



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
SANBORNVILLE, NEW HAMPSHIRE 03872
TELEPHONE 603.522.6205X309 FAX 603.522.2295

MINUTES OF THE PLANNING BOARD MEETING
11 July 2013

Approved
8/1/13

MEMBERS		ALTERNATES		OTHERS	
Stephen Royle, Chairman	X	Doug Stewart	X	Nathan Fogg, Land Use Clerk	X
Tom Dube, Vice Chairman	X	Gerard Levesque	X		
Connie Twombly, Selectmen's Representative	X	Nancy Spencer- Smith	X		
David Silcocks, Member	X	John Blackwood	X		
Dick DesRoches, Member	X				

Also present were: David Fairchild, Jan Fairchild, Ray Anglin, Jo-Ann Sanchez, Anita Muise, and Linda Dow, Valerie Ward for the PEG Channel.

Chairman Royle called the meeting to order at 6:30 at the Neily-Silcocks Site. Also at the site was Ken Neily.

Chairman Royle re-convened the meeting at 7:06pm following the Pledge of Allegiance.

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.
- Chairman Royle mentioned that there had been a Technical Review Committee meeting for the Neily-Silcocks application. He asked Mr Silcocks if he had any comments about the notes and suggestions from the TRC meeting. Mr Silcocks had no problem with the TRC notes.
- Mr Silcocks is going to run the business; however, Mr Neily is the property owner. Mr Silcocks stated that if necessary could sign the permit if necessary.
- The only issue Mr Silcocks had with the TRC comments is requiring all the approvals prior to final site plan approval. Some permits cannot be received until site plan approval is received.
- The entire parcel is in the 100-year floodplain.

- Per section 3.33 the business will need to operate in accordance with the DES "Pitstops Manual." Note #8 on the plan should specifically mention the manual.
- Snow removal needs to be included on the site plan. Mr Silcocks will make an effort to push more snow away from the abutter and towards the grass area adjacent to the parking area.
- The site needs to have potable water. There are 2 wells on the site which produce water. There is no known requirement to have the water tested. Proving potable water is part of the building inspection and occupancy permit. An occupancy permit will be required when a showroom and/or waiting area is opened. Another site plan review will be required before this could happen. 3.10-B-5 states that a water test should be provided. If Mr Silcocks cannot find the previous well test, he will have it tested again.
- Mr Silcocks stated the more requirements for the site plan will only delay the continued cleanup of the property. He wants the site cleaned up. The water behind the property flows to Lovell Lake where the Mr Silcocks' family has a camp. He wants to make the place look like it did back in the 1950s.
- Mr Stewart suggested that the PB go through the waivers either as a whole or one by one.
- Chairman Royle opened the public comment portion of the hearing.
- Anita Muise stated that during the June 20th meeting Chairman Royle stated that the fence on site could allow Mr Silcocks to expand without anyone noticing. Ms Muise requested that the PB require a quarterly review to prevent illegal expansion. She is also concerned about the area across the street being used in conjunction with this project. This area is not part of the site plan. She has filed a Citizens Complaint about this issue with the Building Inspector. She is also concerned that even though there is no change proposed in the stormwater runoff. There is an existing problem with erosion in front of her property. She has filed a Citizens Complaint about this erosion problem with the Building Inspector. Isn't the purpose of Site Plan Review to protect the Town, its citizens and its natural resources? There is a Cease and Desist Notice that was placed back in March. Why has it been ignored?
- Ray Anglin has been in Wakefield for 54 years. He remembers the Ford Garage and is pleased that a young individual is willing to reopen the garage and he feels that it is good for the town. Mr Silcocks has done a lot to improve the property already.
- No further public input and Chairman Royle closed the public input portion of the hearing.
- Mr Dube stated that having a consultant review the plan is a benefit to the applicant. It ensures that the plan is correct and protects that everyone involved making sure that all concerns are addressed.
- Mr DesRoches stated that he intends to correct the minutes to reflect that he said that the consultant does not only protect the applicant but also protects all parties involved. It minimizes the possibility of having loose ends.

- Mr Stewart reiterated that the salvage portion of the business requires yearly inspections. Quarterly inspections, considering that we have a part-time building inspector seems excessive. Mr Stewart also commented that the board should consider requiring all business related vehicles be located on the site being approved.
- Mr Silcocks stated that Mr Neily is allowed to have as many registered vehicles as he wants on his property. He is allowed 2 unregistered vehicles, 5 if they are antiques.
- It is difficult to determine whose cars are on the other side of the road. The board hopes that permitting this project will improve the conditional and look of the area not the opposite. If it is found that Mr Silcocks is using the other side of the road for the business, then the PB can take action through the Code Enforcement Office in town.
- Allowing Mr Silcocks to open the garage will provide a much greater chance of the property complying with the ZBA condition requiring the salvage cars to be gone within a ten year period verses hoping that Mr Neily will take care of the salvage cars himself.
- Keeping both sides of the road clean and presentable is in Mr Silcocks best interest.
- Mr Dube stated that most of the runoff from the Neily-Silcocks property runs away from the abutting property. Ms Muise stated that most of her erosion problem along the road and across her driveway is caused by snow storage near her property. It was noted that the garage floor elevation is well below the abutting driveway elevation. The drainage breakpoint between the Snow storage will be addressed by adding an area to the site plan.
- Mr Fogg stated that the new waiver request included the previous waivers with corrected section numbers as well as the suggested waivers from Mr Garrepy's review.
- The waiver for section 3.19, landscaping. Landscaping includes fences and that should be noted somehow.

MOTION: To waive section 3.19 Landscaping with the exception of the fence noted on the plan to be replaced within 6 months.

Made by: Tom Dube
 Seconded by: Doug Stewart
 Discussion: None
 Vote: 5-0 in favor of the motion

MOTION: To waive section 2.03-B,1,s & 4.10A: Boundary Survey.

Made by: Doug Stewart
 Seconded by: Tom Dube
 Discussion: None
 Vote: 5-0 in favor of the motion

MOTION: To waive section 2.03-B,7,q & r & 5.00: Construction Cost Estimate and Performance Agreement.

Made by: Tom Dube
Seconded by: Connie Twombly
Discussion: None
Vote: 5-0 in favor of the motion

MOTION: To waive section 4.10-C1 & 2 Topographic & Hydric Soil Plans.
Made by: Tom Dube
Seconded by: Connie Twombly
Discussion: Mr Levesque questioned whether or not My Neily should be present for this discussion. Mr Silcocks stated that he could speak for Mr Neily with regard to this matter. It was also noted that Mr Neily signed the application and was aware of the application.
Vote: 5-0 in favor of the motion

MOTION: To waive section 4.10-E,4 Transportation plan.
Made by: Tom Dube
Seconded by: Doug Stewart
Discussion: None
Vote: 5-0 in favor of the motion

- Mr Royle read the items from the TRC comment sheet.
- Police items: Move the rocks back and provide both employee and customer parking spaces, which are already shown on the plan and noted in note 8. Light the vehicle storage area with the existing light pole at the corner of the building. Change the fixture to downward directed lighting as noted in note 14.
- Fire Department: Egress, emergency lighting, fire extinguishers. These are Building Inspector items that should be addressed before a certificate of occupancy is granted.
- Building Inspector: Approvable as a drop-off business.
- Mr Silcocks would like to be able to expand within the existing footprint providing he meets all town and state guidelines and has appropriate approvals, such as a septic design before allowing him to open a showroom and/or waiting area.
- There was discussion as to what would require Mr Silcocks to come back before the PB. Also, if someone wants to wait while a tire is fixed or spark plug is replaced, they can wait. There just won't be a waiting room for them at the present time.
- Remove or repair buildings after salvage cars are removed. Part of the salvage operation. Which areas will be used as part of the business was discussed as well as which areas would be off-limits to the public. The garage bay, paved display area, and area in front of the garage would be used for the business. Other areas, especially out behind the fence in the salvage area would be off-limits to the public for safety and other reasons.
- The building inspector will determine what part of the building is safe to use for the business. There are many 'No trespassing' signs and 'Authorized Personnel' signs around the outside of

the premises. Anyone out back in the salvage area is criminal trespassing and the business has no liability for their safety.

- Mr Silcocks stated that the cars that must be removed within ten years are the ones in the yard. Cars inside or under roof areas are exempt from being forced to be removed.
- Conservation and Selectmen were not requested to be at the TRC meeting. Tom Dube and Connie Twombly happened to be in attendance and spoke towards the application. Future TRC meetings will include those groups.
- Snow removal plan needs to be added to the site plan. The plan will show the bulk of the snow being pushed across the parking area to the newly regarded area below the sales display area.
- State DOT Permit should be received as a condition of approval. Todd Nason said that there may be an existing permit or they will issue a new permit. There should not be any issue as far as he could see.

MOTION: To approve the minor Site Plan Application for Neily-Silcocks to operate an Auto Repair, Used Car Sales, and Salvage Operation at 2497 Wakefield Road with the following conditions: 1. Snow storage to be added to the site plan with most snow being pushed below the parking area; 2. A NHDOT Driveway Permit be received; 3. Must Comply with the recommendations of the TRC; 4. Comply with all State and Local Permit Requirements; 5. Comply with all ZBA Conditions, including #4 corrected to read 'used car sales shall NOT exceed 100' in length'; 6. Adding to note #8 on the plan section 3.33 in the Site Plan Regs.

Made by: Tom Dube
Seconded by: Connie Twombly
Discussion: None
Vote: 5-0 in favor of the motion

- Mr Stewart continued to sit for Mr Silcocks on the board.

TRC DISCUSSION

- It was noted that Conservation Commission and Selectmen will be invited to TRC meetings. Planning Board members are welcome to attend.

POTENTIAL ZONING CHANGES

- Zoning changes were discussed. Mr Fogg will work on language for the PB to review.
- A potential new zoning change was in reference to garages being allowed on a lot contiguous to a parcel with a primary structure. This can cause a future non-compliance if the parcels are sold separately. Some people would squeeze a garage onto their lakefront property rather than combine their parcels. This would add impervious area to our waterfront lots and be harmful to the lakes. The consensus of the board was to not restrict the use of adjacent parcels and deal with zoning violations should they arise. Mr Dube feels that we should allow storage buildings

on lots that are not contiguous, since it would allow some folks to not overload their waterfront lots with their 'toys'.

- Living area square footage of manufactured housing was discussed as a way to limit them in town. Mr Royle did not believe that would be legal given the recent information received about allowing them on slabs. We cannot keep them out of town, only where they are allowed within town.
- Mr DesRoches feels that we should focus on a couple of changes and get them done correctly. Talking and discussing these at length does not get them changed.
- Temporary structures will be better defined for the Zoning Ordinance and require them to meet setbacks to protect neighbors. Greenhouses, box trailers, Pods, temporary garages, and the like could be in the definition of temporary structures to better control their placement. We may not want to mention box trailers because then they would be allowed in town and many people have problems with neighbors having them on their property. Registered box trailers cannot be limited, similar to registered vehicles.
- The camper on Sandy Pond was discussed as to the legality of the camping trailer, deck, and fence. This situation is being looked into to see if it complies with the Zoning Ordinance and camping permit rules in town. There is also another camper on Canal Road that has been an ongoing problem and was supposed to be cleared up this past spring.
- Family Campground. We should just remove the whole section.

BOARD BUSINESS

1. CIP Update. Town Administrator has approved the letter going out to department heads. Howie and Denny are very organized to make this happen in a timely manner.
2. Surface Drainage Updates. Need to work on Site Plan and Subdivision updates with regard to FB Environmental updates. The two regulations should match with regard to stormwater management.

MINUTES

MOTION: To approve the Public Minutes from June 20th with the correction to Mr DesRoches statement 'to protect the applicant AND ALL PARTIES INVOLVED' and remove Connie Twombly from being in attendance.

Made by: Tom Dube
Seconded by: Dick DesRoches
Discussion: None
Vote: 4-0-1, (with C Twombly abstaining) in favor of the motion

CORRESPONDENCE

- Wetland application was received for a second dock on a property on Belleau Lake.

- Letter and invoice requesting payment for a member signing up for a conference that they were unable to attend.

FINAL APPROVAL AND SIGN MYLAR & PLANS FOR WEEKS DRIVE

- Property monuments have been set and a revised mylar submitted for signatures.
- Mylar and plans were signed by the board.

CLERK DIRECTIVES

- The new Clerk would like directives from the board as to when to hold a TRC meeting and when to request a consultant
- Are there other consultants that the board should consider using? It was unfortunate that Mr Garrepy could not be attendance at this meeting.
- The Clerk will consult with the PB Chair to determine when to use a consultant.
- Mr Garrepy stated that he was frustrated with our regulations because we do not differentiate between Minor, Major, or Insignificant Change of Use with our checklists. All applications are subject to the same regulations.
- We may want to meet with the TRC for all applications, rather than selected ones. You never know where the problems are in town that can be addressed. It would also keep all departments in town up to date on what is going on in town. We would not need a consultant at all TRC meetings so there would be no cost to the applicant. Having a TRC meeting for all applications would also eliminate the appearance of favoritism for any particular applicant.

ADJOURNMENT

MOTION:	To adjourn the meeting at 9:15 pm
Made by:	Tom Dube
Seconded by:	Doug Stewart
Discussion:	None
Vote:	5-0 in favor of the motion

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