



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

2 HIGH STREET

SANBORNVILLE NH 03872

TELEPHONE (603) 522-6205 x 308 FAX (603) 522-2295

[LANDUSECODEDEPT@WAKEFIELDNH.COM](mailto:LANDUSECODEDEPT@WAKEFIELDNH.COM)

## MINUTES OF THE PLANNING BOARD MEETING 5 January 2017

Approved: 04/06/17

MEMBERS		ALTERNATES		OTHERS	
Stephen Royle, Chairman	X	Doug Stewart	X	Nathan Fogg, Land Use Clerk & Code Enforcement Officer	X
Tom Dube, Vice Chairman	X	John Blackwood		Mike Garrepy, Planning Consultant	
Connie Twombly, Selectmen's Representative	X	Nancy Spencer-Smith		Richard Sager, Town Counsel	X
David Silcocks, Member	X	Donna Martin	X		
Dick DesRoches, Member	X				

**Also present were:** Jackie Moriarty, John Kenney, Danny Bouzianis, Bill Fothergill, Valerie Ward, Chuck Robbins, Bruce Rich, Steven McKone & Michelle McKone.

### **CALL TO ORDER**

1. Chairman Royle called the meeting to order at 7:00pm following the pledge of allegiance. Doug Stewart was seated for David Silcocks.

### **PUBLIC COMMENT**

2. None.

### **PUBLIC HEARINGS**

3. **Proposed Zoning Changes:**
4. **Amendment #2 as proposed by the Planning Board: Article 3, Table 2 Minimum Setbacks:** To amend Article 3 Minimum Setbacks by allowing reduced sideline setbacks on existing non-conforming parcels serviced by Municipal and Community Water and/or Sewer.

5. N Fogg noted that we are now showing footnotes 10 & 11, and have added changed footnote 4 to add "but in no event, shall a setback be less than 10 feet". N Fogg noted

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that this change changes give parcels serviced by water or sewer the same setback reduction for existing non-conforming parcels as other parcels in town. This article was carried forward to this hearing because of the changes made at the previous hearing on December 15<sup>th</sup>.

6. S Royle opened the hearing to the public. Jackie Moriarty asked if this applied to houses only? N Fogg noted that this is in effect for any structure, such as houses, garages, and/or sheds.

**MOTION:** To place Amendment #2 on the ballot as written.  
**Made by:** Dick DesRoches  
**Seconded by:** Tom Dube  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

7. **Amendment #6 as proposed by the Planning Board: Article 14 Performance Standards (General):** To amend Article 14 Performance Standards (General) to add "Stormwater Runoff" as a specific performance standard.
8. The proposed article was changed per Sager's rewording recommendation. S Royle asked for any public comment and hearing none closed the public input.

**MOTION:** To place Amendment #2 on the ballot as written.  
**Made by:** Dick DesRoches  
**Seconded by:** Doug Stewart  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

9. **Amendment as proposed by the Planning Board:** To amend Article 15 noting that a town shoreland permit is required before work in the shoreland zone commences.

**MOTION:** To place Amendment #2 on the ballot as written.  
**Made by:** Tom Dube  
**Seconded by:** Dick DesRoches  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

10. **Amendment #7 as proposed by the Planning Board: Article 21 Signs:** To amend Article 21 Signs to conform to a US Supreme Court ruling to require signs to be judged based upon size and location rather than content. The amendment also allows larger square footage for signs for non-profit organizations and other nonhome based businesses.

11.S Royle opened the public hearing for public input. Jackie Moriarty questioned what was the limit on signs prior to this amendment. N Fogg noted that there was no limit, only many exempt signs that were not regulated. Businesses can have up to 32 sq.ft. or 50 sq.ft.

12.Non-profit organizations will have the same limits as businesses.

**MOTION:** To place Amendment #7 on the ballot as written.  
**Made by:** Tom Dube  
**Seconded by:** Dick DesRoches  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

13.**Amendment #8 as proposed by the Planning Board: Article 23D In-Law**

**Apartment:** To amend Article 23D In-Law Apartment to conform to NH RSA 674:68 "Accessory Dwelling Units." N Fogg explained that he created the revised article by taking the new state RSA and placing the pieces of our existing article next to the portion of the state RSA that it most closely aligns with.

14.Rick Sager explained the new state RSA and the impact to towns.

15.S Royle opened the hearing to public input. Jackie Moriarty asked if people could change rent now. The PB agreed that there was no restriction on charging rent. S Royle summarized the change by stating that we simply changed out In-Law Apartment article to match the new state law on Accessory Dwelling Units.

**MOTION:** To place Amendment #7 on the ballot as written.  
**Made by:** Tom Dube  
**Seconded by:** Connie Twombly  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

16.There is also a **Petitioned Warrant Article** put forth by the owner of Dunkin Donuts to allow drive-thru restaurants with 5-19 seats in the Business and Commercial Zone.

17.S Royle noted that we do not approve it for the ballot, we vote whether to recommend or not-recommend the petitioned warrant article.

18.S Royle opened the hearing for public input. Danny Bouzianis introduced himself as the owner of Wakefield Crossing, where the Dunkin Donuts is located. Danny intended to eliminate the seat restriction, however, it was on the petitioned warrant article signed by the petitioners. He is generally able to add 40% more staff when he installs a drive-thru. Customers requesting a drive-thru cite: cold temperatures, rain and other precipitation, mobility issues, small children. This article only effects the business and

commercial district in town. He would still be required to go through full planning board review.

19. Danny Bouzianis explained he was fine with whichever way it was approved. The number one request he receives is if he can add a drive-thru window. He believes that his business has brought a good look to the Union area and he would like to continue to help the area.
20. Rick Sager confirmed that this article would be adding a new type of restaurant, being drive-thru restaurant with 5-19 seats. It was confirmed as true.
21. D DesRoches is concerned that this will invite strip malls and fast food restaurants along Route 16, which he does not feel the public wants. He feels supporting this article is a planning mistake. C Twombly noted that a strip mall could be done with a petitioned warrant article just like this drive-thru vote. The people will vote on the article and if they want it, it will pass, and if they do not want it, it will fail. Let the people decide. T Dube disagrees with D DesRoches. He believes that there is very little commercial property on Route 16. D Stewart Was on the ZBA when the variance was presented by Dunkin Donuts. He noted that this should be decided by the voters. He is personally not in favor of it, but is pleased that it is going to the voters. D Silcocks is pleased that it is going to the voters. The restriction on the number of seats will greatly limit the potential number of restaurants that might consider locating on Route 16.

<b>MOTION:</b>	To recommend the petitioned warrant article for the drive-thru on the ballot.
<b>Made by:</b>	Tom Dube
<b>Seconded by:</b>	Connie Twombly
<b>Discussion:</b>	None
<b>Vote:</b>	3-2 in favor of the motion.

22. S Royle asked if the actual vote could go on the ballot. R Sager said that there was nothing preventing the vote from being included in the article.

23. S Royle closed the public hearing on the proposed warrant articles.

24. **Minor Site Plan and Conditional Use Permit Application submitted by David Silcocks**, on properties owned by William Fothergill Jr at 836 Wakefield Road, Wakefield, NH (Tax Map 223- 6 & 7.) The applicants are requesting approval of a Minor Site Plan Application to operate an automotive repair business.

25. S Royle noted that this project would take three applications before it could be approved. Mr Silcocks has already received a variance from the ZBA and now needs Minor Site Plan Approval and a Conditional Use Permit in order to proceed.

**MOTION:** To accept the two applications as complete.  
**Made by:** Tom Dube  
**Seconded by:** Dick DesRoches  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

26. David Silcocks would like to move his existing automotive repair shop to the former Max's location from its existing location. He would plan to live at the new facility, which would be required by the project financing that he is working towards. The southern end of the building would be the residence, the middle portion of the building would be a parts shop, mainly for his own work, but he would have some outside sales, and the northern end of the building would have the roof raised and would become a 3-bay garage.
27. He will need to provide a new septic system and will drill a new well.
28. S Royle asked about the other departments. N Fogg noted that Chief Fifield attended the ZBA hearing, was in favor of the proposal, and made his usual request that exterior lighting be sufficient for police patrols to view the property. This property will be less of a target for thieves because it is owner occupied. N Fogg was unsuccessful at speaking with Brad Beveridge, however, the fire department will need to sign off that it meets fire safety codes. D Silcocks noted that the building will have a fire alarm.
29. S Royle asked about any ZBA conditions. Screening from neighbors must be maintained. A variance from screening to the road was given by the ZBA. The ZBA limited that number of vehicles on the property to 20, registered vehicles. D Silcocks noted that he will have greatly increased interior work space compared to his existing shop, which will allow him to only have vehicles waiting to be worked on or picked up in the yard. He is allowed to add another 20 vehicles with screening if necessary in the future. That would require PB approval. The two parcels will be merged and will become an approximately 2-acre parcel. The ZBA granted relief from the 3-acre minimum requirement. He is limited to 9am to 5pm operating the garage and 6am to 5pm for the parts business. He would need PB approval before operating a towing service to make sure that hours of operation and an appropriate area for wrecked vehicles.
30. D Silcocks noted that underground gasoline storage tanks have been removed and the state has signed off on them. A monitoring well is located on the site. D DesRoches noted that a monitoring well is required by zoning and it should be shown on the final plan. Any information relating to the monitoring well should be obtained and placed in the file for future reference.

31. S Royle reviewed the 7 relevant Conditional Use Permit criteria. The PB discussed the criteria. The criteria go along with the Home Industry. The PB also needs to grant minor site plan approval.
32. S Royle opened up the hearing for public input. Steven McKone lives behind the property and asked if it was strictly automotive repair or if he would work on construction equipment. He is concerned about his dug well and the use of hazardous materials. He feels that monitoring well should be monitored. The location of existing and proposed wells and septic systems were discussed. D Silcocks noted that he will only work on vehicles or equipment that fits inside his shop. S Royle notes that when they reviewed the minor site plan application, they would address the handling of hazardous materials.
33. No junk cars will be stored on the property. Vehicles must be registered.
34. N Fogg noted some items that should be shown on the final plan. The sign location. D Silcocks plans to use the one in the island and will remove the existing free-standing Getty sign. The sign will be removed. He will bring his existing sign to this sight. N Fogg noted that the sign is nice, because the reflective lettering 'lights-up' without any lighting. He should show utilities, parking layout, monitoring well.
35. D DesRoches asked for clarification of the approval being sought. Is it Home Industry, Automotive Repair, Small Engine Repair, or some combination. He needs a conditional use permit regardless of which approval he seeks.
36. S Royle asked about waivers. N Fogg noted that he would need a waiver for a professional stamp (engineer or surveyor) on the plan. That seems reasonable because no change to the site or building footprint is proposed.
37. Toxic materials will be stored indoors and removed by a licensed hauler. Waste oil will be burned on site in an approved waste oil furnace.
38. Conditions for approval include: parking layout, sign layout, monitoring well location (including any and all paperwork relating to the well), septic location and permit, well location, utility location, waiver of professional seal, revised NHDOT driveway permit, note that he will follow the Pit Stop manual for handling materials.
39. Bruce Rich was concerned about reliance on a monitoring well to discover a problem. By the time a monitoring well indicates a problem, the issue is quite large. He questioned whether the financial resources would be available should something occur. D Silcocks noted that generally that type of spill would fall into a Brownfield type situation for cleanup. S Royle noted that it would be in D Silcocks' best interest to run a clean business because at his age he will be in business for a long time. Mr Rich also asked if he would be selling hazardous materials. Again it was noted that the primary

purpose on parts onsite is to support his business, although he will make them available to the general public. D DesRoches noted that what D Silcocks is doing and how he is doing it meet the Aquifer Overlay standards.

40.S Royle closed the public input portion of the hearing.

**MOTION:** To approved the Conditional Use Permit and Minor Site Plan applications relating to Home Industry, Small Engine Repair, & Automotive Repair Shop with conditions listed in paragraph 39 above.

**Made by:** Dick DesRoches/Tom Dube

**Seconded by:** Connie Twombly

**Discussion:** None

**Vote:** 5-0 in favor of the motion.

### **BOARD BUSINESS**

41.N Fogg explained that at the meeting on January 19<sup>th</sup> there would be two applications. First a continuation of the Lake Forest RV Report revised subdivision application (cabin expansion) hearing and a boundary line adjustment application for EMP Builders on Perkins Hill Road.

42.The Assessors are concerned with what the 100-year old building stipulation in the Development Regulations does to property values and what the historical inventory of Sanbornville will do to property values. N Fogg and a representative from the Heritage Commission will attend the next Assessor's meeting on January 19<sup>th</sup>. The section of the Dev Regs only applies to subdivisions and site plans and will have less of an effect that they expect. The historic inventory of Union has not seemed to cause a problem in Union, so they should not expect any issue with Sanbornville. The real estate market will dictate the values not our regulations.

### **PUBLIC COMMENT**

43.None.

### **SET MEETING DATE**

44.The next regularly scheduled PB meeting will be 7pm, Thursday, January 19<sup>th</sup>, 2017 in Town Hall.

### **ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:25 pm.

<b>Made by:</b>	Tom Dube
<b>Seconded by:</b>	Dick DesRoches
<b>Discussion:</b>	None
<b>Vote:</b>	5-0 in favor of the motion.

Respectfully submitted,  
Nathan Fogg