



## TOWN OF WAKEFIELD, NEW HAMPSHIRE

### Planning Board Minutes

July 21, 2022

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman	✓	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	✓				
David Silcocks, Member	✓			Town Counsel	
Doug Stewart Member	✓			Public Hearing	

#### **Others present**

Alternate Stephen Leroux

Coleman McDonough and Michelle Keating from Clearview Community TV.

#### **Pledge of Allegiance & Call to Order**

Mr. Dube called the meeting to order at 7:00 and those present joined him in the flag salute.

#### **Seat Alternates**

Full Board

#### **Public Comment**

None

#### **Public Hearings**

None

#### **Conceptual Review**

None

#### **Board Business**

Coleman McDonough re: bond release, 80-82 Blossom St. Realty Trust, 49 Crystal Lane.

Mr. McDonough presented a plan done by Bryan Berlind as an as built for ponds and drainage. He explained the changes. He talked with someone from the state that told him that no one

including the state can dump water onto his property. He said he and the two abutters got together and decided to funnel all the water into the ponds. Mr. Berlind says it all seems to be working fine now. He said the paving is done. Howe Two is putting in a sprinkling system and the other abutter is doing some planting. He said he posted a \$100,000 bond to get occupancy permits. He said usually you get an engineers estimate. He had an estimate from the paving company for \$24,000. He thought the bond should have been around \$30,000 to \$40,000 but he posted \$100,000 in order to get everyone in the building.

He said he believes he is complete and asked the Board to reduce the bond to zero. Mr. Dube said, the major culvert goes across Crystal Lane that goes into a brook that goes directly into the Branch River. That has been addressed and he also believes if Mr. Berlind believes the ponds are working, he feels that they probably are too. He said the state culvert has been there forever and he said the state can continue to use that culvert and water will drain onto his property. The state couldn't however add another culvert that would drain onto his property. Mr. Dube explained that Mr. McDonough cut more trees than he was supposed to cut according to his plan. There was a no cut right on the plan that said do not cut. Abutters are complaining because he cut these trees.

Mr. Dube and Mr. Vinagro did an inspection and Mr. McDonough continues to go deeper into the woods. Mrs. Dube said that Code Enforcement is not in favor of reducing the bond to zero. Mr. Dube pointed out that the water was supposed to flow into a certain pond but Mr. McDonough put his propane tank in the way and the water had to be diverted around the tank. There are still two walls on the plan that need to be done because they are part of the drainage. Mr. Dube said that Mr. Vinagro doesn't want to go through anymore problems like they have had like taking dirt. Right now, he's digging further than he needs to. He dug into where he wasn't supposed to cut trees. He has piles of dirt, loam etc. Mr. Dube doesn't feel he should get a total reduction until its finished.

Mr. McDonough said the bond was posted for just ponds and pavement. Mr. Dube replied that ponds is drainage. Mr. Fifield suggested discussing the percentage the bond should be reduced. Mr. McDonough said the industry standard when a planning board asks for an estimate it's an engineers estimate and an engineers estimate wasn't asked for. Mr. Dube disagreed. He said he had asked Mr. McDonough to supply an estimate for what wasn't done when he did the as built. He said that Mr. McDonough had an engineer's report but no bond estimate. Mr. Dube feels that the Board did him a favor by allowing him to post a bond to allow people to move in.

Mr. Fifield said some of the items are done. We should now have an intelligent discussion on what percentage of the bond should be reduced. Mr. McDonough feels that the bond was way over estimated. He said that Lakes Region Septic gave him an estimated of \$29,000 for the pavement and materials. Mr. McDonough feels that \$35,000-\$40,000 would be an accurate engineers estimate. He said Mr. Berlind feels that the Planning Board should be happy with everything that's been done as everything seems to be working fine and it is a little less impervious. He said he did cut a few trees but there was nothing over a six inch tree.

Mr. Fifield asked if he had an estimate of what it should cost to finish the project. Mr. Dube suggested that Mr. McDonough come back to the Board with an engineers estimate. He said that Mr. McDonough did one coat of hot top and the plan said two. Code enforcement had a hard time trying to get it to the point where the building passed and people were trying to move in. This is why he posted a bond because of those concerns. This was before the hot top and drainage was completed. It's not to plan. If he comes in for a second phase that will also have to

be bonded. Mr. McDonough said he wanted to make this crystal clear: The bond is for ponds and pavement only. He asked if anyone else was required to bond. The members described some projects that were bonded and that bonds were reduced as phases were completed. Mr. McDonough said that Mr. Berlind, a certified engineer felt the ponds are more than sufficient to hold the drainage. (Mr. Berlind is not an engineer he is a surveyor) Mr. Silcocks is concerned with where the water will drain when the hill is completed. He believes the bond doesn't have to stay at \$100,000.

Mr. Stewart said that the walls need to be done. Mr. McDonough said they were part of the second phase. Mr. Stewart replied, they're on the plan for the first phase. Mr. Dube said Mr. McDonough changed where the water was to go from what is on the plan. Mr. Dube pointed out the changes that were made on the plan. The measurements and locations were changed in many areas. Mr. Dube said that Mr. McDonough could post a new bond and the Board would release his letter of credit. The Board discussed the amount the bond should be reduced.

Mr. DesRoches said that there is no way he will vote to release the Bond tonight unless there is a cost for the remainder of the work. He said if you've gone beyond the scope of the original plan that needs to be fixed. Mr. DesRoches asked for an explanation of the tree cut. Mr. Dube explained Code Enforcement made several trips out there for neighbor complaints about cutting the trees and one time Mr. McDonough said he was cutting an area for boat storage and there is no boat storage on the plan and no cutting of trees is also on the plan.

Mr. McDonough asked if an estimate from Mr. Berlind would be satisfactory to the Board. Mr. Stewart said that if Mr. McDonough works with Mr. Berlind to come up with a number the Board will consider it. He feels that Mr. Dube would know if this number is accurate. The Board concurred.

#### **Approval of previous meeting minutes**

**Mr. DesRoches made a motion, seconded by Mr. Stewart, to approve the minutes of July 7<sup>th</sup>. (Vote 4-0-1)**

#### **Correspondence**

None

#### **Public comment**

None

#### **Set next meeting date**

August 8, 2022

#### **Adjourn**

**Mr. Stewart made a motion, seconded by Mr. Fifield, to adjourn the meeting at 7:50. (Vote 5-0)**

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath  
Planning Board Secretary