



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

August 18, 2022

Approved

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

Others present

Alternate Johnny Blackwood

Charles Karcher, Daniel Davis, Derrick Thibodeaut, Dennis Tyler, Chris Hickey, Stephen Massella, Derek Robertson and Coleman McDonough via Zoom. Michelle Keating and Max Gearing 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

Unable to seat Mr. Blackwood for Selectman Representative Ken Fifield

Public Comment

None

Public Hearings

Major Site Plan Review Application and Conditional Use Permit Application: submitted by Charles E. Karcher of Norway Plains Associates for property owned by Province Line Associates, LLC, Tax Map 9 Lot 113, a 267-acre property located in the Residential II and Agricultural Zones. The applicant is seeking a Conditional Use Permit and Major Site Plan Review to expand the existing campground by adding 20 more cabin sites. Cabins will be serviced by an outhouse at every site that will be located on a plastic tank for cleaning and pumping out as required. There will be a community well installed for drinking water and

personal use as needed. Cabins will be 400 s/f on a 1500 s/f area. Applicant is also seeking waivers from:

1. Checklist Section 4.04 – Certifications-Boundary Survey Plans due to the parcel being over 200 acres and the expansion area is less than 5 acres;

2. Checklist Section 4.05 – Certifications-Engineering Plans due to the small size of the development and the gravel camp road, there has been no need for engineering plans. The camp road is going to adhere to the existing topography as much as possible.

3. Checklist Section 4.10A – Boundary Survey Plan, as there was a partial survey done to establish the Route 153 Right-of-Way and the abutting parcel to the east in order to confirm that zoning setbacks were met. The request is a waiver to the full survey of the 200+/- acre parcel.

The Board took up the Conditional Use Permit first. Mr. Karcher said there are two campgrounds there already, McDougal Campground and Butler Field Campground and another one on 153. He said it's a good use for the site and there is plenty of land area, 267 acres. They are seasonal May to October. There is no burden to Town services. There is no boat launch. He just got the driveway approval from DOT today. He pointed out the primary entrance. He had widened the roads at the corner curves. The road is 20 feet wide.

He pointed out the addition and the existing cabins. Some have been there since 1912. The new road will marry up with the existing road. They are proposing twenty new leased lots. There will be cabins and privies over a 300 gallon plastic holding tank on each site. They have state subdivision approval. They also had to get shoreland approval at the beginning of the lot to comply with the zoning requirements. They have met all setbacks and they need to get driveway approval from the state for the submitted application

The manager of the campground will be installing the privies. He pointed out the community well site on the plan. They have state approval for the location of the well. The well will have a spicket. There will be no running water to the cabins. The cabins will have electricity. Mr. Karcher explained how two culverts will be installed and how the rain water will flow. It will not reach the wetland area. Mr. DesRoches wondered if there should be something to prevent what would discharge over the wetland when we have a downpour. Mr. Thibodeaut said the soil is very sandy so it drains well. Mr. Dube said it definitely needs level spreaders to contain water/slow it down where water will shed off. Mr. Karcher said they would do that. Mr. Dube asked if there would be access to the lake. Mr. Thibodeaut said there is no public beach. The entire beach is privately owned. Mr. Vinagro said the application is complete.

Mr. DesRoches made a motion, seconded by Mr. Silcocks, to accept the Site Plan application and the Conditional Use Permit Application as complete. (Vote 4-0)

Mr. Vinagro said there was a question from Brad Beverage of the Fire Department;

To whom it may concern, in regard to any requests the Fire Department may have with the expansion plans for the current McDougal Campground after review and discussion with Victor the Fire Department sees the plan as acceptable for emergency apparatus accessibility. We are asking if the turning radius can be improved further in the areas of cabin 8, 19 and 11 and 14. Mr. Karcher said that could be done. They are not doing septic but it still needs to be shown on the plan for the state. The cabins are individually owned. The land is seasonably leased. All sites

are 1,500 sq. ft. The individual cabin owners will be responsible for making sure the holding tanks are pumped. The Board discussed putting pins up for each of the sites. Mr. Dube said that our campground ordinance says that each site shall be clearly marked by non-removable metal stakes clearly identifiable. Mr. Vinagro said in our regs you have to follow a certain size requirement (1,500 sq. ft.) Why wouldn't you want to mark that off? He feels it would be clearer if the site was marked off. It was decided that pins would be placed on the front corners of each site which also will mark the roadway.

Mr. Dube opened the Public Hearing at 7:40 for the campground application.

Mr. Dube closed the Public Hearing at 7:42.

Jenn asked if the campground is properly licensed. Mr. Thibodeaut said that approval by the state is licensing. He said they have received subdivision approval for expansion of an existing campground. He said when he asked the state, they told him there was no requirement for licensing because the campground is preexisting.

Mr. Dube said we want to see silt fence around the wetland during construction and drainage on the site plan. Also, good BMP's on the plan that's going to show where the water will slow down and go into the ground. We want to see these on the plan beforehand. The plan can be signed and recorded at the Town Hall. Mr. Dube stated that 4.04 - 9, 12 and 13 will cover all the necessary waivers requested plus new ones.

Conditions

1. List all state approvals on the plan
2. Fire Department: road inside corners 25ft. radius
3. Pins set on front corners of each lot
4. Mark plan for level spreaders and erosion control where necessary
5. Waivers for 4.04 - #9, #12 and #13.
6. List conditions of approval on the plan
7. \$5,000 bond for erosion control

Mr. Karcher said the project will take about three years to complete. The Board felt that no as built is necessary. Mr. Dube said you need to get the local shoreland permit from Mr. Vinagro and post the bond before getting started.

Mr. Dube opened the Public Hearing for the Conditional Use Permit at 8:10.

Mr. Dube closed the Public Hearing for the Conditional Use Permit at 8:10.

Mr. Dube read all 7 Criteria

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
2. The proposed use(s) is/are consistent with the adopted Master Plan;
3. The specific site is in an appropriate location and of adequate size for the use;
4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;
5. There will be no nuisance or serious hazard to vehicles or pedestrians;
6. The use will not place excessive or undue burden on Town services and facilities;
7. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.

Mr. Silcocks made a motion, seconded by Mr. Stewart to approve the seven criteria. (Vote 4-0)

Mr. Dube announced that the Conditional Use Permit is approved

Mr. Silcocks made a motion, seconded by Mr. DesRoches, to approve the major site plan for Province Line Associates, LLC, Tax Map 9 Lot 113 with the following conditions:

- 1. Fire Department: road inside corners will have a 25ft. radius**
- 2. Pins to be set on front corners of each of the campground lots.**
- 3. Mark up plan for level spreaders and erosion control where necessary to be approved by Land Use Clerk.**
- 4. Waivers approved for 4.04 - #9, #12 and #13.**
- 5. List all state approvals on the plan**
- 6. Post a \$5,000 bond for erosion control**
- 7. Get a local shoreland permit and list on the plan**

(Vote 4-0)

Minor Subdivision Plan Application:

submitted by property owner Georges Realty, LLC, of 672 Rimmon Street Rear, Manchester, NH for property location Map 207, Lot 27, [6.77 acre] 1622 Lovell Lake Road, Wakefield. The applicant is seeking approval of a Minor Subdivision Plan, creating one 3.6-acre and one 3.13-acre lot.

Chris Hickey, land surveyor and septic designer, said the existing parcel is 6.77 acres with an existing structure with well and septic. They would like to subdivide to create an additional building lot. He said the land is flat at the beginning and then the back has a 15% slope. He said there are a few wetland pockets on the parcel. It's a nice piece of land

He said he received a letter from Jenn (the town's Planner with SRPC) with a couple minor questions. They have not heard from the Fire Department. He stated that they are not asking for any waivers. The only other question she had was to prove the density of the lots. He prepared a lot size calculation. Lot twenty-seven, once you take away, based on the formula for the density, once you take away the allotted 3.13 acres, if you take away the unbuildable land which is 1.4 acres the 1.72 acres and you divide that by 3 acres per unit that's .57 units so you round up. That's one unit allowed on that lot. The same for the second lot. That's 3.64 acres minus the 1.3 acres of unbuildable land. That's 2.34 acres you divide by 3 acres per unit and that would be .78 units.

Mr. Dube asked Mr. Hickey if he was a soils scientist and Mr. Hickey replied yes. Mr. DesRoches said neither of these lots can meet the 3 acre minimum lot size. Mr. Silcocks said it looks like this would need a variance from the Zoning Board. Mr. Hickey passed his calculation sheet to the Board and said it was from article 18 in the Zoning Ordinances. Mr. Dube said in the three acre zone you need to have three acres of high and dry land. Mr. Hickey said that's not what the zoning says or the way we interpret it.

Mr. Hickey replied that the zoning ordinance says for R-3 zones maximum density, minimum lot size, the minimum lot size is three acres which we've met. Then it talks about calculating the

density you go to the chart and you take the total area of the lot then subtract the unbuildable area and you divide that by the three acres that's required. That determines the density of the units allowed on the lot. So as long as it's more than .5 that rounds up to 1. (Page 46) Mr. Hickey read the following from

(Note: In applying the above formula, a result that contains a remainder of less than .5 shall be rounded down to the next whole number; a result that contains a remainder of .5 or greater shall be rounded up to the next whole number.)

Mr. Hickey said if you apply the rule in general if you have to take away the unbuildable and setbacks it would be impossible to have a three acre lot in town.

Mr. Stewart referred to Table 3 on page 13 maximum density minimum lot size: footnote #1 on page 14 says "The minimum area requirement shown in the table is also the maximum density allowed per residential (dwelling) or non-residential unit in all districts with the exception of the Village/Residential District where the minimum area required for additional units is 10,000 sq. ft. for residential and 4,000 sq. ft. for non-residential. For example, an Open Space subdivision in the Residential III zone can have a maximum of 1 dwelling unit per each 3 acres of buildable land." He interprets that as needing to subtract the non-buildable land. Mr. Hickey said that is for an open space subdivision and Mr. Stewart replied that it says, for example.

Mr. Vinagro said the application has been received as complete.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to accept the application as complete. (Vote 4-0)

Mr. DesRoches said, in the past we have determined that the footnote on page 14 in order to subdivide, each lot in that subdivision must have 3 acres of buildable land and the formula that you're referring to is to determine how many extra units you can put on the land not to calculate whether or not you can subdivide the land. If you apply that interpretation neither lot meets the zoning requirements and would need a variance. Mr. Hickey said if that were true 3 acre zoning is a myth in your town.

Mr. DesRoches suggested that the Board get a legal interpretation from the town attorney before we can proceed. Mr. Vinagro said the table determines the number of units and doesn't have anything to do with subdividing a lot. Mr. DesRoches said now that this has been raised, we need a legal opinion in fairness to the applicant. Mr. Silcocks said in the past this is usually cut and dry.

Mr. Dube opened the Public Hearing at 8:48.

Mr. Dube closed the Public Hearing at 8:48.

Mr. Hickey submitted a request for a continuance.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to continue this Public Hearing to September 15th. (Vote 4-0)

Conditional Use Permit Application:

submitted by Derek Robertson and Stephen Masella of Fine Home Improvements, 1 Beechtree Circle, Wakefield, MA, for property owned by Kenneth & Joan Gatto, of 52 Haven Way, Ashland, MA 01721, located at 111 Towle Road, TM 9-047. The applicants seek approval of a Conditional Use Permit to add a 650-square foot accessory dwelling unit to be located above a shed, built to comply with all building and life safety codes. The applicants propose installation of a new septic

system to allow for the ADU and intend to add two parking spots for the ADU for a total of five parking spots.

Mr. Robertson said he and his brother Mr. Masella are now the property owners. They closed on the property earlier today. Another correction to the Conditional Use Permit is that the ADU will now be 750 sq. ft. The ADU would be for storage on the bottom with the dwelling on top. There will be a total of five parking spots on the lot. Mr. Vinagro said the Application has been received and it's complete.

Mr. Stewart made a motion, seconded by Mr. Silcocks, to accept the application as complete. (Vote 4-0)

The ADU will be about 200 ft. off the street. Mr. Robertson said they belong to an association for beach rights and he is not aware of any covenant that says they can't put an ADU on their property. They plan to live on the property for at least 4 months of the year.

Mr. Vinagro read 23D, B. under Accessory Dwelling Unit on page 59;

One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. One accessory dwelling unit for any single-family dwelling is allowed. They are about 400 ft. from the lake.

Mr. Dube opened the Public Hearing at 9:07.

Mr. Dube opened the Public Hearing at 9:08.

Mr. Dube read the 7 Criteria

1. The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;
Mr. Stewart made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

2. The proposed use(s) is/are consistent with the adopted Master Plan;

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

3. The specific site is in an appropriate location and of adequate size for the use;

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

4. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

5. There will be no nuisance or serious hazard to vehicles or pedestrians;

Mr. Silcocks made a motion, seconded by Mr. Stewart to approve this criterion. (Vote 4-0)

6. The use will not place excessive or undue burden on Town services and facilities;

Mr. DesRoches made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

7. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.

Mr. Stewart made a motion, seconded by Mr. Silcocks to approve this criterion. (Vote 4-0)

Mr. Dube announced that the Conditional Use Permit has been approved.

Conceptual Review

Danny Davis for Forest Truck & Auto, LLC at TM 179-13, 2063 Wakefield Road, applying for a Retail Dealership License

Mr. Davis said he came before the Board to reestablish his property as a Retail dealership. He has been servicing and repairing cars since 2020. This business is licensed with the Secretary of

State. He said the building is equipped with a clean bathroom and waiting room for customers. Mr. Vinagro did an inspection and was very impressed. His property borders wetlands and he said he vows to keep his inventory 30 feet from the wetlands to avoid any disturbance. Mr. Vinagro said Mr. Davis is currently allowed to sell three or four vehicles a year. Once you go over that you need a Retail Dealership License which he has obtained and included is the application from the state seeking our permission to approve his request. This is a permitted use. Mr. Davis said there will be no additions or changes to the property or building. The Board had no problem with this request.

Dennis Tyler, Raise-a-Dock, 1625 White Mountain Highway, TM 211-015, interested in adding another building at the site for storage

Mr. Tyler provided no paperwork. He just wanted to have a discussion with the Board. He would like to add two 8x20 shipping containers that are currently in his yard. He'd like to move them to the western side of his property placed on a concrete slab. They will be placed about ten feet apart. He would like to pour about 520 sq. ft. of concrete and will add engineered trusses on the top, close the back off, put a garage door on the front, there will be a 10x20 ft opening so he can put his car in there. He asked if this would require a site plan. Mr. Dube said you would need a building permit for the structure. Mr. Tyler has two lots side by side lots and each are 125 wide x 400 deep.

He bought these lots that used to be Fred's RV and said he has a site plan for the existing building somewhere. He may join the two lots. Mr. Vinagro said the trusses would have to pass the snow load and wind speed regulations. He said the containers themselves are already rated to take the snow load and wind speed. Mr. Tyler said the concrete would be 26' wide and 20' deep. Mr. Dube said this would not require a major site plan. Mr. Dube told Mr. Tyler he would have to find the site plan that he has and combine the lots before coming back to the Board, if that is what he plans to do.

Mr. Dube said this is a Conceptual Review and nothing is binding between either party. Mr. Dube said if he combines the two lots, he will have plenty of pervious area which will be seen on a site plan. The new structure will be shown and you can easily do a calculation on the amount of pervious area you have left. He said Mr. Vinagro could help him with this. The rest that the Board would see is erosion control if there are any wetlands and he said we waive things for site plans if it's just a simple change. Showing where the structure is going will determine if the Board will request a site plan. Mr. Tyler said this is for cold storage, no power, the business model will not change. Mr. Dube said the plan should be brought into Mr. Vinagro and a decision could be made by the Board if it needs a minor site plan or not.

Board Business

Coleman McDonough, request for bond release, 80-82 Blossom Street Realty Trust, 49 Crystal Lane, TM 213-01

Mr. McDonough said the ponds are in and everything seems to be working. He said he is wondering if the Board would approve this interim minor change. There were two walls making it a 2 to 1 slope with the material they have on the site. He said Mr. Berlind felt that should be stable enough for when and if they came in with a phase 2 plan so that the bond could be reduced on ponds and paving. He said we'd like to construct this before the next meeting and also have it

checked before the meeting. He said he was looking to get at least \$60,000 released. At the last meeting he said he thought that an engineer's estimate should be \$35,000 to \$40,000. He said there is a sign coming in. They bermed it. There has been some landscaping done. There are some Cape Cod berms going in. He and his two neighbors have talked about putting up a Wakefield Industrial Park sign. Mr. Vinagro asked Mr. McDonough what his intent. He is veering away from the original site plan and construction of the two walls that were approved by the Board. Are you looking to change that because of a possible phase 2? He said he saw a sign on the front of the building that says, Coming soon: Boat Storage.

Mr. Vinagro said he believes that Mr. McDonough wants to get away from the walls because if and when phase 2 comes in the walls must be removed because that's where the boat storage facility will go. Mr. McDonough replied correct. He said he'd do a stabilized slope. He said they have put fabric down and river rock. Mr. Vinagro said he needed an explanation as it's kind of confusing. We are trying to finalize an existing site plan and you have veered away from that. We're trying to understand what you're trying to do.

Mr. Dube said he is in favor of getting rid of the walls. This is a clearly marked plan from Mr. Berlind. He said right now there are a lot of inaccuracies. He feels that the Board could do a bond reduction but needs clarification and a better plan to be able to reduce the remaining amount. Paving is done and ponds are well established. Mr. Dube continued by saying before the \$35,000 can be released we need to see a new plan that's not marked 'preliminary' that shows the pond on the Lakes Region Septic side, the drainage there, and the change you've made to the back side. The preliminary plan is not accurate enough for the Board to make a decision to release the entire bond.

Mr. Dube told Mr. McDonough that they need to have on the plan what's on the site, stamped and signed by Mr. Berlind. Mr. McDonough answered that he will get with Mr. Berlind to make sure everything is on the plan and accurate. He said he can get a revised plan into Mr. Vinagro Tuesday or Wednesday.

Mr. DesRoches made a motion, seconded by Mr. Silcocks to approving reducing the bond to \$35,000. (Vote 4-0)

Approval of previous meeting minutes

Mr. Silcocks made a motion, seconded by Mr. Stewart, to approve the minutes of July 21st removing Mr. Vinagro from the attendance list. (Vote 4-0)

(The minutes of 8-4-22 were tabled)

Correspondence

Mr. Vinagro explained the homework in the Board packets. Planning and Zoning law changes from SRPC, proposed legislative bills, and an editorial explaining what is happening with the changes. These will be on the agenda for September 15th.

Mr. Dube suggested a meeting with the town attorney. After discussion a non-meeting via Zoom with the town attorney will be tentatively held on Wednesday August 24th at 3:00 to discuss two issues.

Public comment

None

Set next meeting date

September 1, 2022

Adjourn

**Mr. Silcocks made a motion, seconded by Mr. Stewart, to adjourn the meeting at 9:58.
(Vote 4-0)**

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath
Planning Board Secretary