



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Held in the Meeting Room

Planning Board Minutes

October 20, 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				Steven Whitley, Town Counsel	
Dick DesRoches, Member				Public Hearing	✓

Others present

Madeline Skubisz, Scott & Grace Bramer, Bryon McHugh, Mark McRobbie, Tom Daniels, Jen Czysz, Officer Oswalt and Michelle Keating from Clearview Community TV.

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. DesRoches.

Public Comment

None

Public Hearings

Minor Site Plan Review

submitted by Madeline Skubisz of Olde Pine Road, Wakefield, for property owned by Scott & Grace Bramer of Wakefield, NH, located at 16 Windy Hollow Road, Map 163 Lot 1. The applicant is seeking approval of a Minor Site Plan Review to operate "Floof Dog & Cat Grooming & Daycare," a dog and cat grooming salon and doggy daycare facility. Proposed hours of operation

are 8 a.m. to 6 p.m., Tuesday through Saturday. Anticipated traffic is grooming of four to six dogs or cats a day plus 10 dogs in daycare. Off-street parking for eight vehicles is available.

Ms. Skubisz said she didn't have more to add from the last time she was in. Mr. Vinagro said that the fees have been paid, abutters notified, notice has run and the application is administratively correct.

Mr. Fifield made a motion, seconded by Mt. Leroux, to accept the application. (Vote 3-0)

Mr. Vinagro would like to walk through the building with the fire chief. Mr. Stewart opened the Public Hearing at 7:06. Scott Bramer said this building was set up as a daycare. He doesn't see why the fire department has to do a walk through as every fire proof precaution has taken place. Mr. Vinagro said we do this for every applicant for life safety. There might be some suggestions from the Fire Department concerning set up. Mr. Stewart closed the Public Hearing at 7:09.

Mr. Leroux made a motion, seconded by Mr. Fifield, to approve the application with one condition, that the Fire Department and Mr. Vinagro do a walk through and approve the site. (3-0)

Mr. Fifield was called away from the meeting at 7:12. Mr. Blackwood was called in to make a quorum so they could continue their meeting. Mr. Blackwood joined the other two members and was seated for Mr. Silcocks and the meeting was continued at 7:35.

Conceptual Review

Bryon McHugh, 167 Dearborn Road, firewood business

Mr. Stewart said this is a conceptual review and nothing said here tonight is binding on either party. Mr. McHugh said he cuts wood and he has new neighbors that don't like the chain saw. He said he doesn't run the saw more than a couple hours a day. He said he was told that he needed a permit for a home industry and that he doesn't have any industrial equipment. He has a chain saw, a log splitter and a little dump trailer. This is something that he does on the side to make a little money. Mr. Stewart explained that he believed this would be considered a home enterprise and it would require a permit.

Mr. McHugh doesn't feel that he's doing anything wrong. He's been cutting wood for over ten years. He said even though he doesn't have three acres there is a lot between he and the neighbors, a good 200 ft. He said he runs the chain saw for an hour to an hour in a half and doesn't start until 10:00am, nothing worse than a lawn mower. Mr. Stewart said because his lot is less than three acres, Mr. McHugh would need a variance from the ZBA. He explained the process, abutters would be notified and allowed to speak for or against what Mr. McHugh wants to do.

Mr. Vinagro said he would need a Conditional Use Permit, a variance from Article 23B, E1, which requires a minimum lot size of three acres and he could possibly need a Minor Site Plan Review Application if required by the Planning Board. People don't pick up wood at his house. He delivers the wood to them. Mr. Stewart said trucks deliver grapple loads of trees to his house, that's part of doing business. Mr. McHugh said his is his only job besides snow plowing. Mr. Stewart said the Planning Board has to comply with what's in our books. Mr. McHugh is concerned that this will put him out of business. Mr. Vinagro assured him that he will help him with the applications and process. Mr. Stewart recommended that he have set cutting hours if he goes to the ZBA. Mr. McHugh said his daughters work from home. For years there have been dirt bikes and 4-wheelers ripping up the road all the time.

Mr. Stewart said it was up to Mr. McHugh whether he wanted to proceed with the permit. He said it was also up to him if he wanted to continue to take the risk and have someone complain and said, Code Enforcement could tell you to stop the operation. Mr. McHugh said they could only tell him to stop selling from his property. He needs his own firewood too. If he gets shut down, he has no income. Mr. Stewart said if you're selling wood, you're a commercial business and our hands are tied. We have to follow the zoning and ordinances. Mr. Vinagro said we don't want to put you out of business and we will help you with the process. Mr. Vinagro recommended that he go for the variance first. Mr. Stewart explained a variance. The cost of the variance would be about \$350 and the Permit would also be about \$350.

Tom Daniels, Pine River Pond Store

Mr. Daniels said the PRP Store is a fund raiser for the PRP Association. It is a nonprofit 501c6. 100% of the profits are turned over to the lake association. He, his wife and some occasional volunteers run the store for 4 hours a day on weekends and by appointment during the summer season in a 12x16 foot shed on his property. No signage on the shed. Most people walk or come to the store by boat. Mr. Stewart said this is a conceptual review and anything said tonight by either party is not binding. Mr. Daniels and Mr. Stewart were having a conversation and felt that this store should go through the process and make it compliant with zoning regulations. The profits help to protect the lake and the interest of the taxpayers. Mr. Vinagro was asked for the appropriate process. He said a snack shack would be allowed in R2. Mr. Stewart asked if this would require a Conceptual Review, it wouldn't need a variance. He asked if the other Board members had thoughts. Would they allow this? Mr. Blackwood has no problem with it. Mr. Leroux asked why wouldn't this fall under Home Enterprise? It was noted that Mr. Daniels is the main contributor to the association. It was determined that Home Industry would fit but he would need a variance for the zone.

Board Business

Coleman McDonough, bond reduction, 49 Crystal Lane

Mr. Vinagro and Mr. has completed a site walk and he has met all conditions and spaces have been rented and are registered with the Town. He recommends all bonds be released.

Mr. Leroux made a motion, seconded by Mr. Blackwood, to release the erosion bond for \$3,500 and the second bond related to retaining walls for \$35,000 for 49 Crystal Lane. (Vote 3-0)

Aquifer ordinances – Jen Czysz, Strafford Regional Planning Commission

Ms. Czysz said the last time she was here they were looking at incorporating some of the model language into the towns Aquifer Protection District and some of the discussion points. One question was what are the agricultural best management practices? She handed out copies of the Agricultural Best Management Practices. They already exist and are in state statute. If people aren't following best practices, you can call the State Department of Agriculture with any complaints. The best practices address water quality, manure and compost and chemical fertilizers. It's laid out as a guide for what may be applicable. You need to make sure people in

the water aquifer districts are aware of best practices. The other question from the past meeting was what are the regulated substances? She printed out the entire Groundwater Protection Ordinance that lists the regulated substances which differ in gallons and pounds. Rochester just pointed to the federal regulations and said it's the reportable amount. One of the questions asked last meeting was what are the well head protection areas? One of the people in her office went through and updated the map and marked them. Ms. Czysz said your current ordinance is just your aquifers. The question is what to regulate? Will you include or not, well head protection areas? Do you want to add well head protection areas to the ordinance as far as what is protected? The following are delineated by DES and they pull in the water sources for various community water systems. She said there are six locations in town and pointed them out.

Mr. Vinagro said he lives on a lake that has twenty or thirty houses on one community well. The Board felt they should include the well head protection areas as part of the aquifer map. All changes will apply only to new development. The new language would specify exactly what portion of the aquifer delineation is included in the towns existing ordinance. When someone is in the area of an aquifer they should know.

The existing language in the towns ordinance only addresses petroleum products in the Aquifer Protection District. She asked if the Board wanted to expand this to include regulated substances. This would expand the regulations. She said you must be careful not to prohibit electric car charging stations. The Board felt other substances we didn't want in our aquifers should be included. They decided to include the six provisions and eliminate #4 in the Wakefield Zoning Ordinance – DRAFT. In yellow on page 2, #7 & #8 are existing. Eliminate #9 and add "no more than 15% or 2000 sq. ft. whichever is greater shall be rendered impervious in #7. Delete #8. Performance Standards: #10 Animal manures, fertilizers, and compost must be stored in accordance with the Manual of Best Management Practices for Agriculture.

#11 Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed. D. Conditional Uses: #1 Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure. #2 Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater. E. . Conditional Use Permit: #2 Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater. (Added junk yards to #2) E. 4 #1-8 we already have. #9 & 10. Merge with #3. 11. The development or operation of a petroleum bulk plant or terminal; and 12. The development or operation of gasoline stations are new items but don't prohibit EV stations.

On November 3rd the Board will look at Existing Nonconforming and Exemptions.

Campground shore frontages

Mr. Stewart said there was nothing in zoning about the amount of land that's needed per lot for a campground site or how much water frontage would be required. Our zoning requires 100 feet of lake frontage per dwelling but doesn't specify water frontage requirements for campgrounds. He said he did some research and there are other New Hampshire towns that address the amount of frontage required per campsite. One town had ten feet and another had twelve and a half feet. Mr. Blackwood is concerned with the Air BnB's. Mr. Vinagro told him that Conway is now facing law suits because they tried to stop the Air BnB's. He explained that they are almost

impossible to regulate. He said the regulations have to start with the State. The Board had a discussion about campsite shore frontage. The Board agreed that Mr. Stewart reach out to Attorney Whitley to ask if this is something that can go on a warrant.

Preliminary discussion: updates to Zoning and Developmental regulations

Mr. Vinagro said he has taken notes over the year and Mr. Whitley had made some suggestions. He asked to type something up from his notes for the next meeting as some could be put into this year's warrant articles. He asked for ideas from Board members also. He will get this to the members prior to the next meeting. Mr. Stewart suggested he prioritize the list. An example: We don't have a definition of a junk yard.

Sign Mylar and soft copies: Worthley & Lavalley Subdivision, 22 Garney Road, TM 147-3

Mr. Stewart signed the mylar and Mr. Vinagro will contact others to sign.

Approval of minutes

October 6, 2022, minutes tabled.

Correspondence

None

Public comment

None

Set next meeting date

November 3, 2022

**Mr. Leroux made a motion, seconded by Mr. Blackwood, to adjourn the meeting at 10:08.
(Vote 3-0)**

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath
Planning Board Secretary