



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

April 7, 2022

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman (via Zoom)	✓	Johnny Blackwood		Victor Vinagro, Building Inspector/Code Enforcement Officer Shoreland Officer	
Dick DesRoches Vice Chairman	✓	Stephen Leroux	✓	Peter Gosselin, Building Inspector	
Ken Fifield Selectmen's Representative	✓			Jen Czysz, SRPC	✓
David Silcocks, Member				Richard Sager, Town Counsel	
Doug Stewart Member	✓			Public Hearing	

Others present

Charlie Cowen, Donna Faucette, Andrew Nadeau and Michelle Keating from Clearview Community TV.

Pledge of Allegiance & Call to Order

Vice Chairman DesRoches called the meeting to order at 7:00 and those present joined him in the flag salute.

Seat Alternates

Mr. Leroux sat in for Mr. Silcocks

Public Comment

None

Public Hearings FYI

Major Site Plan Application continuation, submitted by Francis D. Parisi, Vertex Tower Assets, LLC for property owned by Savannahwood, LLC; located on Province Lake Road, Tax Map 92-34. The Applicant is seeking an approval for a Major Site Plan Application in order to construct a personal Wireless Service facility consisting of a 120' tall monopole tower (126' to top of highest appurtenance.) : **hearing continued to April 21, 2022 Planning Board meeting**

Major Site Plan Application continuation, submitted by Francis D. Parisi, Vertex Tower Assets, LLC for property owned by Province Line Associates Trust, Adam & Christiane Benzing co-trustees, located on 4870 Province Lake Road, Tax Map 9-113. The Applicant is seeking an

approval for a Major Site Plan Application in order to construction a personal Wireless Service facility consisting of a monopole tower (126' to top of highest appurtenance.) : hearing continued to April 21, 2022 Planning Board meeting

Minor Subdivision Plan Application and Boundary Line Adjustment, with amended plan & request for waiver, continued from March 17, submitted by James F. Rines, of White Mountain Survey, for property owned by White Violet Property LLC (formerly known as) Peregrine Realty LLC, located at 378 Meadow St., Tax Map 183, Lot 61 and Tax Map 180 Lot 32 & 33. The Applicant is seeking approval to adjust the boundary lines of the three existing parcels and to plat a road right-of-way for future access to adjusted lots. Proposed lot sizes are .88-acre, 1.21 acre, and 16.76 acres plus 1.06 acre for Fresian Drive.

Mr. Stewart made a motion, seconded by Mr. Fifield, to continue the hearing until the May 5th meeting. Roll call: Stewart aye, DesRoches aye, Leroux aye, Fifield aye, Dube aye (Vote 5-0)

Conceptual Review

Charles Cowen regarding possible subdivision at 115 Long Ridge Road, Map 88 Lot 011, 44.190 acres.

Mr. Cowen is considering selling his farmhouse with three acres of land. This is an R-3 zone. He's not sure if he should do this or subdivide six lots now. He doesn't believe there are any wetlands. 150' of road frontage is required. He believes the road frontage on this lot is over 200'. Mr. Stewart said anything that is said here tonight is nonbinding on either party. Ms. Czysz explained the difference between a major and minor subdivision. He has drawn a picture of three acre lots that are basically boded by stone walls. He asked how long the process takes. Mr. DesRoches said one meeting on our end. He would have to submit a plan, notice the abutters and have a public hearing. He will have to meet all the regulations.

In the center of his 44 acres he has his garden and several hundred blueberry bushes. They also talked about doing a lot line adjustment for the ten acres he owns that abuts his 44 acres. Mr. Cowen mentioned having an open space. Mr. Stewart said that they hadn't dealt with anyone that has come in related to open spaces. Mr. Fifield suggested that Mr. Cowen have someone look at this land to get the best possible use out of it. Mr. Dube said you may not need to do all the topography for the whole parcel if you decide to only do one lot. Mr. DesRoches said in order to subdivide that three acre lot with the farmhouse you would have to have it surveyed and set pins after approval. Ms. Czysz explained open space. She also suggested that he look at our Development Regulations. She told him what the process would be.

Andrew J. Nadeau, of Horizons Engineering, Inc., regarding possible subdivision of 38.825-acre parcel, property owned by Lindy Wickers Williamson, TM 171-12.

Mr. Nadeau said they were in here a couple years ago about a simple two lot subdivision and because of the cost to do the road improvements it wasn't feasible. There are currently two camps on the seasonal Donahue Road. They are now proposing an eight to ten lot subdivision. They would do substantial road improvements on Donahue Road and take care of all the state permitting. This would benefit the existing properties that are already there. The survey has been completed. The wetlands delineation has not been done yet. Mr. Nadeau wants to get feedback from the Board on how this meets the ordinance. Mr. Stewart said this is a conceptual review and nothing said is binding on either party. Mr. feels that whatever the discussions on the roadwork

back then were based on a minor subdivision with a couple of lots. This is a major subdivision and the road improvements would have to be much more substantial and up to town specs and would have to get permission from the landowners to improve Donahue Road. Mr. Nadeau said the road is actually on town property. He would probably have to get permission to improve from the selectmen. There was some discussion about a right of way by Mrs. Faucette and Mr. Nadeau. Donahue Road goes all the way to Rt. 109. Donahue will be about a mile long. There is a length limitation for a road that goes to a cul-de-sac without another entrance. Ms. Czysz said several communities are looking at subdivisions where roads go through lots. Mr. Fifield said that would be fine if you're starting from scratch but this road is preexisting. Mr. DesRoches said there are many lots in town where property is crossed by roads. Mr. Nadeau said he'd prefer to talk about the road as the lots are still conceptual.

Mr. DesRoches pointed out the table on page 71 of the site plan regulations that gives a table of roadway standards and says dead end road length is a maximum of 1000 feet. Ms. Faucette said this road should be grandfathered as the houses have been there for years. Ms. Czysz said undeveloped, private and substandard roads are technically undevelopable under state law and it's not something that the town can waive. The provision requiring it to be upgraded in the subdivision regulations is essential. The question would be the turnaround. It would be an emergency vehicle access and to have to drive down the end of a mile long road to turn around to get out and that's not a liability the town should assume. Connecting to the other road would be an issue because of the wetlands, standing water year round. Ms. Faucette suggested hammerheads along the road. Mr. DesRoches said you have a number of potential issues. Waiving regulations on waterfront property is much harder to do. He said you'd have to look at this as a whole and maybe do something for the public good to get a waiver on something else. There would have to be compromises. Mr. Dube said you're talking close to two million dollars to build the road and permits are going to be very tough. He feels, in his opinion, a two lot subdivision with road improvements is the way to go.

Ms. Czysz said with the road being so close to the shoreline she suggests a call to shoreland staff at DES to get their thoughts. Mr. DesRoches said with a 2-3 lot subdivision the road would have to be improved but would not have to meet town specs. Ms. Czysz said the road would still have to meet town standards whether it's a major or a minor. She said the Planning Board doesn't have the right to waive road standards under RSA 674. Mr. DesRoches said we had discussed lowering road standards for a minor but if that's not inline with the RSA we may not have that option. Mr. Dube relayed a message saying, we have always waived road requirements at our discretion.

Ms. Czysz read **RSA 674:41 Erection of Buildings on Streets; Appeals.** –

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed: **I(d)** (1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and
(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof;

(Part of that RSA not read at the meeting): And (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

Ms. Czysz said it's up to the Selectmen whether a building permit can be issued on a private road. Mr. Stewart asked if an applicant came before the Board for a two or three lot subdivision and the Board waived some of the requirements considering what police and fire provided for guidance would the Board have the right to do that to allow that subdivision but to get a building permit they have to get approval from the selectmen? Ms. Czysz said there is a standard agreement and release that relieves the town of any liability. Mr. Fifield said we know when it reached us it's gone through all the hopes from the Planning Board and Building Department. Mr. Nadeau said if they decide on a ten lot subdivision we need to come to the Board with a plan that alleviates the requirements for a 1000 ft maximum roadway. Mrs. Colbath said she believes that Mr. Dube, via text, is saying that he wants to look at past practice and the law a little more carefully. He wrote, we already have everyone sign off on private roads for permits.

Board Business

None

Approval of previous meeting minutes

Mr. Stewart made a motion, seconded by Mr. Fifield, to approve the meeting minutes of March 17, 2022. Roll call: Stewart aye, DesRoches aye, Leroux abstain, Fifield aye, Dube aye (Vote 4-0-1)

Correspondence

Letter from Planning Board Secretary reminder for Vertex Tower Associates.

Letter from Planning Board Chair to Sheila Bona re: Lot Merger Request

Public comment

None

Set next meeting date

April 21, 2022

Adjourn

Mr. Stewart made a motion, seconded by Mr. Leroux, to adjourn the meeting at 8:36. Roll call: Stewart aye, DesRoches aye, Leroux aye, Fifield aye, Dube aye (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath
Planning Board Secretary