



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

September 15, 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 (via Zoom)	✓				
David Silcocks, Member	✓			Steven Whitley, Town Counsel	
Dick DesRoches, Member	✓			Public Hearing	✓

Others present

Tom Daniels, Bob Bates, Diane Bates, JoAnn Judd, Charles Whiston, Paul Jappe, David Judd, Donna Perreault, Gary Perreault, Cheryl Donahue, Donald Somerset, Lucis Somerset, Karen Gellatly, Mark Joncas, Gunter Schayran, Robin Har, Marjorie S, Mike V, Joan DeAviato, Frank DeAviato, Julie C, Ginger Roberts, Paul Ketterer, Tricia D, Bob, EA Felipe, Maddie Skubisz, Carol Malia, Deborah Rower, Mark S, Michael H, David S, Brett Allard, Joseph Santusti, Stacey Santusti, Dana Avery, Joseph Auciello, Carolyn Auciello, Bob Bates, Mary Collins, Kerry Fox, and Max Gearing from Clearview Community TV. Via Zoom: Beth Nallisse, Ed Souto, Ellen, Caille, Erica Torbert, Glen and Lauren Wise, Paul Shippe, Lauren Carmichael, Jaclyn Conley, Lisa Podalic, Joe, Donahue, Coleman, Susan Zoller, William Hassett, Susan Davis, Leslie Wolfenden, Hadassah Torbert, Robin Ketterer

Pledge of Allegiance & Call to Order

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

Seat Alternates

Mr. Leroux was seated for Mr. Dube.

Public Hearings

Minor Subdivision Plan Application submitted by Bryan Berlind of Land Technical Service Corp., of Ossipee, NH, for property owned by Justin Worthley & Alfred Laval, TM 147-3, [total 70.43 acre] at 22 Garney Road, Wakefield. The applicant is seeking approval of a Minor Subdivision Plan, creating one 5.821-acre lot and one 64.608-acre lot.

The applicant is seeking a waiver to the following subdivision regulation:

4.06 11 Delineation of all Wetlands and Buffers The waiver is requested only for the 65.6 acres remaining land. Said remaining land is already developed with a residence thereon. USDA NRCS shows the remaining land as being a Woodbridge fine sandy loam, which is not a wetlands soil. Note that the proposed 5.82-acre lot does have all wetlands and buffers delineated. Requiring the landowner to delineate wetlands on an already developed, 64.6-acre remaining land places an undue burden, expense and hardship upon the landowners. If this application is accepted as complete, it will be on each Planning Board agenda until a decision is rendered.

Vice Chairman Stewart announced that due to a procedural error in the abutter notification the Board will not be hearing the Minor Subdivision tonight. It will be re-noticed for the October 6th meeting.

Major Subdivision Plan Application and Conditional Use Permit Application submitted by Barry Gier, P.E., Jones & Beach Engineers, Inc., Stratham, NH, for property owned by Linda Wickers Williamson, of 47 School St., Charlestown, MA, on Donahue Road, Tax Map 171, Lot 12, total acreage 38.825-acre. The applicant is seeking approval of a Major Subdivision Plan to create 11 residential lots in the Residential 2 Zone.

The applicant also seeks approval of a Conditional Use Permit, per Article 9 of the Zoning Ordinance, to construct the roadway which will impact 1,053 square feet of wetlands. Per NH RSA 674:21, the Planning Board may grant a Conditional Use Permit to allow for a reasonable reduction of required setbacks or to permit a fill, dredge, or construction operation within a wetland after consideration of factors including size and scope of the wetland or buffer impact.

Applicant is also seeking a waiver from:

Checklist Section 6.02 – Roadway Standards, Table 1, limiting the maximum length of private dead-end roadway to 1,000 feet. The intent of the project is to reconstruct the existing Donahue Road to improve the existing roadway and improve safety along the road. The applicant has installed turnarounds on the proposed drive to improve safety and allow for emergency vehicle turn-around. If this application is accepted as complete, it will be on each Planning Board agenda until a decision is rendered.

Mr. Stewart said in August the state mandated that the Board now has to render a decision within sixty-five days so once we accept an application the clock starts ticking. He believes that they will not be rendering a decision tonight. We will likely have our engineer look at what is being presented and the fire department will likely get involved. He believes the Board will need to have a site walk. There was also a questionnaire checklist which is part of the application that wasn't submitted. Mr. Gier agreed to write a continuance request so that the clock wouldn't start ticking until the next hearing. Mr. Vinagro said the application has been completed, fees have been paid, abutters notified and the notice has run.

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

Mr. Gier said the property is located along the west shore of Horn Pond and Donahue Road extends through the property from Route 109 and provides access to three properties along Donahue Road. It's 2,300 ft. from 109. The intent is to have an eleven lot subdivision which requires reconstruction and realignment of Donahue Road with a cul-de-sac at the end and two emergency vehicle turnarounds. The road will be about 2,275 ft. long. The reconstruction of the

road will include wetland crossing impact of 1,053 sq. ft. They are also proposing 15,600 sq. ft. of buffer impact associated with the wetland impact and are also proposing drainage features. The drainage is collected in the roadside ditches and directed to two treatment swales, and an infiltration basin. The drainage will all be reviewed by the AOT. All lots are over one acre with about 150 ft. of frontage both on the road and the shoreline. All lots are split by the road. The house will be on the water side of the road and well and septic on the back side of the road. Due to the length of the road, they are requesting a maximum road length waiver. They are also requesting a Conditional Use Permit because of the wetlands for the 1,053 sq. ft. of wetland impact. Mr. DesRoches asked what the legal status of the road will be when complete. Mr. Gier said it will still be a private road and will be owned by a homeowners association and they will be required to maintain the road and drainage features out to Route 109. Mr. Stewart asked about the right-of-way across Town owned property. Mr. Gier said they don't have permission from the Town yet to use that right-of-way.

They are proposing a twenty-two foot gravel road. Mr. Vinagro said a subdivision like this would require paving. Mr. Gier said the applicant would ask for a waiver from that. Each lot would have an easement going through it. Mr. Stewart said we will have to talk with our Town attorney to see what that means and can the Planning Board approve that. Our zoning is pretty specific about what a lot consists of. It's not necessarily two separate parcels segmented by a road. It might require a variance or variances to allow that. Which means you'd have to go through the ZBA. Our attorney is going to have to help us with that.

Mr. DesRoches asked if each deed for each lot would be a single deed and each lot would own their section of the road. Mr. Gier said, that's correct. He said road maintenance seems convoluted, a convoluted way around a lot size requirement. Mr. Gier said currently you own to the center of the road. Instead of getting half, as you would in a standard lot, you have the whole road. Mr. DesRoches said he doesn't know about the legality and does it meet the subdivision regs and our zoning. Mr. Stewart asked if they have plans for a turnaround for fire trucks. Mr. Gier said we do. We also have a cul-de-sac because of the long length of the road. Mr. Fifield asked if any of the existing cables will have to be relocated with the reconfiguration of the road. Mr. Gier said the power will be going underground and we will have to work with the existing property owners to gain access. Mr. Vinagro asked Mr. Gier to provide the radius of the turns. Mr. Fifield asked which was better for the lake, gravel or a paved Road. Mr. Vinagro said with gravel you get ruts and runoff could go into the lake,

Mr. Stewart opened the Public Hearing a 7:37 and asked if anyone would like to speak in favor of the applicate. No comments

Mr. Stewart then asked if anyone would like to speak against the application. Bob Bates said it's a small pond mostly developed by homeowners and they have a lot of wildlife including bald eagles. He said it's not really a road but a dirt path. He said there are two home owners on that road. He said we are at the Bottom of Davis Hill which is big. He said huge amounts of water come off the hill and we have to continually clear culverts. He said this land is nothing but mud so he can't imagine how you can put eleven houses there. He said he's concerned about septic because of the high water table there's no place for leech fields. Mr. Stewart said test pits have been dug. They would have to have state approved septic's and the road would have to meet specs. He said most of what we're seeing here meets zoning. If it's approved none of your concerns would come to be. There are steep slopes and they are not part of a buildable lot so the lots would have to be bigger than an acre in order to build on it.

Mike Walsh owns property on Donahue Road. He said that Lot 4 on Map 73 the Town owns through tax acquisition. He doesn't know if it's redeemable through the Donahue Trust. Mr. Stewart said it is his understanding that the Town (Selectboard) has the ability to make decisions based on that lot. Mr. Walsh is concerned with storms. He said it's a microburst ally and he has had to deal with this in his small gravel driveway. All the existing houses are on non-conforming lots and we're talking about making more non-conforming lots. Mr. Fifield said any improvement would have to make the lots more conforming not less. Mr. Walsh said their lots are mostly 50x50 so he can't afford to lose land to a road. He would like the road paved if this goes through. He questions a non-conforming lot size and adding a road and land on the other side of the road to make these one acre fake lots. Mr. Stewart said he doesn't think our current zoning will allow that but he might be able to go to the ZBA for a variance.

Carol Malia said if the road is widened, she will lose the pipe to her leach field. She said she will be directly impacted if work is done because of the rain that pours down the hill behind her. She said there are drainage issues, streams and rivers in the spring. Cheryl Donahue, trustee of the Lillian Donahue Trust explained the lot line adjustments that were done to make this thirty-eight acre lot that they are trying to develop. She said the right of way into this property is separate from Donahue Road. The right of way was approved by the town. She said that the former owner did not want this developed so he wasn't concerned about the right of way. She said that this land is not landlocked, they have access. She said it is true that the town owns Donahue Road but three years have not passed so she still has rights of redemption. She is surprised that this has gotten this far. Why would they invest money in doing all this? The Board discussed the right of way for the applicants property and how it would attach to Donahue Road and whether that would be a problem. They determined there would be two roads, Donahue Road and a road made on the applicant's right of way. The road is only open from April to October.

Joseph Auciello and Carolyn Auciello said in the spring it's a mud pit. The lake has eagles, lady slippers and spotted salamanders. Boat traffic would increase. He said these will be million dollar homes with grass. He said the previous owner told him the land will never be developed. Brett Allard said he is an attorney with Shaughnessy Raiche and represents the Horn Pond Association. He feels this application puts the cart before the horse from a zoning perspective and a private property ownership perspective. He believes several variances from the ZBA are necessary, a frontage variance for lot 10, lots bisected by a road are one lots or two lots, Lot 1A only doesn't have enough lake frontage to meet zoning. He said if you look at the definition of frontage in the Zoning Ordinance it says a lot dimension that is contiguous. You would need a frontage variance when a lot is less than 150ft. Lots 1-10 there's a one acre minimum in the R2 Shore front. If you look at the upland area all lot B's are under one acre.

He said this project is too dense for this area shown by the fact that this project requires multiple variances. All Lot A lots are split zone part is in the shorefront area and part is in the agricultural district so you would need a special exception. They have requested a Conditional Use Permit to fill wetlands for road construction. The Planning Board cannot grant a CUP unless it reviews comments from the Conservation Commission. This would have to happen first. The application doesn't contain any analysis on the Criteria in Article 29A for the issuance of the Conditional Use Permit. 6.017 in the Development Regulations require for subdivisions on private roads need to be improved to meet town design standards. If there is an easement over the private road does the easement give permission to upgrade and develop this road? Most easements are for access and maintenance but it's unusual to have this plus a right to improve the road. A lot of issues have to be ironed out. There was more discussion on road access. Mr. Gier said that all the lots

meet the minimum acre criteria minus the wetlands and slopes for a buildable lot. Mr. Silcocks said we would need to see the slop and wetland delineation for each lot on the plan. Michael Holmes said there are many issues with this proposal. Mark Joncas said this is a costly project. Mr. Stewart said the property owner has rights too so we have to look at everything, we can't be bias. He said if this project meets zoning than this Board has the obligation to approve it. There are a lot of questions that need answers. Ms. Schayran asked, if you approve this would you look at the history of the person developing it? Mr. Stewart said no. She asked who would be monitoring the development. Mr. Stewart said the Code Enforcement Department.

Karen Gellatly asked how variances are decided. Mr. Stewart said they would have to go before the ZBA. People have the right to come and speak their mind. Paul Ketterer asked about a Conditional Use Permit. Mr. Gier said each town decides how they will deal with wetland crossings. Mr. Fifield said it's not just the town heavily weighing in on shorefront issues, it's also the state that makes sure it meets the states stringent guidelines. Lauren Carmichael said one of her concerns is destruction of the wetlands and she feels the submitted paperwork from the applicant is sloppy. Robin Ketterer said they talked with environmental organizations and are concerned about the impact of the water quality. They want the Board to know about the impact on the lake and vernal pools. Mr. Fifield asked if the Board could get the information from the environmental organizations and Robin Ketterer said yes.

Mike Souza said there is a stream that comes down lot 11 most of the year. It's standing water ten months of the year. He said after walking that lot for ten years there is no way lot 11 can be developed. Erica Torbert asked what oversight look like. Mr. Vinagro said explained the process. Mr. Stewart said this town does a great job of protecting our lakes. Mrs. Ketterer talked about a development on Great East Lake where there was no oversight. Mr. Stewart said that was not in Wakefield. Paul Shippe said this would be 11+ more cars plus boats. He is also concerned about tax implications. The road is seasonal and with a new road it would be open year round and there would be access to his house. Ed Souto said the town should consider the quality of the pond. He also asked what kind of subdivision this is. Mr. Stewart said there would be a requirement to have a road association. Covenants would be up to the applicant.

Joe Donahue said nothing should be done with this property until the three year buyback has gone by and if that was paid tomorrow this would be totally different. He said he was the person who sold the property to Roger Wickers and told him it was landlocked and Mr. Wickers said he had no intention of developing it. Mr. Stewart said a good question for our attorney would be what rights does the town have as the current deed holder? Mr. Fifield asked Mr. Gier if he thought all lot owners would have the right to build a dock. He didn't know. Mr. DesRoches said he believes that if you have 150 feet of frontage you can build a dock. Mr. Vinagro said what this would need is TRC review, consultation with the Town Attorney, Conservation Commission needs to be informed and review location and provide input, engineer to review the plans, schedule a site walk on a weekend. Mr. Gier asked for time to stake the land out. The Board and Mr. Gier agreed on October 1st at 9:00am for the site walk. The Public is also invited.

Mr. Stewart closed the Public Hearing at 9:10

Mr. Stewart told Mr. Giel that the second meeting in October would be best for a continuance. Mr. Gier agreed to ask for a continuance to October 20th. People will meet at the intersection of Rt. 109 and Donahue Road for the site walk.

Mr. DesRoches made a motion, seconded by Mr. Mr. Silcocks to approve the continuance until October 20th. (Vote 5-0)

Mr. Silcocks made a motion, seconded by Mr. DesRoches to approve a site walk on October 1st at 9:00 am starting at the beginning of Donahue Road. (Vote 5-0)

Request for Continuance to October 6, 2022, Planning Board meeting:

Minor Subdivision Plan Application submitted by Chris Hickey of Keach Nordstrom Associates, for property owned by 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.

If this application is accepted as complete, it will be on each Planning Board agenda until a decision is rendered.

Mr. Silcocks made a motion, seconded by Mr. DesRoches to approve a continuance until October 6th for Chris Hickey of Keach Nordstrom Associates, for property owned by Georges Realty, LLC, of 672 Rimmon Street Rear, Manchester, NH for property location Map 207, Lot 27. (Vote 5-0)

The following two hearings have been continued to the October 6, 2022, Planning Board meeting

Major Site Plan Application *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.)*

Major Site Plan Application *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.)*

Conceptual Review

Maddie Skubisz, potential dog and cat daycare/grooming facility, "Floof Dog & Cat Grooming and Daycare, LLC", 16 Windy Hollow Road (off Route 16).

Mr. Stewart said noting said between either party tonight is binding. Ms. Skubisz said she would like to open a doggie daycare and dog and cat grooming facility in the building next to the diner. She would be grooming four to six dogs a day. The hours would be 8-6 Monday through Friday. The daycare would have about ten dogs a day. The daycare had a fenced in back yard and she wants to add a little to that area with a double gate for dog pick-up. The building is divided into three sections, a lobby, daycare and grooming room.

There would be cameras in the daycare room and backyard. She said she has been working with dogs for ten years and grooming for six years. She managed a kennel, worked in a mobile grooming facility and has worked with police dogs. Mr. Vinagro said this building is in the commercial zone and is a permitted use subject to a site plan review if required by the Planning

Board. Ms. Czysz recommended a Minor Site Plan Review. Mr. Fifield said, don't you think a visit will suffice? Mr. Vinagro said we would need a sketch for the fire department. Ms. Skubisz said there will be no structural changes. Four roll a way kennels will be added. The Board decided on a Minor Site Plan Review.

Kerry Fox, Boundary Line Adjustment conceptual review, Rowan, TM 104-10

Mr. Fox said this was a two lot subdivision. They have had attorneys involved to try to come up with the old developers of this property and so far, haven't come up with anything to resolve the boundary line issues. He pointed out how the road is actually constructed. He said he doesn't know when this will be resolved. It's a private road and still in the name of the original developers. It was never transferred to a homeowners association. He would like to know if the Planning Board would approve the part of the line adjustment with him showing the road right of way as described in Mr. Rowan's deed in order to move forward and try to resolve the other title issues in the future. Lot 104-11 was the original subdivision line between the two lots. They want to take out a portion of that lot.

Mr. Stewart said this is conceptual and whatever we say is non binding on both parties.

Mr. Fox wants to do the plan as the deed reads.

Mr. Vinagro asked if the owner of one of the lots know what's happening as it affects them. A woman from the audience said they know what's going on. She said if the road went by the original deeding it would be literally come right to their house. Mr. Vinagro said they aren't talking about moving the road. The lady from the audience said when we notified them, they were upset that we were going to try and take the land away from them. She said we don't want the land we want it to stay as it was when we bought it. Mr. Vinagro said the Board approved a Boundary Line Adjustment and Mr. Fox found out the deeds were written incorrectly as far as where the road is shown. They changed the road because of the topography but never changed the deeds. Mr. DesRoches said this doesn't impact what we already did.

Ms. Czysz said you need to come back to the Board with an amended plan. Ms. Czysz said you'd have to do a hearing because the design has changed. Mr. Fifield said the last plan approved by the Board is what's on the ground. That plan should stand. It doesn't match the deed. Mr. Silcocks said that's up to the land owner to fix. Mr. Fox said to the lady in the audience that we are just going to deal with the lot line adjustment here, not the road. The Board agreed.

Board Business

Aquifer Zoning Update, Strafford Regional Planning Commission, first draft of recommended markup and discussion of the Aquifer Protection District – Jen Czysz, SRPC Executive Director

The Board discussed the model ordinance language with Ms. Czysz. The Board will have a workshop on this.

Capital Improvement Plan Committee presentation to review final CIP.

The Board was very impressed with the work the CIP Committee did. Tom Daniels, Mary Collins and Relf Fogg. The Board reviewed the document. Mr. Daniels said they met with all the department heads and the plan is accurate as of today. It's a living document and things change. If you look at the last few years what has been approved for warrant articles has been

very consistent. There is a detail of each product listed in the summary. He said we do a lot of work all year long even though we meet over a short period of time.

Mr. DesRoches made a motion, seconded by Mr. Leroux, to approve the CIP Plan for 2022 to 2026 dated September 15th. (Vote 5-0)

McDougal Campground expansion, TM 9-113, signing of plan

Mylar was signed after the meeting.

Approval of previous meeting minutes

August 4, 2022, August 18, 2022, September 1, 2022

Mr. DesRoches made a motion, seconded by Mr. Silcocks to approve the minutes of August 4th. (Vote 5-0)

Mr. DesRoches made a motion, seconded by Mr. Silcocks to approve the minutes of August 18th. (Vote 4-0-1)

Mr. Silcocks made a motion, seconded by Mr. DesRoches to approve the minutes of September 1st. (Vote 3-0-1)

Correspondence

None

Public comment

None

Set next meeting date

October 6, 2022

Mr. Silcocks made a motion, seconded by Mr. Leroux, to adjourn the meeting at 10:45.

Respectfully submitted for approval at the next meeting,

Priscilla Colbath

Planning Board Secretary