



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

September 3, 2020

Approved

Zoom Meeting #9

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

Others present: Gerald Nason, Kimberly Nason, John Kenney, Steve Oles, Chip Fredette, Eric Campbell, Relf Fogg and Jim Miller and Ted Taylor from Clearview Community TV.

Pledge of Allegiance & Call the meeting to order

Chairman Dube called the meeting to order at 7:03.

Seat Alternates as necessary

Full Board present

Public Comment

None

Public Hearings

Minor Subdivision Plan Application: submitted by Norway Plains Associates, Inc. for property owned by Canal Farm, LLC located at 1324 Canal Road, Tax Map 155-7. The Applicant is seeking an approval for a Minor Subdivision Plan Application in order to subdivide 10.49 acres into 2 individual lots.

Steve Oles from Norway Plains said that a three-lot subdivision was approved in 2017 and now they would like to subdivide one of the lots into a 3.37 acre lot and a 7.12 acre lot. They meet all the road frontage and other Town requirements. Mr. Vinagro said the application is complete, all fees have been paid, the notice has run and abutters have been notified.

Mr. Silcocks made a motion, seconded by Mr. Edwards, to accept the application. Roll call (Vote 5-0)

There was a discussion about a cemetery on that land and whether there is access to that

cemetery. Mr. DesRoches said he believes the RSA says any family member must be given access. Mr. DesRoches also asked if there was anything that prohibited them from subdividing and Mr. Oles said there were no stipulations on the plan. Mr. Dube opened the Public Hearing at 7:13. Mr. Dube asked if the wetlands for the two-acre minimum was taken out and Mr. Oles said it was leaving 3.37 acres. There is 1.3 acres of wetland. Mr. Dube asked if they checked with the Town about a driveway access to the second lot. Mr. Oles said he would have to check on that. Mr. Dube closed the Public Hearing at 7:19.

Mr. Silcocks made a motion, seconded by Mr. Stewart, to conditionally approve the project with the following conditions: Obtain a Town driveway permit for lot 7-1, get the State Subdivision Approval, All bounds and pins set and recorded on the plan. Roll call (Vote 5-0)

Conceptual Review

Kimberly Nason for property owned by Gerald & Kimberly Nason @ 19 North Old Farm road, TM 55-4, discussion for a Conditional use permit for Commercial agriculture in Residential III Zone.

Mr. Vinagro said he had received a citizens complaint against the Nasons so he contacted them and explained to them that pig farming is allowed in R3 with a Conditional Use Permit and there was nothing in the files showing that they had pulled one and he told them they would have to come and get a Conditional Use Permit. They are here tonight because they have some questions. Mr. Nason said he thought they were in an agricultural zone. They have had the pigs since March and he has raises pigs practically every year. He said there are horse farms near him and he thought he would have been grandfathered like the horse farms. Mrs. Nason said this year she sold pigs and didn't know she had to have anything to in order to sell them. She has applied for a permit to sell pigs. The State is working with her. She said the neighbors complained about the smell but that was after four days of rain and high humidity. She had a load of sawdust delivered to cut down on the smell and she also has woodchips coming for the smell.

They have installed an electric fence so the pigs have a larger area. Mr. Nason said they did smell for a week or two but unless you're right there they don't smell. They now have twenty-two pigs and they will all be going to the butcher by December 13th. Mrs. Nason said they have never had 150 pigs on the property as the letter stated. She said in the future the most she would have is fifty at a time. She said she probably sold a total of eighty. They don't know if they will continue to sell or raise pigs. Mr. Vinagro said once you sell it puts you into Commercial Agricultural. Mrs. Nason said they raised the pigs for food for their family and this year because of Covid-19 she sold pigs as she had no work because school buses weren't running for six months. As it is, it's cost her more money than she's made. Mr. Dube said this is a Conceptual Review and anything that is said tonight is not binding on either party, He said if they intend to have pigs next year to come in and get a Conditional Use Permit. Mr. Dube said that he believed that the Board would most likely approve the Conditional Use Permit depending on what evidence the abutters had to offer. Mr. Stewart said if you decide to do this next year you have to come before us, you'd have to get a Conditional Use, the abutters would be notified and they may come to a hearing. If they choose to raise pigs for their personal consumption that is permitted in R3 and they wouldn't require a permit. Mrs. Nason said she is waiting for her

agricultural license from the State. Mr. Silcocks said the complaint is smell and asked if they were using a large part of their property. She said they are in a small area. Mr. Nason said they smelled for a week but not now. Mr. Vinagro said it would cost about \$300 for the application fee. Mr. Dube said hopefully Mr. Vinagro doesn't get a call that they are smelling again. Mrs. Nason said she checked with the other neighbors and they said they didn't smell anything. Mr. Vinagro said since the state got involved and the Nasons spread the pigs out and added sawdust there hasn't been any more complaints. The Board will leave this as is for the remainder of the year unless Mr. Vinagro receives another complaint and then will try to work it out between neighbors or order them to remove the pigs from the property. The property is 13.6 acres.

John Kenney for Tax Map 34-99, Province Lake Road. Telecommunication Tower

Mr. Kenney said in 2009 there was an approved for a 120 ft. cell tower. He would like to build it the same way it was approved in 2009. He's not making any changes so he's asking for the Board to reapprove. Mr. Dube said this is like a Conceptual Review and anything said here tonight is not binding on either party. Mr. Dube said, for the record, he owns this lot and did own it when it got approved. Kathy Menici was the Town Planner when this got approved and he said she disliked Industrial Power and Wireless. The company jumped through hoops to get this approved. There was a balloon test, the abutters were at the Public Hearing and all were in favor of the tower except one family. This area needs a tower badly. Mr. Vinagro said there would have to be a Public Hearing as the approval expired in six months of approval.

The property is located on the right just past Woodman's Store. The lots to the left have been subdivided. There are no houses in the fall zone. The fall zone is all on this lot. Mr. Vinagro said that the ZBA was involved so that they could exceed the 90 ft. limit and make the tower 120 ft. high but hasn't been able to find anything yet. Mr. Campbell said in his notes he found that the Planning Board had issued the 30 ft. extension on October 20th of that year. Mr. Dube is sure that the ZBA wasn't needed. Mr. Dube asked if they have a plan for the old application. Mr. Kenney said it was approved by the Town so why wouldn't the Town approve it again? He has heard from many people who want him to put a tower in the East Wakefield area. It is needed. Mr. DesRoches said the Zoning Ordinance has pages of requirements for a tower. At this point it's eleven years later and he believes Mr. Kenney would have to go through the whole procedure again. He doesn't feel that they can just approve the old application. There are questions in 2020 that the public has a right to get answers to. Wireless communication is more important now than eleven years ago but we must be fair to everyone. Mr. Vinagro agrees.

Mr. Kenney was wondering if he could update the old application as a lot will stay the same. He has no problem going through the process. He hopes he doesn't have to go through what the last company went through. He doesn't believe a balloon test is necessary again as the trees have grown higher in the last eleven years. Mr. Dube suggested that he submit an application. The plan can stay the same except it has to be in Mr. Kenney's name. There will be a Public Hearing and the abutters will have their say. Mr. Kenney will notify the abutters to invite them to the property to explain what the tower will look like prior to the public hearing.

Board Business

Czepyha Subdivision: sign mylar & copies

Mr. Vinagro has the notice of decision for the subdivision on Route 109. All conditions have been met. The Board will sign the mylar and four or five other copies and then Milton will sign and Mr. Barry will record it for both Towns. The Board will sign them at the end of the meeting.

LaRoche: bond and Stormwater manual

The missing pages from the Manual have been received. Mr. LaRoche has not yet paid the bond. Mr. Edwards wanted to know if Mr. LaRoche had any problems with the amount changes. Mr. Vinagro doesn't know. That wasn't discussed between him and Mr. Lawler. Mr. LaRoche will submit the inspection to the Town every two years. The Board gave Mr. Vinagro the authority to tell Mr. LaRoche it's all set and will look forward to him posting the bond before any work is started.

C.I.P

Mr. Stewart said he had reached out to both Mr. Knight and Mr. Miller. They may reluctantly be willing to help out for another year. He said a subcommittee of the CIP would like to meet with the Town department heads during the day so they don't have to come in after hours. Both Mr. Knight and Mr. Miller would help one more year but would like to hand it over for next year. We need to find someone available during the day to work with Mr. Knight and Mr. Miller. Mr. Silcocks asked what is the time involvement. Mrs. Colbath said we try to meet with more than one department head at a time and we probably met five or six days. She does the secretarial work at no charge and Mr. Miller does the spread sheet. She feels that all three will be willing to do it this year only if someone is willing to take over. Mr. Vinagro may know some people. Mr. Stewart will manage the committee for the Planning Board. The Board members will make some of the meetings so when it's put before them the document will be easier to understand when they have the Public Hearing.

Approval of Minutes

Mr. Edwards made a motion, seconded by Mr. Silcocks, to approve the minutes of August 20, 2020. Roll call (Vote 5-0)

Set next meeting date

September 17th, 2020

Mr. Vinagro said there are no Public Hearings or Conceptual Reviews scheduled for the next meeting and asked the Board if they wanted to discuss some of the changes to and housekeeping of the Zoning Ordinances. They agreed.

Adjournment

Mr. Silcocks made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:12. Roll call vote (5-0)

Respectfully submitted for approval at the next Planning Board meeting,
Priscilla Colbath
Planning Board Secretary

