



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
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MINUTES OF THE PLANNING BOARD MEETING
20 June 2013

Approved
7/11/13

MEMBERS		ALTERNATES		OTHERS	
Stephen Royle, Chairman	X	Doug Stewart	X	Nathan Fogg, Land Use Clerk	X
Tom Dube, Vice Chairman	X	Gerard Levesque		W. David Stephen, Code Enforcement	
Connie Twombly, Selectmen's Representative		Nancy Spencer-Smith	X	Mike Garrepy, PB Consultant	
David Silcocks, Member	X	John Blackwood		Rick Sager, Town Attorney	
Dick DesRoches, Member	X				

Also present were: Harold Jarvis, Suzanne Mac Donald, Anita Muise, Pat Seeber, Linda Shier, Forest Bell, Ray Anglin, and an unidentified woman.

Chairman Royle called the meeting to order at 7:00pm following the Pledge of Allegiance.

STORMWATER PLANNING – Presentation by FB Environmental

- Mr Bell introduced himself and gave a brief background of his work in the area. Wakefield is a fast growing community. The population of Wakefield has doubled in the last 30 years and quadrupled in the last 50 years. The state considers our lakes as being high quality waters. Mr Bell passed around a graph showing the increase in phosphorus in Great East Lake over the past 35 years. This is typical of other lakes in the area. Lake Ivanhoe had the least amount of increase, while Province Lake was towards the other end of the scale where there are more serious water quality problems. They currently are having a bacteria bloom (toxic algae), which normally does not happen until the fall.
- Phosphorus is one of the culprits. It occurs naturally in nature, however, our lakes can only handle a small amount, measured in parts per billion (ppb). When the level of phosphorus reaches 15 or 16 ppb in a water body, problems like we are seeing in Province Lake start to occur.
- FB Environmental's goal is to help us adjust our regulations or adjust how roads are maintained to help minimize our effect on the lakes.
- Mr Bell presented a report handout that was prepared as part of a 2011 Local Source Water Protection Grant from NHDES Drinking Water and Groundwater Bureau and was part of a larger project to protect high quality drinking water in the Salmon Falls River watershed.

- Suggestions to language in both the Site Plan and Subdivision Regulations were proposed. Mr Bell noted that FB Environmental could have come up with much more restrictive regulations, but wanted to start small because something is much better than nothing. Trying for too much at once would lessen the chance of new regulations being approved. What is proposed enhances Wakefield's current regulations. Reference to the old 'Green Book' has been replaced with the new 3 volume Stormwater Manual adopted by the State in 2008.
- Controlling the peak runoff will best control the 'first flush' runoff, which carries the majority (90%) of the pollutants into water bodies. Controlling peak flows also enhances flood control.
- The PB will determine when the Stormwater Management Section of the regulations needs to be applied.
- Some new definitions are suggested to be added or changed for clarity. Mr Bell suggests that our definitions match between Site Plan and Subdivision Regulations.
- The process to determine stormwater peak-flow was discussed.
- Each of the proposed changes is independent. The PB can pick & choose which suggested changes to implement. The intent of these changes is to make small changes that are understandable and enforceable.

CHRISTMAS TREE SALES

- Mr Jarvis, 428 Perkins Hill Road, TM 96-1, spoke to the board regarding the sales of Christmas Trees at his property on Perkins Hill Road. He has been growing trees for about ten years and is ready to start selling the trees this coming fall. He has a total of about 450 trees on his parcel. He inquired at the Land Use Office to see if he needed any kind of permit and/or application. N Fogg told him that he would check with the PB and Mr Jarvis attended the meeting to present his situation first hand. The PB found that since this was a permitted use in the R-III zoning district and since Farm & Agriculture uses were exempt in Section 1.05-C-5, that Mr Jarvis did not need any permit or approval from the PB to sell Christmas Trees at his property.
- N Fogg will provide Mr Jarvis with the minutes of the PB meeting to place in his file once they are approved.

PUBLIC HEARINGS

- D Silcocks recused himself from the PB for this application. D Stewart was seated in his place.
- N Fogg removed himself from taking minutes to assist with the presentation of the Site Plan. Minutes will be prepared from the audio recording and should be closely reviewed for accuracy before accepted.
- Neily-Silcocks, Wakefield Garage, 2497 Wakefield Road, TM 161-3, Minor Site Plan Application. The Site Plan proposes to permit a Repair Garage, Salvage Yard, & Used Auto Dealership.

- Mr Silcocks described his intentions, which are: to focus mainly on automotive repair and sales. The salvage yard has been brought up to NH Green Yard status. The remaining vehicles have collectable value and will be sold off within the allowed 10 year time frame. No new salvage vehicles will be brought to the premises.
- The ZBA Variance was granted with 7 conditions. Mr Silcocks has no issue with any of the conditions placed by the ZBA.
- D Stewart questioned the water, sewer, & drainage plans and where they were located. N Fogg explained that there was an existing well labeled on the plan, an existing septic system labeled on the plan, and that the waiver covered the drainage plan. There is no change proposed and therefore proposed drainage flow would equal existing drainage flow.
- No expansion is proposed at this time. This was done to make the application as simple as possible. Any expansion proposed in the future would require another Site Plan application to come before the PB. The only change to the existing conditions is to replace the fence on the south side of the garage between the used car lot and the salvage area to make it more aesthetically pleasing.

MOTION: To accept the Minor Site Plan Application.
 Made by: Tom Dube
 Seconded by: Dick DesRoches
 Discussion: None
 Vote: 4-0 in favor of the motion

- Chairman Royle opened the public comment portion of the hearing.
- Anita Muise introduced herself and handed out a copy of her "Request for Rehearing" from the ZBA Variance hearing last fall. She presented this to the ZBA on November 13, 2012. Her request was based upon the following: There will definitely be a negative impact on her as an abutter. Solid Waste; Noise of engines, air-guns, compressors; hazardous waste generated; waste oil will be burned emitting toxic substances into the air. She was originally approached and told that an Old Car Museum was proposed for the property. Neither the owner nor the applicant lives on the property. The former Ford Garage ceased operation in 1962. Failure to reopen within 2 years constitutes abandonment. There was no business on the site when she bought her home in 1996. In the 50 years since the business operated our knowledge of industrial pollutants have proved the need for caution. Wakefield is a beautiful town and we need to protect it and its citizens. For these reasons I appeal to you to deny the application for this industrial business in this residential location as proposed. Allowing the business open at 7am given the level of noise involved is inappropriate. She does not trust the ability or judgment of the applicants to operate the business in a safe manner. Last winter a mountain of snow was piled near her property line and caused excessive runoff and icing in her driveway. Federal Express could not find her property on one occasion. Is this the plan for stormwater runoff? There is a river located behind the properties. Previous minutes from the July 7, 2011 preliminary discussion of the same property stated concerns with the water behind the properties. Ms Muise indicated that the water level had been altered in the past and that has caused damage to both her barn foundation and her leach field. She hopes that her appeal at this meeting tonight may help to remediate this situation.

- No further public input and Chairman Royle closed the public input portion of the hearing.
- D DesRoches questioned the disposition of the Request for Rehearing at the ZBA. Mr Muise stated that it had been denied.
- Mr Silcocks stated the water level has only been changed by beavers or other natural events. Mr Capello had investigated the water level previously.
- Mr Fogg stated that there was a narrow portion of the waterway out behind the property that would easily clog with debris or ice. Mr Fogg spoke with Ms Muise previously and advised her that altering the water level without a state wetland permit was against the law and should be reported to NHDES.
- Ms Muise stated that she cannot see the narrow area and therefore cannot monitor the activity in that area. Trappers have not found beavers in the past.
- Chairman Royle noted that a change in water level could be from debris.
- Mr Silcocks noted that the State of NH encourages the use of waste oil furnaces and gives grants to purchase those types of furnaces. They also offer grants to become a used oil redemption center. Current waste oil furnace technology meets or exceeds the current air quality standards in the State of NH. He also noted that he had a larger pile of snow in his own parking area on the south side of the garage. It was a heavy snow winter and this is New England.
- D DesRoches doesn't have a problem with the application, but feels that most applications are reviewed by an advisor to the PB. To protect the applicant and all parties involved, we should have Mr Garrepy review the application and should take a site walk. D Stewart agreed.
- Mr Silcocks does not have a problem with a site walk or an outside review. He is trying to be very open with his application and doesn't see where there would be any problem.
- D Stewart feels that all issues in the site plan regulations have been addressed and would like to see an outside review.
- Mr Silcocks noted that the area south of the parking area was disturbed and regraded to remove poison ivy that was growing there previously. That area catches the runoff from the front of the site (highway and parking area) and allows the runoff to infiltrate. Only a very large rain event causes water to overtop the area.
- It was noted that BMPs must be followed based upon the ZBA conditions and it is noted on the site plan.
- It was noted that the applicant is responsible for the cost of the outside review and that an amount was paid for this with the application fee.

- The applicant requested a continuance to July 1st or July 11th, depending on Mr Garrepy's availability. The PB and abutters will be notified of which date. A site walk at 6:30 and meeting at 7pm will be scheduled on the date.

MOTION: To continue the public hearing to July 1st at the site
 Made by: Tom Dube
 Seconded by: Dick DesRoches
 Discussion: None
 Vote: 4-0 in favor of the motion

- D Stewart stepped down and D Silcocks returned to the board.

POTENTIAL ZONING CHANGES

- Tabled until a future meeting.

BOARD BUSINESS

1. CIP Update. The first meeting has taken place and the CIP is underway. The plan is to present it to the PB on September 5th and hold a public hearing on the CIP on September 19th. Both of these are regular PB meeting dates.
2. Cell Tower Antennas. AT&T applied for a building permit and was denied because our types of Minor Site Plan review include cell tower antenna additions. AT&T's attorney provided us with Federal Regulations (Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012), similar to Manufactured Housing on a slab, that require us to approve such applications as long as they meet certain criteria. AT&T's request meets these criteria because they are not modifying the tower or the site. Attorney Sager suggested that we go through the Minor Site Plan procedure or Insignificant Change of Use application. The other option is to call them exempt from Site Plan Review. Anything other than finding them exempt from Site Plan Review would require notices and a public hearing. Discussion ensued as to how to proceed and what the benefits would be, if any, to holding a public hearing.

MOTION: It is the Planning Boards opinion that a building permit can be issued to AT&T without Site Plan Review based upon the Federal mandate noted in the discussion.
 Made by: Tom Dube
 Seconded by: Dick DesRoches
 Discussion: None
 Vote: 4-0 in favor of the motion

MINUTES

MOTION: To approve the Public Minutes from June 6th as printed.
Made by: Tom Dube
Seconded by: Dick DesRoches
Discussion: None
Vote: 3-0-1, (with D DesRoches abstaining) in favor of the motion

MOTION: To approve the Non-Public Minutes from June 6th as printed.
Made by: Tom Dube
Seconded by: Steve Royle
Discussion: None
Vote: 3-0-1, (with D DesRoches abstaining) in favor of the motion

CORRESPONDENCE

- NHDOT will be paving from Exit 18 to Gage Hill Road beginning around July 16th. If we have any input we are welcome to direct it to NHDOT.

FUTURE MEETING DATES

- If Mr Gerrepy cannot complete his review or attend the meeting on July 1st, the Neily-Silcocks hearing will be held on July 11th. The public hearing attendees will be notified of the date when it is known for certain. All were still in attendance.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:28 pm
Made by: Dick DesRoches
Seconded by: David Silcocks
Discussion: None
Vote: 4-0 in favor of the motion

Respectfully submitted,
Nathan Fogg
Town of Wakefield NH
Land Use Clerk