



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

February 18, 2021

Approved

Zoom Meeting #20

MEMBERS		ALTERNATES		OTHERS	
Tom Dube, Chair	X	John Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer	X
Dick DesRoches, Vice Chair	X				
Ken Fifield Selectmen's Representative	X				
David Silcocks, Member				Richard Sager, Town Counsel	
Doug Stewart	X				

Others present: Kerry Fox, Vicki Fadden, Harold Whitaker, Michael DiGrogenio, Brian Berlind, Derick Thibodeau, Charlie Edwards, Clay Mitchell, David Guttadauro, Daniel and Pattie Chouinard, Jim Miller and Max Gehring from Clearview Community TV

Pledge of Allegiance & Call the meeting to order

Chairman Dube opened the meeting at 7:00

Seat Alternates as necessary

None present

Public Comment

None

Public Hearings

Boundary Line Adjustment Application: submitted by Kerry Fox for property owned by Rowan Family Trust, Donald & Deborah Rowan Trustees at 196 Jamie Drive, Tax Map 104-10 and property owned by Raymond M. & Edith H. Rowan at 156 Jamie Drive, Tax Map 104-11. The applicant is seeking approval of a Boundary Line Adjustment application. The applicant is asking for 3 waivers from Wakefield Site Plan Review and Subdivision Regulations: Sections 4.06 (12), 5.010, & 5.011.

The applicants want to create a little larger buffer in case the mother passes and the home is sold. 1.03 acres will be added to the son's lot from the mother's lot. The zone is R1 and requires 3 acres of buildable land and 150 feet of frontage and they both are conforming lots. They are asking the Board not to have to supply topography, surface drainage and erosion and sediment

control paperwork to the Board. There is no problem with wetlands. There is more than three acres of high and dry land on each lot.

Mr. DesRoches made a motion, seconded by Mr. Fifield, to accept the application. Roll call: DesRoches aye, Stewart aye, Fifield aye and Dube aye (Vote 4-0)

Mr. Dube opened the Public Hearing at 7:17. Mr. Dube closed the Public Hearing at 7:18.

Mr. Fifield made a motion, seconded by Mr. DesRoches, to approve lot 410 and 411 with the following waiver requests for sections 4.06 (12), 5.010, & 5.011. Roll call: DesRoches aye, Stewart aye, Fifield aye and Dube aye (Vote 4-0)

Conceptual Review

Michael Redding, N.E. Solar Gardens. TM 100-4, Wht. Mtn. Hgwy, owned by Harrold Whitaker.

Mr. Dube told Mr. Redding that this is a Conceptual Review and anything said here tonight is not binding on either party. Mr. Redding said he met with the Board in July. He said this is a two megawatt project. He spoke to the board about drainage, wetlands and that the view from Route 16 would be mitigated. Mr. DesRoches expressed that this project might now be allowed because he felt the ordinance was more geared to a small array. Mr. Vinagro sent a message to Mr. Redding saying that the attorney did make a recommendation that there wasn't anything in the ordinance that would forbid them with going forward with their project. It would just need a Conditional Use Permit through the Planning Board.

Mr. Edwards asked how the town would benefit from this Solar Farm. He has a concern that the electricity would not be used in Wakefield so the town won't benefit at all. He called it an eyesore. Mr. Dube said it won't be seen from the highway and the power goes to the grid. Mr. Dube said he's not sure how it will be taxed but it will be taxed. Mr. Redding said it's not a permanent structure so we come up with a fair assessed value per megawatt size and we pay that rate. We will pay the assessed penalty to take the land out of Current Use. The electricity will stay in New Hampshire and also could benefit Wakefield in the future. Mr. Edwards doesn't feel that is enough.

Michael DiGrogenio said he owns a solar conserve. His company deals directly with the land owner. He said the power will be used locally. This power will not be shipped out of state. He said people in the community will benefit. Large businesses can take the power off directly from the array. Mr. Stewart said we will handle this with a Conditional Use Permit when the time comes. Mr. DesRoches wanted to note that his experience with solar costs is typically higher not lower. He also feels they can't turn anything down just because there's not a benefit to the town. Mr. Mitchell said that we have antiquated state laws and we can't ship power at a lower rate. The laws don't allowed us to create a bilateral contract with a specific user. This array will go into the power of New Hampshire Co-Op. The Board and the solar people had a conversation as to whether the cost for Wakefield people on New Hampshire Co-Op would be cheaper. This property is located in the agricultural zone.

Mr. Dube said you have moved them quite a way back from the road and it will be difficult to see them. When you come back for a Public Hearing on Conditional Use that will be the biggest

thing along abutters also will not want to see it. They are spaced out and sloping so drainage shouldn't be a problem. Mr. Redding said they will be using storm water retention basins to manage the stormwater.

Derrick Thibodeau, Province Line Associates, TM 9-113, 4860 Province Lake Rd. Camp Ground expansion.

Mr. Dube told Mr. Thibodeau that this is a Conceptual Review and anything said here tonight is not binding on either party. He is looking for an expansion of 20 more campsites for a campground that has existed since the early 1900's. They have 260 acres and are presently using about 4 acres and would like to use four more acres. They want to expand and loop their road back on to route 153. He's been in touch with several people from the state. He talked to Taylor Walter, from the Bureau of Land Resources Management and he talked to her about wetlands and he said we don't have any wetlands. He said we are meeting all state regulations. We will have to apply for a sub division permit. They have one well and all outhouses that are grandfathered. They may have to put in a concrete pit for each campsite but they can still have outhouses. He knows he has to comply with all town zoning. The campground has access to Province Lake. They own the major portion of the access to the beaches. Mr. Dube said he doesn't know how that works in our zoning. If it's a subdivision every camp has to have 75 feet of frontage on the lake. Mr. Thibodeau said these will not be houses they are seasonal cabins. Mr. Dube said he has to follow the regulations and guidelines for a campground. The campground hasn't had an expansion for over sixty years. Mr. Stewart said we have to look carefully at our zoning to see how any water access would work. They don't allow any campers, RV's or tents. People lease the lot and build a cabin. The town taxes the lot and they also tax the cabin. The cabins would be a maximum of 400 sq. ft. This will have to be researched. Mr. Dube thinks the state will call it a subdivision. We have to look at our own regulations and ordinances to determine the water access portion. Mr. Thibodeau and Mr. Vinagro went over the ordinance and Mr. Thibodeau contacted the state including DES. This is preliminary and where we are now. He does know he has to meet article 13. Mr. DesRoches said the reason there is frontage ordinances is to protect lake quality and he doesn't see any difference between a camping cabin and any other cabin. Mr. Thibodeau asked if he had to pin that down with somebody whether we need to go with 150 feet. He asked about other campgrounds where they have 100 feet of water frontage and they use that for the entire campground. Mr. Dube doesn't believe what he's asking for is a regular subdivision but the ordinance will tell him. He suggested using a surveyor to read and interrupt the ordinances and make sure you have all the state requirements met. Mr. Fifield said all the campgrounds in town have limited access to beach areas. Mr. Vinagro said we need to determine if this is a regular subdivision or a hybrid. Mr. Edwards is not concerned about the beach area as much as the sewage disposal. He said that lake is in trouble and without being a scientist he'd say 70% of the trouble is due to the out houses and not having the proper sewage. Mr. Thibodeau said none of the sewage has ever made it to the lake. He said the state rule says if there is no pressurized water going into a camp then there is no pressurized water going out of it. The outhouses have a design and are permitted by the state. He has also reached out to the lake association.

David Guttadauro, Tumbledown Cafe, TM 179-132, 11 Meadow St. Tent

This year he put up a tent because of Covid. He met with the fire department and received a permit from Mr. Vinagro. What he'd like to do is put up a permanent seasonal tent. He'd like to

before he spends the money for heaters etc, get it permitted from April 1st to November 1st so that he can have it every season. The tent is 30x60. He has eighty parking spaces and the tent covers ten of them. There is no requirement for the number of spaces you need to have. He is not looking to change the present capacity. They are licensed for 156 people and that will stay the same. The fire department is fine with it. He brought picture of where the tent will go. Mr. Vinagro said he has met all the criteria, handicapped parking etc.

Mr. Vinagro read the following:

B. MINOR SITE PLANS

A minor site plan includes any other activities set forth in these regulations, except those activities that are a major site plan or that are exempt or that are found to be an insignificant change of use. A minor site plan also includes any remodeling of an existing nonresidential or multifamily use that removes or constructs a kitchen or bathroom or creates space for a new business.

C. EXEMPT SITE PLANS A site plan is not required for the following:

1. Additions of less than one-hundred (100) square feet to buildings.
2. Expansion of less than four-hundred (400) square feet of parking areas, driveways or loading/unloading areas.
3. The surfacing of less than four-hundred (400) square feet of an existing unsurfaced parking area, driveway or loading/unloading area.
4. Farming and agricultural uses.
5. Expansion of upper stories of a building if such expansion does not involve exterior construction, an expansion, intensification or change of use of the building.
6. Expansion or intensification of use that only involve the method of conducting an existing, lawful business activity, unless such expansion or intensification is contrary to a previously granted site plan review stipulation. Examples of such exempt expansion or intensification of use include changes in business hours or minor changes in the type of goods or services sold on the premises that do not adversely affect the neighborhood, village or town.
7. Insignificant Change of Use as defined in section (F) herein.

Mr. DesRoches said he feels that number 6. applies. There were no restrictions on the original approval. Mr. Guttadauro will be issued a permit with no site plan required.

Bryan Berlind, questions on a property in Wakefield.

Mr. Berlind said he is here with Daniel and Pattie Chouinard. They have bought the Nard property on Sandy Pond. He said it's a unique property. It is close to the lake (within 30 ft.) and has a septic system that has never been used. He has been working on this property since 1992 and it's still not done. The original house footprint is on the sketch he handed out to the Board. They would like to put a newer modern home further from the pond. It has a new well, and septic and an old home. The septic has an operational approval. Mr. Berlind thinks this might have to go to the ZBA and Mr. Vinagro suggested meeting with the Planning Board first. Mr. Berlind said the state will approve this because the building is being set back. The house would be about 30% larger. It would be 40x20 or 912 sq. ft. Right now, it's 720 sq. ft. Mr. Stewart said you are making this lot more conforming and you can't meet the setbacks because you are making the building larger you would need a variance to add the additional square footage. Not speaking for the ZBA, Mr. Stewart doesn't see a problem getting a variance. The septic is designed for two bedrooms and will be in compliance today. Mrs. DesRoches said dripline trenches and

stormwater control on the site will be required so that's another improvement that will be made. Mr. Dube also feels that Mr. Berlind should go for a variance.

Board Business

Approval of previous meeting minutes (January 21st and February 4th.)

Mr. Fifield made a motion, seconded by Mr. DesRoches, to approve the minutes of January 21st. Roll call: Stewart aye, Dube aye, DesRoches aye, Fifield aye (4-0)

The February 4th minutes were tabled.

Correspondence

None

Public comment

Mr. Miller told the Board that the mix-up on zoom numbers was his fault and apologized. Mr. Dube said it wasn't a problem

Set next meeting date.

March 4, 2021

Adjournment

Mr. Fifield made a motion, seconded by Mr. Stewart, to adjourn the meeting at 8:53. Roll call: Stewart aye, Dube aye, DesRoches aye, Fifield aye (4-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary