



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

SANBORNVILLE NH 03872

TELEPHONE (603) 522-6205 x 308 FAX (603) 522-2295

[LANDUSECODEDEPT@WAKEFIELDNH.COM](mailto:LANDUSECODEDEPT@WAKEFIELDNH.COM)

## MINUTES OF THE PLANNING BOARD MEETING

18 July 2019

Approved

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

Also Present; Connie Twombly, Stephen Royle, Kurt Nelson, Tim Kelley, Jennifer Codispodi, Leonard Lord, Al George, Roland Rancourt and Donna Martin with ClearView Community TV

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

### Seat Alternates as necessary

Mr. Dube sat Ms. Martin for Mr. Silcocks

### Public Comment

Mrs. Twombly asked how many alternates the Board has. Mr. Dube replied three. Mr. Royle said the Board could have as many as five.

### Conditional Use Permit Application

**Submitted by Leonard Lord, Tight & Bond Engineers for an easement owned by Public Service of NH D/B/A Eversource Energy. The easement crosses over the following properties; TM 179-44, TM 2194 Wakefield Road, TM 180-6, 53 Church Street, TM 197-59, Wakefield Road, TM 197-68, Rines Road, TM 197-69, 327 Rines Road, TM 197-70, NH Northcoast Railroad.**

Ms. Codispodi passed out a project description sheet to Board members. First Mr. Nelson read, for the record, the phone number 1-888-926-5334 and email address [nhprojectsinfo@eversource.com](mailto:nhprojectsinfo@eversource.com) for anyone in the public who may have questions about the project. Then he proceeded to explain that Eversource plans to run new lines from Rines Road to Cosmar drive, a 1.1 mile distribution line. They will be running a new line and a new tie to the Sanbornville substation. They will be working in a right-of-way with wetland areas. They met with the Conservation Commission last week and received a favorable opinion from them. Mr. Lord, an environmental scientist spoke next saying they will be

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replacing a line and adding 31 new mono poles, replacing the existing fifteen wooden poles. There will now be a pair of poles instead of single poles. They are seeking a Conditional Use Impact Permit, or Temporary Use Impact for 5452 square feet of wetland and 15,895 square feet in the Wakefield 30' buffer. In the wetland areas they will be using work pads trimmed back to keep out of the wetlands and will be using wooden timber mats to install spacers for lines every 50 feet. They will not be crossing the Branch River. They will smooth out and stabilize ruts using Best Management Practices and they will grass in the areas.

Mr. Stewart asked if there would be a difference in the height of the new poles. The existing poles are 30-35 feet tall and the new ones will be 40-50 feet tall. The existing circuit will stay and an additional circuit will be added. The double lines will substantially increase power reliability. Mr. DesRoches said they will need a Conditional Use Permit because that's what the Zoning regulations require for public utilities. Will they also need dispensation on the wetland buffer setback as well? Mr. Nelson said they are both part of the application. Mr. DesRoches asked if any of the poles will be within the wetlands setback. Mr. Nelson said there will be two permanent structures within the setback and that is not spelled out in the application but they were replacing poles that already existed within the buffer. Mr. Dube opened up discussion for the public's input. Mr. Roland Rancourt, an abutter, attended to gain information on the project. Mrs. Twombly asked if they needed to get a pole license for each pole. The Eversource representatives did not believe they needed to.

The minimum for wetland setbacks is 30'. Eversource is requesting 5' from the wetland. In the Zoning Regulations, Wetlands Minimum Setbacks, Page 10 Table 2, footnote 8, states that the Planning Board can reduce the setback requirement. Mr. Dube suggested they hand write a request for a waiver for a reduction on the minimum wetland setback so the Board can vote on that tonight.

Mr. Vinagro said this has been noticed, the abutters have been notified and fees paid.

**Mr. DesRoches made a motion, seconded by Mr. Edwards, to accept the application. (Vote 5-0)**

**Mr. DesRoches made a motion, seconded by Mr. Stewart, to approve the waiver for Table 2. (Vote 5-0)**

Mr. DesRoches asked that the request be read into the record. Construction will begin in September and they plan to have it completed by the end of the year.


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Public Service Co of NH dba EverSource Energy requests  
a waiver to reduce wetland buffer setbacks from  
30 feet to 5 feet as required under ~~the~~ Wakefield Zoning

Table 2, footnote 9

EVERSOURCE ENERGY

  
KURT NELSON

LICENSING & PERMITTING SPECIALIST

Mr. Dube read the following:

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.
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. DesRoches, to approve all seven criteria of the Conditional Use Waiver. (Vote 5-0)**

### **Conceptual Review**

**Alan and Mary MacKillop, Cottle Lane, TM 133-1, Continuance of a previous conceptual review to subdivide their property.**

Mr. Royle representing the Mackillop's, wants to clarify a few things prior to Mr. MacKillop deciding whether he wants to proceed with his plan. Mr. Dube stated that this is a conceptual review and nothing that is said tonight is binding on either party. Mr. Royle pointed out, on the map, where the property is located off Stoneham Road onto Stoneham Way then proceeds onto Cottle Lane, an existing private road. There is presently a house at the end of that road on lot 4. He is proposing an extension of that lane to gain road frontage and create a five acre lot on the side. Mr. Royle passed out a summary of the surveyor's perception of the meeting he had with Code Enforcement. He said that he was told he needed a variance for the right-of-way from the ZBA for the first section but there is nothing in the zoning Regulations so he'd actually need a waiver from the Planning Board not a variance from the ZBA. Stoneham way is not maintained by the town. The house on Lot 4 has no easement deeded or otherwise to traverse Cottle Lane. He has used the road for thirty or forty years. Cottle Lane is owned by Mr. Mackillop's and in his deed. It is thirty three feet wide from stone wall to stone wall. When subdivided, each lot would end up with 150' of road frontage.

In order to subdivide the owner would have to bring the road up to town specs per regulations but this could be waived by the Planning Board. Mr. Vinagro apologized for his office making a mistake saying he needed a variance instead of a waiver for the 50' right-of-way. There was a discussion about additional subdivisions and Mr. Royle said a condition of approval could be that there would be no more subdivisions until the road is brought up to specs. This would be a give and take. The new part of the road would be brought up to town specs for a private road. Mr. Royle asked about the necessity of creating a homeowners association for the three lots which includes the home on lot 4. Mr. Dube asked about creating an association now. If the owner of lot 4 person ever wanted to sell his property the buyer would not get a bank loan. It would be beneficial for him to join an association and get a legal right-of-way. A boundary survey will be needed. And a wetland delineation done for the five acre lot.

### **Board Business**

### **Approval of Minutes**

**Mr. DesRoches made a motion, seconded by Mr. Stewart, to accept the minutes of July 11, 2019. (Vote 5-0)**

### **Correspondence**

### **Board Business**

Mr. Vinagro passed out a packet to each member containing information, minutes, agendas, back to 2016 concerning ADU's. He found a clause stating that if a municipality doesn't get the wording right it defaults to the state wording which allows detached ADU's

**Public comment**

None

The Planning Board will meet next on August 1<sup>st</sup>.

**Adjournment**

**Mr. Stewart made a motion, seconded by Mr. DesRoches, to adjourn the meeting at 7:58 (Vote 5-0)**

Respectfully Submitted for approval at the next Planning Board meeting,

Priscilla Colbath