



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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MINUTES OF THE PLANNING BOARD MEETING 3 October 2019

Approved: 10/3/2019

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	
Charlie Edwards, Selectmen's Representative	X	Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member	X			Richard Sager, Town Counsel	
Dick DesRoches, Vice Chair					

Planning board site walk: (by Victor Vinagro)

Present at the site walk at Silver Hill: Tim Lavelle, Johnny Blackwood, Doug Stewart, Tom Dube, Charlie Edwards, Dick DesRoches, Al Patenaude, and Victor Vinagro.

The site walk began at 6:00 pm Tom Dube read off the continuance of Al Patenaude's Lot Line Adjustment/Minor Subdivision Application. Al and his surveyor Tim Lavelle walked the site explaining the improvements they made to date. They have installed culverts, check dams, swales to manage storm water management. Dick DesRoches asked about the association he has created. His concerns are the maintenance of the roads.

We want to be sure the culverts, check dams, and swales are property maintained.

We walked the entire street as they pointed out lot line road improvements. We were shown the 3 lots he has laid out for subdivision/lot line adjustments. Al explained his plan for the turnaround for the fire department- bringing the grade up 10' to 12' to accommodate fire trucks. The first access road to Silver Hill will be eliminated and vegetated for erosion control. Tom Dube suggested an easement on the last lot to accommodate the turning around of a fire truck. The board asked for road plan and topographical map to be submitted for the case. The site walk concluded at 6:35pm

The meeting was reconvened and called to order at 7:03

Also present at the meeting: Alternate John Blackwood, William Denley, Susan Denley, Malori Denley, Geoffrey Denley, Barbara and Rod Pinner, Al Patenaude, Peter Kasprzyk, Tim Lavelle Jim Miller and Sean Sullivan with ClearView Community TV

Seat Alternates as necessary

None

Public Hearings

Continuance of a Lot Line Adjustment & Minor Subdivision Plan Application

Submitted by James Lavelle Associates for property owned by Albert Patenaude JR. Tax Map 8-31, 8-32, & 7-2; 140 Silver Hill Rd and 2 lots on Silver Hill Road. The applicant is seeking an approval of a lot line adjustment plan and Minor subdivision Plan to create a new lot from three existing lots.

Mr. Dube opened the floor to public comment and there was none.

Mr. Lavelle added revisions and the zone line to the plan the Board reviewed at their last Meeting. Mr. Patenaude wants to make the road part of the Association Plan. He has not applied for State Subdivision Approval yet. They wanted to see how things went with the Board first. The Board wants a good solid association. The Board discussed whether they should have a reserve account. They need a good road maintenance plan. They had a lengthy conversation about paving the hills on the road. They decided paving was the best but not needed if the road is well maintained. Mr. Patenaude said it is not in your regs to review and inspect private roads to see that they are maintained as they do in many other towns. You have no way to enforce that they are being maintained.

Mr. Patenaude said the new Homeowners Association document is actually an amendment of the old document. The beach parcel has been separated from the homeowner's association document. He handed the Board a copy of the association documents. He said if they need an easement for the turnaround they will add one. Mr. Lavelle said it would take about a week to get state subdivision approval. When they come back they will be able to tell the Board why or why not an easement is needed. The Board would like to see an existing Topo on the plan and something that will satisfy the fire department needs for turning trucks around. The Board discussed what the land owner may agree to give up for approval of the road waivers.

They discussed whether to limit more subdivisions and that the road would never be able to be brought up to town specs. Mr. Dube said there are many issues with the road and he cannot see the Board approving more subdivisions unless there are vast improvements to the road. Mr. Dube believes that there should be some kind of note on the plan about a future subdivision and say something about the road, not necessarily that it has to be up to town specs and have the Town Attorney look at the association documents. He also believes there should be a small bond for the upgrade of the road or maybe not allow a building permit for the lots until the turnaround is finished. These are the things he feels the Board should consider. No Shoreland protection permit is required for the lots.

Mr. DesRoches said that the wording might say the only way a subdivision could take place is if the road were brought up to town specs as close as possible given that they have all concluded it will never meet town specs or possibly expect everything but the grade meet town specs? This would apply to the entrance road only. Mr. Silcocks said we could simply say any future subdivision would require looking at the road again and leave it up to the Board at that time. Mr. Patenaude spoke of the limitations of the road. He's surveyed the road, added new limitations for the road and beach and put a lot of work into the road for everyone concerned. Mr. Dube reopened the public comment portion. Mr. Kasprzyk said he agreed with Mr. Silcocks that the future of the road should be decided by a future board. Mr. G. Denley said why not make it a requirement to put this in the deed. Mr. Blackwood agreed with Mr. Kasprzyk. Mr. Dube closed the public comment at 7:50. To be placed on the plan in an official place:

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to conditionally approve the lot line adjustment and the minor subdivision for tax map 8-31, 8-32 and 7-2 on Silver Hill Road with the

following conditions: 1. Conditions limited to this one lot 8-38 based on specific road improvements shown on the road grading plan. This does not set any precedents for future subdivisions. 2. Contingent on State Subdivision approval. 3. The Association documents approval by our Town attorney within two weeks. 4. Plan/Roadway Plan showing the new notes for Condition #1, and showing no beach rights for the new lot. (Vote 5-0)

(The following conditions were agreed upon by consensus but they were not part of the motion: 1. The T turn will be tied to the building permit. 2. Show elevation of the new T-turnaround versus the old T-turnaround)

Conditional Use Permit Application

Submitted by Geoffrey Denley for property owned by Susan Denley located at 2305 Wakefield Road, Tax Map 166-1. The applicant is seeking approval of a Conditional Use Permit for Agritourism/Wedding Venue. The applicant would like to turn the farm into a facility where the barn can be used for community events & weddings. They would like to expand the farm to be a working farm with live stock, pick your own, green houses, and Christmas trees.

Mr. Denley pointed out the property. He told the Board he had met with the police department and will have a police presence directing traffic throughout the events. He will have orange triangular signs saying event ahead. He still has to check with the state about the driveway. There will be only off road parking. Mr. Stewart asked about hours of operation. Most weddings end at 9:30 or 10:00. He would expect them to be over by 11:00 and they would take place mostly on Saturday nights during the wedding season. They will have port-a-potties until they can install regular handicapped bathrooms. Page 9 of the zoning regulations allow Community Center, Meeting Hall, Reception Hall and other places for public assembly. Farming and animals are already allowed without a conditional use permit. Mr. Dube opened up the discussion to public comment at 8:20. Mr. Kasprzyk was concerned about the heavy volumes of traffic if this grew into a big event like a corn maze with a thousand people. He wished Mr. Denley well with this endeavor. One abutter asked how late into the night the sound could be loud. Me. Edwards said there is no sound ordinance in this town. Mr. Denley said we do want to be good neighbors. Mrs. Malori Denley said she and her husband will be at these events and will want to home as well. Mr. Dube close the Public portion at 8:26. He next read the seven criteria.

ARTICLE 29 – CONDITIONAL USE PERMIT A. The Planning Board may, in appropriate cases, and subject to safeguards as determined by the Planning Board, grant a conditional use permit per RSA 674:21 for a land use in accordance with Table 1 of Article 3.

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
Meets this
2. The proposed use(s) is/are consistent with the adopted Master Plan;
Meets this
3. The specific site is in an appropriate location and of adequate size for the use;
Meets this
4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;
Meets this
5. There will be no nuisance or serious hazard to vehicles or pedestrians; 2019 Wakefield Zoning Ordinance Page 76
Meets this. Meets police recommendations. Approved traffic control
6. The use will not place excessive or undue burden on Town services and facilities;
Meets this

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.

Mr. Edwards made a motion, seconded by Mr. Silcocks, to approve the Conditional Use Permit as it meets all seven requirements. (Vote 5-0)

Conceptual Review

None

Board Business

Wakefield Zoning Ordinances

Mr. Vinagro passed out the paperwork about ADU's that Mike Garrepy wrote. This discussion and will be put on the agenda for the next meeting. They mentioned detached ADU's with a Conditional Use Permit. They asked Mr. Vinagro to bring the Tables. They would have to meet architectural designs and setbacks. Mr. DesRoches said it is absolutely crystal clear that there was never any intent to remove detached ADU's. When everything was combined together we no longer allowed them. The language was totally incorrect and there was no discussion by the Board prior to the language being changed. It is clear that detached was never meant to be removed.

Approval of previous meeting minutes

September 19th, 2019

Mr. Edwards made a motion, seconded by Mr. Stewart, to approve the minutes of September 17, 2019 as written. (Vote 5-0)

Correspondence

None

Public comment

Set next meeting date

October 17th, 2019

Adjournment

Mr. Dube made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:41. (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary