



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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## MINUTES OF THE PLANNING BOARD MEETING

20 June 2019

Approved

Approved 7//2019

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

Also Present: Mark Laroche, Kerry Fox and Jim Miller with ClearView Community TV

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

### Seat Alternates as Necessary

Mr. Blackwood sat in for Mr. DesRoches

### Public Comment

None

### Public Hearing

**Boundary Line Adjustment Plan Application:** submitted by Kerry M. Fox for property owned by Gary & Antoinette Bodah, TM 77-16 2627 Province Lake Road, William Sparhawk Jr. & Adele Schweizer. TM 77-17. Province Lake Road, and David and Adele Schweizer, TM 77-18. 2655 Province Lake Road. The applicants are requesting an approval of a boundary line adjustment plan application to consolidate a vacant parcel Lot 77-17 into adjacent tracts to be split equally between Lot 77-16 & 77-18

Mr. Fox explained that they were taking a lot between the Bodah's and the Sparhawks and merging it equally into the abutting properties. The Bodah property will increase to 1.42 acres and the Schweizer property will to 1.75 acres. Both properties will have an increased road frontage of 79.25 ft. The application is complete.

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

Mr. Fox will set pins and denote what has been set on the new Mylar. They are making two lots more conforming. Mr. Fox asked for waivers.

**Mr. Silcocks made a motion, seconded by Mr. Blackwood to waive Section 4.06 (12), (22), (23), (24), (5.010) and (5.011) of the Site Plan Review and the Subdivision Regulations. (Vote 4-0)**

No public comment

**Mr. Silcocks made a motion, seconded by Mr. Stewart to approve the Boundary Line Adjustment consolidation for the Bodah's and the Schweizer's and the only condition is that the Mylar shows where the pins are set. (Vote 4-0)**

### **Conceptual Review**

Mark Laroche Tax Map 184-74 Wakefield Road: Landscaping Business.

Mr. Laroche said nothing has happened over the past three years. Mr. Vinagro included the meeting minutes in the Board packets from the last time he was here. Mr. Dube said this is a Conceptual review and nothing is binding between either parties. Mr. Dube said Mr. Laroche is here because they have received information from the Code Enforcement Department that what you are doing on your property isn't legal. Mr. Dube asked him if he had a Site Plan and he doesn't. He said three years ago he filled out a Site Plan Review and a Building Permit. He said he left all his paperwork with Nate Fogg and he arranged his review and Mr. Fogg asked for an engineered plan on one piece of paper not the several pieces that he had. They show the buildings and storage area for mulch, sand, loam and firewood. He had steps planned out at the time. Step #1 was a 7x7 shed which he got a permit for. Step #2 was a 24x40 carport to house equipment. Step #3 firewood storage rack. Step #4 concrete blocks to separate the materials he wants to sell. Step #5 would be a 24x40 sand and salt shed. Step #6 a two story 40x80 building containing a 4 bay garage accessed from the back of the building. He has plans from a septic company that did a survey. The six acre property is mostly wet and a wetlands scientist marked everything. He had an issue with DES and he took care of that issue with a silt fence, hay and some seed. Paul Dubois did a septic design for him.

Mr. Dube asked Mr. Laroche what kind of business he was running on the property. He had initially come in for a retail and contractors supply business which fits in the zone. Last time he was before the Board he was to get an engineer for drainage and the building. Mr. Dube asked which step he is on. Mr. Laroche replied he cleared most of the land and is presently storing all the equipment he will use there. He said right now he runs the landscape part of the business there. He has sold some firewood and loam. Mr. Stewart said it sounds like he is running the landscape business without a permit. Mr. Laroche said, not really, kind of, until he can get the money, loan, credit approval to hire the engineer. That's what stopped him. Mr. Stewart, stressing that this is conceptual, said he thinks Mr. Laroche needs to come to the Board with a Site Plan Application to ask for a permit to continue doing what he is now doing or Code Enforcement may be asking you to cease and desist soon. He suggested he come to the Board with phase one. Mr. Vinagro pointed out the very large area of wetlands and asked if he was able to meet the setbacks. Mr. Laroche said there was .59 of buildable land and he could meet setbacks. Mr. Silcocks said he questioned if there was enough land to consider the buildings and dry land area needed for runoff. Mr. Laroche said at the time it met the requirements. Mr. Laroche said because of the beavers he's probably lost 20 feet of dry land. Mr. Silcocks said the hardware store has been doing a pretty good job of keeping that open.

He said he does realize he has to spend a few thousand dollars to get an engineered plan. Mr. Dube said you're running a business out of there now without a site plan. Mr. Laroche asked, a contractors storage

permit? Mr. Dube responded, you need to come to the Board with some kind of site plan for a business that meets our zoning or you will get shut down. Mr. Laroche asked if it could be a contractor's yard and Mr. Dube said for that classification you would need a house. Mr. Vinagro said he has taken a look at the property and can't see it fitting in with anything in zoning. Mr. Laroche said then he just has to come up with a permit for the retail. Mr. Dube reiterated that he would need a site plan not a retail permit to keep operating there. Mr. Blackwood asked if he was crowding the wetlands. Mr. Laroche said it's just using the available space. The Board explained the setbacks and said an engineer's plan would show what he has for usable land. Mr. Dube asked if the property is surveyed and Mr. Laroche said there are pins there. He showed the Board where he'd like his buildings to go. He said his septic permit expired last August. Mr. Dube said, you're running a business in town, you need to come to the Board with a site plan or you're going to get shut down. Mr. Laroche said Mr. Nate Fogg told him he could build six units on his property because he has six acres. What he wants is 6 buildings of different sizes and that's his six units and Mr. Fogg said that makes sense. Mr. Stewart said one unit per buildable acre. Mr. Laroche said that changed too then. Mr. Stewart said, that didn't change. Mr. Dube said you may be able to build a home and have a contractor yard on that property.

Mr. Vinagro told him he needed a site plan application along with an engineered plan showing your design and also storm water management. Mr. Laroche said he submitted a site plan review to the town and the town dropped the ball. Mr. Dube said Mr. Laroche didn't come in with an engineered plan. The Town did not drop the ball. Mr. Stewart suggested starting with a survey. Mr. Laroche said that makes sense. Mr. Stewart told Mr. Laroche said that our town planner will be reviewing your application and he might make suggestions. Mr. Laroche said he would go with the sale of mulch, wood etc. and come back at a later date about the buildings. The minutes of the meeting three years ago state that he needs a site plan. Mr. Dube stressed that this is a conceptual review and nothing said is binding and just because you come in for one thing doesn't mean you're going to get it. It has to be a certified plan because you have wetlands and boundary lines that need to show the setbacks. What you will need is all in the zoning. Mr. Dube suggested he talk with his septic designer because he may have located things that were in a completed filed survey. Mr. Laroche asked if there was a time limit to get the plan in and was told soon.

### **Approval of Minutes**

Mr., Stewart made a motion, seconded by Mr. Silcocks, to approve the minutes of June 6, 2019. (Vote 3-0-1)

### **Public comment**

Mr. Miller questioned how a person could do whatever they wanted on their property for three years without any permits. He applauded the fact that the Board wants to work with and help people. His only issue is the previous person still does not have a deadline for his site plan. Mr. Stewart said the Board is not Code Enforcement. Code Enforcement can shut him down tomorrow or five minutes from now. We help make the zoning but we don't enforce it. He said he totally understands and will be brutally honest, the ball was dropped by Code Enforcement by not enforcing that. Not that the ball was dropped by the Board for not seeing his application through but by some level of the town for not enforcing the non permitted business on the property. Mr. Miller told the Board that ClearView had five years of meetings online they could refer to. Mr. Vinagro said the previous Code Enforcement began this and he had conversations that he was storing fertilizer and salt and that it's wetlands and made the decision to ask him to come to the Board.

The Planning Board will meet next on July 11 and July 18, 2019.

**Adjournment**

Mr. Stewart made a motion, seconded by Mr. Silcocks, to adjourn the meeting at 8:08 (Vote 4-0)

Respectfully Submitted for approval at their next Planning Board meeting,

Priscilla Colbath