



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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## MINUTES OF THE PLANNING BOARD MEETING

19 April 2018

*Approved 5/3/18*  
*Draft: 04/22/2018*

MEMBERS		ALTERNATES		OTHERS	
Doug Stewart	X			Victor Vinagro, Land Use Clerk & Code Enforcement Officer	X
Tom Dube	X	John Blackwood			
Vinton Wallace, Selectmen's Representative	X	Nancy Spencer-Smith		Mike Garrepy, Planning Consultant	
David Silcocks, Member	X			Richard Sager, Town Counsel	
Dick DesRoches, Member	X				

**Also present were:** Melanie Buell, Rose Baxter, Robert Baxter, Tom Lulsdorf, Cynthia Lulsdorf, Ann Morgan, Sheldon Holmes, Mary Holmes, John Blackwood, Nancy Spencer-Smith, Lisa Hawkins, Ellen Johnson, Bob Hallahan and Fred Clough.

A. Pledge of Allegiance & Call the meeting to order

Chairman T Dube called the meeting to order at 7:00PM following the pledge of allegiance

B. Seat Alternates as necessary

None

C. Public Comment

None

**D Stewart suggested reviewing the preliminary conceptual reviews before the site plan due to the fact that the site plan may take a while. The board agreed, and Preliminary Conceptual Reviews moved before Public Hearings on the Agenda.**

D. Preliminary Conceptual Review

- Tom Lulsdorf, 12 View Point Lane, TM 82-37 & 38, Boundary line Adjustment.

Mr. Lulsdorf is a potential buyer. Mr. Lulsdorf presented the board with pictures of the property. There is a question if there is a boundary line adjustment or easement needed as the shed from lot 37 is actually on lot 38. There is also a well in question, if the well is on his property or not. T Dube asked if both lots have equal wetlands and buildable before they would approve a line adjustment. D Stewart told Mr. Lulsdorf that when moving the line, if he wanted to keep the shed where it was, he would need at least a 10 foot setback from the property line. The Board explained the process of applying for a Boundary Line Adjustment to Mr. Lulsdorf.

Mr. Lulsdorf also asked about trees on the back corner of the property. He is looking to remove the trees, level the lot and put in a volleyball court. V Vinagro stated as long as he has a 50 foot setback from the water, there should be no problem removing trees.

Mr. Lulsdorf asked if he could get an easement rather than a boundary line adjustment. The Board said legally that could work, as long as it's not an easement for waterfront. The Board suggested a boundary line adjustment is a lot cleaner as a property owner, rather than an easement.

Mr. Lulsdorf asked how to go about putting a new well in if that's what's required. D Silcocks stated the well needs to be 75 feet from the septic. There was further discussion about the well. Mr Lulsdorf thanks the board for their time.

- Melanie Buell, 472 Bonneyman Road, TM 8-34 & 40, Kayak Rental business.

Ms. Buell presented the board with a packet of the property and pictures. 300 water frontage. She is looking to put a building up, roughly 1200 ft garage with living quarters overhead. D Stewart asked if it would be residential, she stated she is looking to rent it at the moment. The board stated it would require a home business to do any sales. If classified as outdoor recreation, she would need to obtain a conditional use permit. She is looking for two docks. The board discussed if she would be allowed two docks on one lot or not. It is dependent on the amount of water frontage on the lot. She would need a wetlands permit.

D DesRoches stated she would not be allowed retail sales in that zone. Unless it was Marine Sales. The board agreed that her business would fit into both a marina and outdoor recreation classification. T Dube spoke to Ms. Buell about conditional use permits, article 29 page 74 in zoning. He stated there are 8 criteria's she would need to meet.

Ms. Buell asked about what she would need for parking and portapotty's versus septic. If she is running a business, she would be required to have a permanent septic and bathroom, that would be handicapped accessible and public. Parking is based on the square footage of the building, and it would be under site plan regulation.

John Blackwood expressed concerns about milfoil and moving the kayaks to other lakes. Ms. Buell stated they would be rented for use of Province Lake only. So, they should be remaining on Province Lake.

The Board asked Ms. Buell to get a site plan and meet with the surveyor and then schedule another conceptual review. She thanked the board.

- Bob Hallahan, 161 River Road, TM 124-4, Minor subdivision.

Bob presented the board with paperwork regarding the lot. One parcel with frontage on River Road, a private road. There is a right of way connecting the two lots. He is looking to split the lot. There was discussion about what would happen with the right of way. Mr. Hallahan would still be the owner of the right of way. D Stewart said Mr. Hallahan would need a variance to subdivide. There was further discussion about how to split the lot with the right of way/common water access. After he gets a variance, he would need to come back to the Planning Board. T Dube suggested to hire surveyor, and then once its surveyed, the Planning Board may be able to provide Mr. Hallahan with a waiver, rather than a variance. Mr. Hallahan thanks then board.

#### E. Public Hearings

- Minor Site Plan & Conditional Use Permit Applications submitted by David Silcocks at 417 Wakefield Road, TM 233-11. The applicant is requesting approval of a minor site plan and Conditional Use permit application to operate an automotive repair and towing business with a 25 car impound yard with a sign out front.

David Silcocks stepped down from the meeting and Nancy Spencer-Smith sat for David.

David presented the Board with paperwork. He is looking to run a towing and repair shop. He is looking to put in a 25 car secured impound yard. He is looking to secure the yard by way of a gate, so that the whole site is secured. David lives on site. V Vinagro and T Dube has reviewed the application, but asked the Board if they should process separately, the conditional use permit and the minor site plan review, or to do them together. T Dube suggested to do the conditional use permit separately as there are different criteria. D Stewart asked why the Board is reviewing this as a minor site plan rather than a major site plan. He believes it should fall into major site plan review. The site is more than 4,000 square feet in expansion and a created business that effects the appearance of a village or town. D Stewart is looking for clarification. David stated it was due to being a home business. D Stewart stated that the specifications still fall under major site plans. D Stewart is asking the Board for their opinion and possibly also looking to obtain the opinion of the Town Attorney, Rick Sager and Mike Garrepy before they go forward. D Stewart suggested that they vote to continue the hearing until they find out which category the site plan falls under. T Dube said David will still need a conditional use permit either way, so the board should still address that tonight, and allow the abutters to speak.

**Motion: To accept the conditional use portion of the application**  
**Made by: Dick DesRoches**  
**Seconded by: Doug Stewart**  
**Discussion: none**  
**Vote: 4-0-1**

D DesRoches suggested a site walk before the approval of the permit.

T Dube then opened public comment

Lisa Watkins speaking for her grandmother Madeline Grey 453 Wakefield Road. Lisa's concerns are due to a spring that runs between her grandmothers property and David's barn. There is concern of contamination into the water. Also, is this going to affect her property taxes? And do you have to have a junkyard permit after 25 cars? How will this be upkept? Are there guidelines? T Dube stated he would need to abide by the state's guidelines. Ms. Watkins asked if he would have to be bonded to protect his abutters? T Dube said he did not believe so, no. Ms. Watkins asked if there's an ordinance for a junkyard. D Stewart stated the state will not allow more than two unregistered vehicles on the property. T Dube suggested she call the code enforcement office if she needs further information on the ordinance.

Ann Morgan spoke with concerns about the criteria's for the conditional use permit. First, the allowed use must conform to the home enterprise regulations, as far as she is concerned, it does not conform. Second, the master plan, repeatedly states that the aim is that it must keep the rural and forested nature of the town, which this does not. Third, it states must be in an appropriate location, this proposal does not fit the site, the property is zoned as residential and agricultural. She went on to state that an auto repair shop is allowed with a conditional permit and a footnote and requires the business to conform to the requirements of a home enterprise. One of those requirements is that is that it will not change the character of the premises or the surrounding neighborhood. Once David obtained the property, before he applied for permits, he spent months transforming the property to an eyesore that does not fit the neighborhood, it seems as though it is commercial and belongs out on route 16. Criteria number five, her concerns are truck traffic is already high before the approval of the site, never mind if it does get approved. Criteria number seven, public safety, her concerns were similar to Ms. Watkins, with the soil and water pollution.

Sheldon Holmes, of 450 Wakefield Road spoke of his concerns. Water quality was one and noise was another, impact wrenches, truck traffic at night, etc. His concern was that it is residential, not a proper use of that land in that neighborhood.

John Blackwood spoke with concerns about the rock wall, stated it was not safe as it is too straight.

T Dube then closed the public comment

D DesRoches requests a site walk before voting on the conditional use criteria's. D Stewart agreed.

**Motion: To table the discussion and voting on conditional use permit requirements until after a site walk is done. Site walk to be done May 17, 2018 at 6:30PM before the regularly scheduled meeting.**

**Made by: Dick DesRoches**

**Seconded by: Doug Stewart**

**Discussion: V Wallace asked why a walk is being done and a permit is being applied for, as it seems like his business is already open. He is looking for clarification. T Dube suggested speaking with the code enforcement office. D Stewart stated that as a land owner, D Silcocks can excavate, but the towing business that is in question as to if the business is operating currently would be something to speak with code enforcement about.**

**Vote: 5-0-0**

Minor site plan application acceptance.

**Motion: To reach out to town planning consultant, Mike Garrepy to review The application in order to determine the site plan as major or minor.**

**Made by: Doug Stewart**

**Seconded by: Dick DesRoches**

**Discussion: None**

**Vote: 5-0-0**

D Silcocks requested the matter be continued until May 17<sup>th</sup>, 2018.

**Motion: to have town planning consultant, Mike Garrepy review the application in full**

**Made by: Doug Stewart**

**Seconded by: Dick DesRoches**

**Discussion: None**

**Vote: 5-0-0**

T Dube informed the public that they are allowed to go to the site walk scheduled for May 17, 2018 at 6:30PM, but stated the site walk is to view, and discussion will be held back at the meeting room.

D Silcocks re-sat in on the planning board in exchange with N Spencer-Smith.

F. Board Business:

- Sign approved subdivision, Anna & David Flint, Fellows road, TM 197-44

Mr. Flint went to the ZBA for a variance due to the lots not being large enough to subdivide. The Board approved the subdivision once the variance was provided. The Board reviewed previous minutes regarding the matter in order to check if the conditions have been met. There was further discussion regarding the plans. T Dube confirmed that the conditions have not been noted on the plans, so due to that, the Board will not sign them. Norway Plains needs to either note on the mylar or a send certification that the monuments have been set before the Board will sign.

#### G. Approval of previous meeting minutes

April 5, 2018

**Motion: To approve the minutes of April 5, 2018**

**Made by: David Silcocks**

**Seconded by: Dick DesRoches**

**Discussion: None**

**Vote: 5-0-0**

#### H. Correspondence

None

#### I. Public Comment

T Dube brought up the fact that the Town does not have a Code Enforcement Officer or a land use clerk. The Town also lost the Building Inspector. In the past, the Town has always had a member of the Planning Board sit in on interviews. T Dube is willing to sit in on interviews, but is looking for the Boards input. D DesRoches stated that T Dube should sit in, but he is also interested in sitting in, and asked if two members are able to sit. The board would need to ask the selectmen if they could have two members sit in on interviews.

**Motion: for the planning board to reach out to the selectmen to request two members be a part of the interview process.**

**Made by: Doug Stewart**

**Seconded by: David Silcocks**

**Discussion: V Wallace suggested putting the matter on the agenda for the next selectman's meeting**

**Vote: 5-0-0**

#### J. Set Next Meeting Date

May 3, 2018

K. Adjournment

**Motion: to Adjourn**  
**Made by: Vin Wallace**  
**Seconded by: David Silcocks**  
**Discussion: None**  
**Vote: 5-0-0**

The meeting adjourned at 8:38PM

Respectfully Submitted, **Jeanne Paul**