



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

July 15, 2021

Approved

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

Others present: John and Noreen Chapman, Gail Schule, John and Cindy Pfeiffer, Don Clifford, Phillip Jualenti, Richard Atwater, David Doyle, Louis Sciortino, Maryann Anderson, Rick Anderson, Relf Fogg, Patty Philbrook, Alex Charloff, Jill Mailhoit, Jim Tisbert, Jeanne Engel, Dorothy Mahoney, Thomas Mahoney, Steve Oles, James Rines, Elizabeth Conner, Tim Henderson Donna Faucet, Jason Irving and Jim Miller from Clearview Community TV

Pledge of Allegiance & Call the meeting to order

Chairman Dube opened the meeting at 7:00 and led those present in the flag salute.

Seat Alternates as necessary

None

Public Comment

None

Public Hearings

Minor Subdivision Plan: Submitted by Steven M. Oles, LLS, Norway Plains Assoc. Inc. on behalf of Alex Chaloff for property owned by Jason Irving on Lord Road & Camp Road Tax Map 58-50. The applicant is seeking approval of Minor Subdivision Plan Application to subdivide parcel TM 58-50 into 2 lots 26.9 acres and 90 acres. The intent is to construct a residential home on the 26.9 parcel which is located between Lord Road and Camp Road with water frontage on Pine River Pond. There is no intent at this point for the 90 acres parcel. The applicants are seeking a request to waive section 4.06 of the submittal Requirements for Minor Subdivision items 9.11 & 12.

Mr. Oles told the Board they have already done test pits and topography. Mrs. DesRoches said the letter they received said both parcels will have access to Pine River Pond. He asked where the 90 acre piece will access the lake. Mr. Oles said the 90 acre parcel will not have lake access. Mr. Dube asked if the application is complete and have all fees have been paid. Mr. Vinagro responded that they have.

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

Mr. Dube explained the Public Hearing process to the public. Mr. Stewart asked Mr. Oles if he had depicted on the Plan how much water frontage is included in the 26.9 acre parcel? Mr. Oles responded there is over three hundred feet of water frontage. Mr. Stewart would like to see an exact amount stated on the Plan using the Town's calculation. He feels this number should be accurate so that the owner will be taxed on the appropriate amount of frontage. Mr. Oles said he would put that on the Plan. Mr. Stewart said his interpretation of the deed reads that the land that Lord Road and Camp road sit on were not purchased by Mr. Irving. Mr. Oles said that is not correct. He has done a title search as far back as 1918. The Plan he is presenting is the correct boundary. Mr. Stewart said the deed doesn't read that way. Mr. Oles said that will be corrected when the deed is transferred. He said all abutters deeds say they have the right to pass and repass none of them own the road. He was adamant that Mr. Irving owns the road and is willing to put his license on the line.

Mr. Dube feels that Mr. Irving owns the roads as Mr. Dube has had experience with developers not deeding roads. Mr. Oles said he has put metes and bounds and monuments on both roads. He told the Board that he was back and forth with the assessing office and the attorney for three weeks trying to understand all this. Mr. Oles said he will create a deed for the 50 foot section of road that Mr. Irving's other northern lot abuts.

Mr. Dube opened the Public Hearing at 7:27.

Patty Philbrook, President of the Pine River Pond lake Association, said she wanted to go on record to say they do support this subdivision. She does share the confusion over the ownership of Lord Road. She said they have a severe stormwater management problem at the corner of Lord and Camp Roads. It's important to know who will own the road. Mr. Dube said there will probably be a recommendation on the plan but the Planning Board has no jurisdiction over who owns or buys it. Mrs. Philbrook said the water collects on the road and drains off into the water.

Cindy Pfeiffer who leads the weed watch on PRP asked why there were waivers being considered by the planning board. Mr. Dube said it's very common for the board to waive these items on a minor subdivision on large parcels as they only have to show five acres of buildable land. She said that the concern of many is that there will be multiple minor subdivisions. Mr. Dube said anything bigger than three lots automatically become a major subdivision. Elizabeth Conner asked if both parcels can be subdivided. Mr. Dube said they could.

Tim Henderson, President of Pine River Association subdivision said he is concerned about protecting the lake from bacteria. He asked if he would have to pay dues to another association in order to pass and repass. Donna Faucet said there was legislation that has passed that states if you use a right of way, you must pay dues to help keep it passable. Mr. Dube closed the Public Hearing at 7:51.

Mr. DesRoches suggested a condition naming the owner of the road with some kind of proof. Mr. Dube said we could put a condition, subject to our attorney reading the deed but an attorney and the surveyor both say Mr. Irving owns the road. He also strongly believes that he does. The road goes through the piece of land that Mr. Irving owns so he owns the road that goes through that lot. Mr. DesRoches said he would be satisfied if the Board puts a condition on the Plan that the new deed clearly states the ownership of the road. Mr. Dube said it would be a separate deed showing ownership of the road. There was a discussion about defining the area where everyone has the right to pass and repass. For the record: Mr. Stewart stated that if there were another subdivision on the 26.9 acre parcel, he would want to see the exact amount of shoreland frontage stated.

Mr. Stewart suggested recommending an inexpensive solution be researched for the area of the road where the runoff occurs perhaps getting someone like AWWA and our Code Enforcement Officer involved.

Mr. Dube reopened the Public Hearing at 8:17.

David Doyle asked who is responsible for paying for the drainage problem, Pine Rover Pond Association, Lord Road Association, the owner of the road or the people who have a right to pass?

Mr. Dube closed the Public Hearing at 8:18.

Mr. Dube doesn't feel this needs to be bonded. It should state as a condition that the old of new owner of the property has to come up with a solution with our Code Enforcement Department with a Best Management Practice with perhaps help from AWWA for a design through a partnership and make it work. Mr. Dube said we will help facilitate this. We are all committed to protecting our lake properties. The Board had a discussion on how to proceed with a time frame. They decided that a report to the Board from Mr. Vinagro within a year. What's been done. What's the plan? Mr. Oles said that the owner is willing to offer a 50x50 ft easement on both sides of the road in the area of concern for maintenance purposes.

Condition 1: Mr. DesRoches made the motion, seconded by Mr. Silcocks for the owner to work together with the associations and the Code Enforcement Department with the drainage and also add a 50x50 ft easement to both sides for the drainage of the road and the Code Enforcement Department will report to the Board within a year. (Vote 5-0)

Condition 2: Mr. DesRoches made the motion, seconded by Mr. Stewart, that a separate deed for Lord Road be filed and a copy be provided to the Land Use Office clearly stating the ownership of the road as a separate parcel. (Vote 5-0)

Condition 3: Mr. Silcocks made the motion, seconded by Mr. Fifield, that a note be on the plan that all metes and bounds are set. (Vote 5-0)

Waivers: Mr. Fifield made the motion, seconded by Mr. Stewart, that we waive Section 4.06, items 9, 11 and 12 . (Vote 5-0)

Mr. Fifield made the motion, seconded by Mr. DesRoches, that we approve the subdivision for Tax Map 58 Lot 50 with the three stated conditions and waivers. (Vote 5-0)

Boundary Line Adjustment Plan Application: submitted by Eric A. Roseen, White Mountain survey & Engineering for property owned by Dwight D. & Lori M. Henderson at 133 Doc Morrison Road, Tax Map 143-20 and property owned by Monnat Revocable Living Trust, Mary Lou Monnat & Deborah J. Monnant, Trustees. The applicants are seeking approval of a Boundary Line Adjustment application. The applicants are requesting a waiver from locating all driveways within 200 feet of the properties and all buildings within 50 feet of the property boundaries.

Mr. Rines said the proposal is to take 930 sq. ft. from the Monnat property and add it to the Henderson property. The reason the Henderson's want to purchase this area is that their lot is small and when guests come, they park in that area and wanted to actually own it. This will make the Henderson property more conforming and will not affect the Monnet property. This does not affect the right to pass. There is no platted right of way, just a right to pass and repass no matter whose property they cross. Mr. Dube asked Mr. Vinagro if the application was complete and all fees have been paid. Mr. Vinagro replied in the affirmative.

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

Mr. Dube opened the Public Hearing at 8:44.

John Chapman asked what will happen when the land becomes Mr. Henderson's and he cuts the trees and asphalt is laid? He said it will drain right on to his property. Mr. Silcocks told Mr. Chapman that this is in the R2 zone which will require a Shoreland permit to make any changes and no storm water can drain from Mr. Henderson's property on to his or the lake or road.

Mr. Dube closed the Public Hearing at 8:50.

A condition of approval will be that the pin is set written on the mylar.

Waiver: Mr. Silcocks made the motion, seconded by Mr. DesRoches, to waive Section 4.04 items 15 and 16 . (Vote 5-0)

Mr. Silcocks rescinded his motion and Mr. DesRoches rescinded his second.

Waiver: Mr. Silcocks made the motion, seconded by Mr. DesRoches, to waive Section 4.06, items 13 and 14 . (Vote 5-0)

Mr. Fifield made the motion, seconded by Mr. Stewart, to approve the Boundary Line Adjustment for the Henderson/Monnat property at 132 and 133 Doc Morrison Road, Tax Map 143 Lot 20 and 30 and that a note be on the plan that all pins are set. (Vote 5-0)

Approval of previous meeting minutes of July 1, 2021.

Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the minutes of July 1st. (Vote 4-0-1)

Correspondence

None

Set next meeting date

August 5, 2021

Adjournment

Mr. Silcocks made a motion, seconded by Mr. Stewart, to adjourn the meeting at 9:02. (5-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary