritage Commission is focused on windows.

Board Business

Anderson Escrow Release

Return of fees.

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to return \$150 plus interest to Robert and Rita Anderson for planning services that weren't needed for their boundary line adjustment. (Vote 5-0)

Alternates

Mr. Vinagro was told there are two alternates whose terms ended January 2019. Mrs. Nancy Spenser Smith is up and Johnny Blackwood. Mr. Blackwood is interested in serving another three years. **Mr. Dube made a motion, seconded by Mr. Stewart to recommend that the Selectmen appoint Mr. Blackwood to another term as alternate to the Planning Board. (Vote 5-0)** Mr. Vinagro will draft a nomination for the selectmen saying the Board would like Mr. Blackwood to serve another term. Mr. Dube will call Ms. Martin. Mr. Dube recommends that they advertise for an alternate.

Wakefield Zoning Ordinances

ADU: Mr. Vinagro said that the ADU article has had the comma removed. Also he has included the second page which is the Article 3 Table changing the ADU to R2 Shoreland District from permitted to conditional use. Mr. Dube read the article. Mr. Vinagro asked about G. the maximum size for an ADU as he's had quite a few variances for them to go over the 750 sq. ft. to an average of 1000. Those variances have been granted. G. The accessory dwelling unit shall not exceed 750 square feet. ~~and is a Permitted Use in all zones where single family residences are permitted uses~~ This will be sent to Mr. Garrepy.

Setbacks: Footnotes (Table 2) number 6 this refers to removing the 30' setback and adding 50' setback, the same as the state and eliminating Footnote 7. Also under Lots Serviced by Municipal or Community Water and/or Municipal or Community Sewer: Shoreline changing 30 to 50 and eliminating Footnote 7.

Shoreland Accessory Structures: Mr. Vinagro said there should be something in our zoning that says Shoreland Accessory Structures follow the state guidelines. Mr. Stewart suggested a footnote referring to the law not writing it all out. Mr. Vinagro will run this by Mr. Garrepy.

Bunkhouse: The Board discussed the fact that a bunkhouse is considered a bedroom whether it has a bathroom or not. The main focus is to make sure that the septic can handle the number of bedrooms. They will wait to get Mr. Gerrapy's opinion on the bunkhouse for further discussion.

Correspondence

Mr. Dube asked Mr. Vinagro to send out the letter to the members that Mr. Dube received from the Heritage Commission and one from a citizen.

The Board will have two Public Hearings on the Warrant Articles but the dates have not yet been set.

Approval of previous meeting minutes

Mr. DesRoches made a motion, seconded by Mr. Stewart to approve the Minutes of November 7, 2019. (Vote 5-0)

Mr. Edwards said Mr. Vinagro deserves a thank you from the Board for stepping up to the plate and that he's appreciated. He's done a superb job and deserves recognition. The rest of the Board agrees wholeheartedly.

Adjournment

Mr. DesRoches made a motion, seconded by Mr. Edwards, to adjourn the meeting at 8:45. (Vote 5-0)

Set next meeting date

December 5, 2019.

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary