



TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

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MINUTES OF THE PLANNING BOARD MEETING 17 May 2018

Approved: 6/21/2018

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

Site Walk Scheduled for May 17th 6:30 at 417 Wakefield Road

While on site of 417 Wakefield Road, T Dube opened a public hearing for the home occupation towing business. David Silcocks showed the members where the garage and impound lot would be. D Stewart asked where the lines of the fences would be, and D DesRoches asked the size of the garage, it will be 24x30. T Dube asked about culverts, D Silcocks stated there are several. Members looked at the site from multiple abutters driveways to get the view from their property. The first was 414 Wakefield Road, the second was 386 Wakefield Road and the final was 428 Wakefield Road. T Dube asked about the right of way on D Silcocks property line. D Silcocks stated 25 feet, and then he was inaudible. The abutters and board members completed the site walk and met back at the town hall for further discussion.

Also present were: Rose Baxter, Robert Baxter, Donna Faucette, Sheldon Holmes, Ann Morgan, Brock Griffin, Lisa Hawkins, Brian Carrwell, Jerry Crocco, Philip Colosi, David Silcocks and Jamie Silcocks.

A. Pledge of Allegiance & Call the meeting to order

T Dube called the meeting to order after the pledge of allegiance.

B. Seat Alternates as necessary

J Blackwood sat for D Silcocks

C. Public Hearings

Planning Board Minutes

25 January 2018

1 of 10

- Continuation of Minor Site Plan & Conditional Use Permit Applications

- *Site Walk Scheduled for May 17th 6:30 at 417 Wakefield Road*

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

David Silcocks and Jamie Silcocks approached the board for the above matter. The Town consultant reviewed the site plan, in which D Silcocks received the review and addressed the concerns that were expressed.

#2 was no more than 6 outside of the home, non-resident employees, shall be employed. D Silcocks stated there would only be one employee that is a non-resident, so there's no issue.

#3 was to keep the business, storage etc. screened from the abutters and roadways. D Silcocks stated he was going to change the rock wall so that nothing can be seen from Wakefield Road.

#4 impact of abutters with the outdoor equipment, operations and the use of tools shall be considered. D Silcocks stated once the garage is built, everything will be done indoors. Garage will be facing away from Wakefield Road, away from the abutters. Business hours will be 8 to 5, 5 days a week. Towing will be 24/7.

T Dube asked if D Silcocks can prove the less than 25% use of land for his business. D Silcocks stated yes, he is only asking for use of 5,000 sq. feet. He owns 6.5 acres.

#7 Compliance of NH Department of environmental services, best management practices as possible. D Silcocks will be using the pitstop manual. He also stated that the storage area will be for any vehicles that does not have any leaking fluids. D Stewart questioned how that is considered reasonable. D Silcocks stated he will bring the vehicle into the garage in case there is any leaking fluids. D Stewart questioned if every vehicle will be put into the garage. D Silcocks stated they should, as that's how he processes the vehicles. Afterwards, the vehicle will go into the impound yard. D Silcocks added that part of the impound yard will have an impervious surface.

The next issue was (no number listed): Activity must be secondary to primary use of residence. The farm is the primary use of the residence.

#3 activity must not change the premises or surrounding neighborhood. The garage will be set as far back as possible, the sign should be the only thing visible.

Site plan reviewal, level required for home enterprise. D Silcocks asked for a waiver for 1,000 sq. feet, to keep it as a minor site plan. The concern expressed by D Stewart was that the amount of space that has been disrupted for the business to be put in, is well over 4,000 sq. feet. There was further discussion about the matter. D Stewart is in the opinion that D Silcocks will need a major site plan for the business that he is looking to conduct.

#7, business signage permitted for the home enterprise. Compliance with article 21. D Silcocks will be using the same sign he had up at his old garage, which is a town approved sign.

T Dube asked if D Silcocks had any further information for the board, at that time, he did not.

The board has not yet accepted an application for a site plan yet, however, a conditional use permit is done. It was decided that the conditional use permit review should be completed before they review the site plan. The criteria's will be discussed after public comment.

PUBLIC COMMENT FOR THE 417 WAKEFIELD ROAD APPLICATION

A member of the public asked to explain what a conditional use permit is. T Dube explained the 7 criteria, if all criteria are met, the conditional use permit is approved.

Another member asked what the zone is, and where the property is. The zone is agricultural. It is not under shoreland protection zoning.

It was asked what would happen with the springs in the area, would David be held to the same standards as other garages near water. Yes, he would follow the same criteria. It was then asked who would be in charge of checking to make sure he was following the criteria. Because there have been more than two vehicles on the lot that didn't have plates. It was suggested that the matter be reported to code enforcement, as it is not something that the board has the ability to address tonight.

Sheldon Holmes asked about the impound lot and towing in the middle of the night. The noises with the back up alarms and other, it is disruptive to sleep.

Brian Carrswell is also concerned about the noise and the view from his front porch now being trailers.

Ann Morgan is concerned about the lighting that is set up, and the water is a large concern. She also expressed a screen on the wall.

Public comment closed

Seven criteria:

#1 – Proposed use shall only be those allowed in special exception. It is special exception. D Stewart stated towing is not listed in the zone, only auto repair. The question was, how much of the business would be towing, and how much would be repair. D Silcocks stated less than 25% would be towing. The board voted on criteria #1 4-0-0 Meets criteria #1

#2 – The proposed use is or are consistent with the adoption of the master plan. The master plan isn't very specific about home businesses. It does talk about maintaining the current feel of the town, rural nature.

Motion: to approve criteria #2

Made by: John Blackwood

Seconded by: Doug Stewart

Discussion: None

Vote: 4 -0-0

#3 - the specific site is an appropriate location and size for it's use. Sufficient size is clear.

D Silcocks spoke about why he chose the location, due to the closeness to Route 16.

J Blackwood's opinion is that the wall does not meet the criteria, character wise.

D Silcocks stated the wall has nothing to do with the business. He is just looking for permission for the business. J Blackwood reiterated that the wall does not meet the rule for character. D DesRoches asked David to explain how he will go about a screen for the wall.

D Silcocks explained there will be planting poison ivy and wild raspberries. The plan is to cover the stones with plants. D Stewart stated that there could be an argument that the wall is there due to needing a place for the business, and if that is the case, the wall becomes a structure according to zoning, and then the planning board needs to ensure that the structure is meeting the rural character of the neighborhood. D Stewart believes the board should consider the wall as part of the business and take it into consideration if approving or denying the application. Its part of the business plan. There was further discussion about the wall. J Blackwood expressed concerns with the plan of planting poison ivy, stating that he does not believe it would be successful due to not being able to keep the plants and soil in the wall. D DesRoches suggested holding off on voting on criteria #3, and go through some of the other criteria first.

The Board tabled #3 until after the other criteria was discussed

Motion: to approve criteria #3

Made by: Dick DesRoches

Seconded by: Doug Stewart

Discussion: None

Vote: 4-0-0

#4 – The use as developed will not adversely affect the character of the area in which the proposed use will be located. T Dube suggested that the issue with the wall that was discussed in criteria #3 is going to be the same issue in this criteria. Since the argument about the wall fits better into criteria #4., and it was agreed that if the wall was not considered, the location for home business fits the area. So, the board went back and voted on criteria #3.

Criteria #4 was now tabled until the other criteria are discussed

#5 – There will be nuisance or serious hazard to vehicles or pedestrians. The board agreed that there would not be any nuisance or hazard.

Motion: to approve criteria #5
Made by: Doug Stewart
Seconded by: Dick DesRoches (?)
Discussion: None
Vote: 4 -0-0

#6 – The use will not place excessive or undue burden on town services or facilities. The board agreed it meets the criteria

Motion: to approve criteria #6
Made by: Dick DesRoches
Seconded by: Doug Stewart
Discussion: None
Vote: 4 -0-0

#7 – There will be no sufficient effect resulting from such use upon the public health, safety and general welfare of the neighborhood in which the use will be located. Noise is a concern during the day, as well as off hours with towing. Drainage and ground water pollution are also a concern. Retention basins are already in place, on the top and bottom of the hill. D Stewart's concerns are that the water pools/retention basins on site had water in them, yet it has not rained in some time. J Blackwood added any manure put on the wall to grow plants will end up in the water pool at the bottom. The issues can be addressed, with impervious surfaces, and meeting any other water contamination standards. It was expressed that a pervious surface is not a good idea for an impound yard. D Silcocks argues that the impound lots in town don't have complete impervious surfaces. D Stewart suggested that those impound lots may be grandfathered in, and that they have to meet current zoning. T Dube suggested that if it gets to a site plan, the issue will need to be addressed. The board asked about the noise issue. D Silcocks' plan is to build a garage and do repairs inside. The board asked specifically the noise with towing. D Silcocks stated that the layout of the driveway is such that he can drive around rather than back up, and that will cut down on the back up alarm. He can also look into a switch to shut off the backup alarm when backing into his property at night. D Stewart expressed that the Board should not be suggesting D Silcocks get a switch for the back up alarm due to liability issues. D Silcocks also stated he could plant trees or shrubs to create a noise buffer. The lights on the tow truck is also a concern. These are conditions that can be added to the site plan. It was agreed that the issues need to be addressed, and conditions can be added at the site plan review.

Motion: to approve criteria #7
Made by: Dick DesRoches
Seconded by: Tom Dube

Discussion: None
Vote: 1-2-1

The vote does not carry.

The Board then went back and voted on criteria #4

Reference: #4 – The use as developed will not adversely affect the character of the area in which the proposed use will be located.

D DesRoches suggested that if the Board can deal with the issue of the esthetics of the wall and the noise at a site plan review, then it would meet #4. D Stewart agreed and added that the wall and the 24/7 towing is problematic, it would affect the neighborhood. The percentage of towing that D Silcocks would be doing, especially during the night hours is enough to cause concern for the neighbors.

Motion: to approve criteria #4
Made by: Dick DesRoches
Seconded by: Tom Dube
Discussion: None
Vote: 1-1-2

The vote **does not carry**

The conditional use failed. The Board discussed a site plan with David. The board will be suggesting a major site plan due to water drainage, the size of the land disrupted and the impact on the area. D Silcocks asked if he was to put the impound lot on the other side of the highway, off of Access Road, would it be more appealing. D Silcocks owns 9.5 acres on the other side of the highway near Dunkin Donuts, his lot was cut by the highway. The board said it would be another option. D Stewart raised concerns that it would not be a lot where there was a home and someone was living on, and there would be possible problems with that. They would have to contact the abutters on that lot as well.

●Minor Site Plan Application submitted by Phillip Colosi, for property owned by PC Development Realty Trust at Tax 47, Lot # 29 – Province Lake road. The applicant is requesting approval of a minor Site Plan Application to excavate land for future commercial development.

Phillip and Donna Colosi approached the board. He presented a copy of the site plan. Abutters have been notified and the application is complete. There is a sketch that was submitted with the application. He is looking to slope the hill next to country goods and groceries. Hayes engineering did the plan. He has a temporary driveway permit from the State. The sand will be sold and trucked locally. All disturbed areas will be loomed. 10,000 yards of sand is the amount he is looking to remove, D Stewart asked what his time frame is to remove the sand.

P Colosi did not have a definite answer for him. T Dube added to protect the board, it should be bonded for erosion control purposes. P Colosi stated the DOT is going to be notifying Colosi if any erosion issues happen. State Tax Department has been out, and is awaiting an agreement with the town from Colosi. He will be taxed .02 per yard that he takes out. The board spoke about a bond, and Colosi stated he has no issue getting bonded for this property. The bond expires every year, will need to be renewed each year. The reason the board requests a bond for the site plan is the concern of an unclaimed pit, more so than erosion issues.

T Dube opened the matter for public comment

Jerry Crocco asked about the .02 per yard, and why is he being charged that. It was explained that it is a State Tax.

He then asked if land was bought and dirt was removed to put a foundation in, would he need a site plan. The board explained that he would not need a site plan, he would need a house permit. The reason Colosi is doing a site plan is due to the fact that he is not currently building anything on the property.

T Dube closed the public comment

The Board discussed a bond amount, they agreed on a \$3,000.00 bond. The town will hold the money until the conditions of the site plan are met, then he will receive the money back. The Board suggested speaking with the Planning Consultant, Make Garrepy. The bond will be processed with Victor.

Motion: to accept the application

Made by: Doug Stewart

Seconded by: Dick DesRoches

Discussion: None

Vote: 4-0-0

Motion: to approve the application, subject to a \$3,000 bond

Made by: Dick DesRoches

Seconded by: John Blackwood

Discussion: the board reviewed the site plan, meets all conditions.

Vote: 4-0-0

Before the Board voted on the above motion, they reviewed the site plan. Submittal requirements were discussed. A Locus map is not on the site plan, but all other requirements were met or did not apply.

E. Preliminary Conceptual Review

•Rose & Robert Baxter 21 Rear Maple street, Tax Map 241, Lot #7.

Rose and Robert Baxter approached the Board.

T Dube stated that on August 14, 2017 a letter went out from the code enforcement office to Rose and Robert. T Dube read the letter aloud. The letter stated that Rose and Robert were to cease the yard sale business on the property as they had not been approved to do so.

R Baxter stated she met with the planning board in October. There was an agreement that she could continue until the end of the year of 2017.

Robert Baxter spoke to the board, he provided a sketch to the board showing what they are using for the flea market. There were previous issues with parking, but Robert stated the last two weekends there were 18 cars parked and there were no issues. The business is called cobblestone resale, and they are utilizing both lots.

V Vinagro addressed the Board regarding the matter, stating the parcel is separate from the current business. The board reviewed the lot map. The lot is zoned for industrial/business. The lot has a right of way to Route 16. D Stewart asked if they had a driveway permit, Robert Baxter stated before the parking lot, there was two buildings on the lots, so he believes there is some sort of permit in place. The board recommended that they speak with the state about access to the property. They will need a permit from the State. The lot is deeded to give use to the Masons to park once a month, the masons park 10-15 cars during the meetings.

The board discussed a peddler's permit, and if they would need that permit or not. They discussed that the lot is zoned business and commercial. They also discussed how the business would fit in zoning. Retail sales was what the board agreed on.

R Baxter asked if it would be considered insignificant change, since they aren't changing the lot. The lot was parking for 2 Johns before they acquired it, and before that there were buildings. The board stated that the use changes from parking to retail sales. The Board agreed a minor site plan would be required. They are looking to put a 53' trailer on the lot. There was concern that a trailer would not meet the criteria for architectural design. There was further discussion about the trailer.

T Dube suggested looking into a Hawkers and Peddlers permit, rather than a site plan due to having to meet with all the criteria. There was discussion about setbacks and parking, as that it is the major concern.

J Blackwood asked if the store would be seasonal or permanent. Rose stated it could be seasonal, but she does not know that she will want it to be. Hawkers and Peddlers is seasonal only.

The Board stated that there are a few options; a minor site plan or a Hawkers and Peddlers permit.

J Blackwood asked what if they built a building on the lot that fit the character of union. Bathrooms would come into play with a building. There would be building code requirements as well.

Due to the seasonal hours of the store, the board again suggested that it would fit a Hawkers and Peddlers permit.

There was discussion about the lots and resurveying them as they are not current. T Dube suggested researching the matter.

F. Board Business:

●CIP Discussion

D Stewart spoke to Pricilla Colbath, she used to be on the CIP and she is interested in re-joining, as well as a few others that previously sat on CIP. D Stewart requested to be able to contact V Wallace and D DesRoches outside of the meetings to work on the CIP. T Dube stated that was fine as long as they are not discussing any substantial regulations/applications etc. He understood

G. Approval of previous meeting minutes May 3, 2018

D DesRoches stated there were previous minutes still awaiting review from earlier on in the year, and they haven't been approved yet due to there not being enough members at the meeting able to approve them. V Vinagro will look further into the unapproved minutes

Motion: to approve the minutes of May 3, 2018

Made by: Doug Stewart

Seconded by: D DesRoches

Discussion: None

Vote: 4-0-0

H. Correspondence None

I. Public Comment

Rose Baxter asked about the applications that they submitted for the position of alternate on the Planning Board for herself and her husband, Robert.

D DesRoches asked if they should vote on the matter while there is a current open matter involving Rose and Robert (above conceptual review). D Stewart did not see the issue with the open matter, however, he raised concerns about a separate issue, that the yard is not clear of items. R Baxter stated that was already resolved. V Vinagro stated when he went to the site

last, there were items lined up as well as a camper that was packaged to go to the dump. Rose stated they are still working on that, but those items were not the items directed by N Fogg to clean up. T Dube brought up that two people from the same family should not both be on the Board as alternates. D DesRoches stated Robert has more experience, he suggested if they were going to appoint one rather than the other, he would suggest Robert. There are currently 2 alternates, the board needs 3.

T Dube suggested to get through the current open process for the retail store completed, and put the social media items behind them, give it a month and then come back. He is concerned they aren't fully aware of all of the Planning Board procedures. The board agreed. T Dube reiterated that the other highly political items need to get behind them first. Rose asked for clarification, the board specified the things that she posts on Facebook are highly political, and board members read social media. Rose stated she was bothered by that, questioning her freedom of speech. D Stewart stated she can say whatever she wants to, but at the end of the day, they have to vote to recommend her to the board of selectmen. The issue is that as an alternate, she would need to work with the board, and work well with them. The Board ultimately suggested to complete the process that is currently open, and then reassess.

J. Set Next Meeting Date
June 7, 2018

K. Adjournment

Motion: to Adjourn
Made by: Dick DesRoches
Seconded by: John Blackwood
Discussion: None
Vote: 5-0-0

The meeting adjourned at approximately 9:10PM

Respectfully Submitted, *Jeanne Paul*