



TOWN OF WAKEFIELD, NEW HAMPSHIRE  
PLANNING BOARD

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**WAKEFIELD PLANNING BOARD**

**January 5, 2012**

MEMBERS		ALTERNATES		STAFF	
Paul Winckler, Chairman	X	Tom Dube	X	Anna Williams, Secretary	X
John Blackwood, Vice Chairman		Stephen Royle	X	Arthur Capello, Bldg. Inspector	X
Peter Kasprzyk, Selectmen's Rep		Dick DesRoches	X	Mike Garrepy, Planning Cons	X
Peg Stevenson	X				
Charles Edwards	X				

Also present were David Mankus, Jerry O'Connor, Reuben Knisley, Anthony Guba, representing the applicant, Alliance Energy Corp., Dan Berry, also for the applicant, and Don Rhodes, the traffic engineer.

A. **CALL TO ORDER**

Mr. Winckler called the meeting to order at 7:00 PM and appointed Mr. Dube to fill in for Mr. Blackwood.

B. **PUBLIC COMMENT**

There was no public comment.

C. **PUBLIC HEARING**

**Alliance Energy Corp. – Routes 109 and 16 (Mobile-on-the-Go) – Tax Map 183/Lot 51 – Major Site Plan to construct a 675 square foot addition to the existing convenience store** – Anthony Goba introduced himself as the applicant's representative. He also introduced Don Rhodes, the Traffic Engineer, and Dan Berry for Alliance Energy Corp. who is authorized to act on behalf of the applicant. He referenced the "as built" plan and pointed out the two driveways on Route 109. He mentioned that there will be no access on Route 16. He stated that the existing facility is a small convenience store with gasoline. There is a river that runs across the property which abuts the church with a real estate office and the post office across the street. They are proposing a 675 square foot addition. Currently, there is a restroom in the store that is not handicap accessible. He stated during the summer season port-a-potties are placed on the site for the customers' convenience. The new restroom will be approximately half of the 675 square foot addition and the storage area and the manager's office will be moved into the remaining area of the addition. He indicated the location of the new portion of the counter. He mentioned that the size of the facility is the reason they must come before the Board. He stated they also need a Conditional Use Permit because the addition will be eight feet over the maximum 70 feet that is permitted without a Conditional Use Permit. Because the facility is small, there will be no change

to the paved parking areas. The parking will be changed because of the removal of the port-a-potties. The site exceeds the number of parking spaces at this time. There will be no increase in exterior lighting or the signage. There is the possibility that the sign may be refaced, but that is the extent of any changes for the sign. The Major Site Plan regulations lists a number of requirements that they have requested be waived which are based on Mr. Garrepy's comments in his memo. He enumerated the waivers as follows:

1. Topography – There will be no change in the topography of the site;
2. Contours – There will be no change in the contours of the site;
3. Hydric Soils – There will be no change to the soils on the site;
4. Fire Protection Plan – The Fire Department has requested that they be allowed to review the alarm system that will be installed;
5. Underground Utilities – None required;
6. Landscaping – There are no plans to add to or remove any landscaping;
7. Exterior Features – Except for the removal of the seasonal port-a-potties, there will be no change to the exterior features of the site;
8. Solid Waste – There will be no solid waste stored on the site;
9. Hazardous Waste – There will be no hazardous waste stored on the site;
10. Vicinity Map – Since nothing will be changing on the lot, no vicinity map is required;
11. GPS Location - Since nothing will be changing on the lot, no GPS location is required and
12. Erosion Control Plan – Because there will be no grading and the area for the addition will only be open for a small period of time, no erosion control plan is required.

Mr. Guba explained that most of the items for which they are asking a waiver do not apply to this project. He said the architecture will match the existing building which is a simple gable roof and the exterior landscaping will also match what currently exists so that it will look like it has always been there. He referenced the traffic study that had previously been submitted and explained that since the busy season has ended for the current year, they used figures from other seasonal areas for a Dunkin' Donuts business. He said at this time they have no idea what company might be going into the facility. There will be no "drive-thru" service as the facility is not suited for that type of service. He explained that it was difficult finding a business like Dunkin' Donuts that didn't have a "drive-thru", but they were able to locate one in Massachusetts and Hampton, NH where there was some difference in the morning traffic. The State hasn't mentioned anything about the egress and ingress so they expect to receive that approval shortly.

**A Motion was made and seconded to accept the application of Alliance Energy Corp. for a 675 square foot addition to the Mobile-on-the-Go store and gasoline station at the corners of Routes 16 and 109 as complete. Stevenson/Edwards – Unanimous.**

To Ms. Stevenson's question whether the State has requested that the entrances be designated as an ingress and egress, Mr. Guba advised he has had no feedback from the State at this time. He stated that the traffic study indicates that they should consider doing that. He indicated on the plan which driveway is generally used by the Route 16 traffic and stated the other driveway [on Route 109] is generally used by vehicles going to the downtown area. He mentioned that with regard to the parking, the ordinance requires that they have 23 + 2, but since they are eliminating the port-a-potties, they will have 32.

Mr. Winckler stated in reviewing the traffic study it appears that morning will be the busiest time. He suggested that possibly arrows indicating what driveway is the ingress and which is the egress would be helpful.

To a question from Mr. O'Connor whether that lot is on Town sewer, Mr. Guba advised that they have calculated that there will be a minimal increase of waste water primarily due to the fact that the port-a-potties will be removed. He stated that during the Technical Review Committee meeting, there were no comments from the sewer district regarding what is being proposed which is more than likely because the increase in the sewer usage will be less than a dwelling. He mentioned they will be installing three catch basins with hoods to protect against a potential spill. He stated that is an improvement over what exists now, but it isn't much of a change.

To Mr. O'Connor's question whether gasoline or oil will be able to flow to the river, Mr. Guba advised they are not making any changes to the tanks, plumbing or fueling operations and where they will be installing the catch basins with hoods that shouldn't occur. Regarding installing speed humps, he felt that could create a problem in the winter.

To Mr. Winckler's comment that there doesn't appear to be much that addresses the exterior clean up situations, Mr. Guba advised there currently is a policy wherein the employees police the area every two hours and use a sign off sheet when they are done with their inspection. He mentioned those inspections include both the exterior as well as the interior. He stated they check the perimeter of the outside and remove anything that is lying around. He said with regard to the Board's suggestion of installing a fence to prevent rubbish from going into the river, since the employees are required to make those inspections, a fence will not make the area look as nice as it does at this time.

Mr. Edwards commented that with the addition of the new bathroom there should be less congestion in the store since there always seems to be a line for the bathroom during the summer season.

Mr. Guba felt that having the new bathroom should also help the trash problem because the customers will now be inside the building where they can dispose of any trash they have.

To Ms. Stevenson's comment and question that the plan being reviewed doesn't indicate the Conservation Overlay District and will that be added, Mr. Guba advised that is one of the items that Mr. Garrepy suggested be included on the plan. He commented that whatever Mr. Garrepy has suggested in his memo, they will be able to do. He said he would like conditional approval based on including Mr. Garrepy's suggested notes on the plan.

To Ms. Stevenson's question of where was the list of conditions, Mr. Garrepy advised they are contained in his memo dated January 2, 2012. He stated some of the conditions are merely housekeeping in nature.

Mr. Guba said he would have brought in the revised plans this evening, but Mr. Garrepy felt it would be too confusing. He said everything that is required will appear on the next version of the plan.

To Mr. Winckler's reiteration concerning the increase in traffic on the site, Mr. Garrepy suggested that the entrance closest to Route 16 should be designated "One Way" only.

To Mr. Edwards' concern that doing as suggested by Mr. Garrepy might be too confusing as the traffic pattern has already been established, Mr. Garrepy stated if there are ten vehicles waiting to go onto Route 16, that could create a problem, therefore, by restricting that movement all vehicles will have to use the other driveway. He said the Board can gauge any issue that might develop and address it then. He felt there should be a threshold so that any situation with vehicle movement can be addressed.

Mr. Guba stated if the Board would like to place a condition in their approval that ingress and egress signs be installed, they will put them in.

Mr. Dube felt that a performance guarantee should be required since that has been a problem in the past with other projects. He said he understands this is a small addition which doesn't require much excavation work, but something might occur if the excavated area is left open for very long. He mentioned that he had to do an erosion control plan when he came before this Board recently. He was concerned about silt flowing into the river. He felt a small performance guarantee should be required.

To Mr. Guba's question of how would they determine what the amount should be, Mr. Dube suggested \$5,000 to \$10,000. He referenced another project in which the Planning Board didn't require a performance guarantee where there were problems. He stated that although this is a small project, it is a commercial site plan.

Mr. Guba advised he had no problem with \$5,000 or \$10,000.

Mr. Dube felt the erosion control plan could be waived if they agree to install a silt fence.

At this time, Mr. Winckler opened the public hearing and asked if there was anyone present who wished to speak.

Mr. Mankus stated he goes into that store several times a week and thinks it is well run. He said he agrees with Mr. Dube concerning the need for a performance guarantee, but this proposal is only to add a bathroom, therefore, he didn't feel that a performance guarantee is necessary especially where it is an existing business.

Mr. O'Connor felt that a performance guarantee is a good idea considering what occurred with Crystal Lake.

To Mr. O'Connor's question whether there will be inside sitting, Mr. Guba explained that there will be no drive-thru and no inside sitting. He referenced the proposed floor plan which included the location of the refrigerator. He said the existing counter will not be changing and the new area will be for coffee and donuts, etc. only.

Mr. Garrepy suggested that instead of a performance guarantee, the Certificate of Occupancy can be withheld until everything is completed. He said where the work is being done on private property and no road or other public improvements are required, a performance guarantee may not be the correct guarantee for this project. He reiterated that his suggestion would be to withhold the Certificate of Occupancy and make that a condition of approval.

Mr. Dube commented that someone should be sure that what is done is in compliance with the ordinance before the Certificate of Occupancy is issued. He stated there could be some minor issues that could come up. He suggested that the Board consider requesting a new landscaping plan for which a performance guarantee is required.

At this time, there was a brief discussion regarding who would be responsible for inspecting the work to be sure it is in compliance with the ordinance as well as the approved plan with Mr. Capello advising the Certificate of Occupancy could be contingent upon all of the Board's conditions being met.

After ascertaining that there were no further questions or comments, Mr. Winckler closed the public hearing at 7:50 PM.

**A Motion was made and seconded to approve the following waiver requests from the Wakefield Site Plan criteria:**

1. **Article 3.19 (page 47), Article 4.10 – E 13 (page 64) – Landscaping;**
2. **Article 3.28 (page 53) – Underground Utilities;**
3. **Article 4.06 (page 59) – Approval Sheets, GPS location for locus map;**
4. **Article 4.10 (page 60) – B – Vicinity Map;**
5. **Article 4.10 – C1 (page 61) and E1 (page 62) – Topography;**
6. **Article 4.10 – C2 (page 61) – Hydric Soils;**
7. **Article 4.10- E8 (page 63) – Erosion Control Plan – with the condition that a silt fence is added to the plan per Section 7-k above;**
8. **Article 4.10 – E8 (page 63) – Fire Protection Plan with the condition that the building plans meet all Fire Department requirements;**
9. **Article 4.10 – E11 (page 64) – Utilities and Lighting Plan;**
10. **Article 4.10 – E14 (page 64) – Streetscape Plan;**
11. **Article 4.10 – E15 (page 64)– Open Space and Recreation Plan and**
12. **Article 4.10 – E16 (page 64) – Natural and Historic Features Plan.**

**Stevenson/Edwards – Unanimous.**

**A Motion was made and seconded to grant a Conditional Use Permit for Article 3 – Table 3 – (page 12 and 13) of the Town of Wakefield Zoning Ordinance. Dube/Stevenson – Unanimous.**

**A Motion was made and seconded to conditionally approve the plans of Alliance Energy Corp. entitled “Site Improvement Plans” prepared by Ayoub Engineering dated from October 10, 2011 to November 28, 2011 as follows:**

1. **Table on sheet C-1 of the Plan shall be amended to correct a transpositional error;**
2. **A note shall be added to the plan that “All activity within the Aquifer Conservation Overlay District shall comply with the requirements set forth in the Town of Wakefield Zoning Ordinance, Article 8” (page 16). The plans should also depict the portion of the property which lies within that district;**
3. **A note shall be added to the plan indicating the extent of the Floodplain Development Overlay District boundaries encumbering the parcel and that “All proposed activity shall comply with the requirements set forth in the Town of Wakefield Zoning Ordinance, Article 11 for building and site construction (page 24);**
4. **A letter from the Sanbornville Water Precinct is required stating that adequate capacity is available for any proposed increase in water usage over what is currently being used;**
5. **All local, State and Federal permits required shall be received prior to final approval. It shall be the applicant’s responsibility to identify and obtain any required permits;**
6. **The applicant shall provide the written policy for site operations with respect to grounds maintenance to ensure that refuse generated on the site is collected and disposed of properly;**
7. **A note shall be added to the plan that all proposed signage shall comply with the Town of Wakefield Zoning Ordinance, Article 21 (page 46);**
8. **A snow maintenance plan shall be provided;**
9. **The Planning Board endorsement block shall be added to the applicable plan sheets for signature;**
10. **Required Notes 1 – 8 of the Town of Wakefield Site Plan Regulations, Section 4.06 – D (page 59) shall be added to the plan;**
11. **The plans shall be amended to depict a silt fence along the edge of the proposed construction area abutting the Branch River and**
12. **A performance guarantee in the amount of \$5,000 shall be provided to the Land Use Department and administered in accordance with Town of Wakefield Site Plan Regulation, 5.00 (page 66) to ensure the proper installation of proposed hoods on the existing catch basins and to remove any siltation from said basins or that might find its way toward the Branch River during construction.**

**Stevenson/Edwards – Unanimous.**

Mr. Guba advised that they will not be changing anything, but if it is all right with the Board, he will add the conditions just approved by the Board to the existing plan. He indicated the location where the snow will be stored on the site on the plan.

To Mr. Winckler’s comment regarding the conversation the Board previously had concerning a sign [directing people to the downtown area], Mr. Guba advised it is his understanding that the applicant is willing to work with the Town once the Town explains what it wants on the sign. He stated at this time what the sign will say and where it will be located is a grey area. He felt the only place that would make sense would be to install it on Route 16 since placement of the sign is important so that people can react in time.

D. **BOARD BUSINESS**

**John W. Boucher, III, Trustee of the Boucher Revocable Trust – Extension to Comply with Conditions of Approval for a subdivision located at 1991 Lovell Lake Road shown as Tax Map 205/Lot 2** – To Ms. Stevenson’s question of why the Board is looking at this request, Mr. Garrepy explained that the applicant is requesting the extension because he is still in the process of working on a conservation easement. He stated in checking the regulations he found that there is a six month limit to comply with any conditions of approval and that six months has long expired for this plan. He said at this time there is no valid subdivision approval according to Article 2.1.9 – B. He advised he has spoken with both the applicant and the engineer and advised them they would have to come back to the Board for an approval of the subdivision plan. He said at that time, the Board can specify the length of time the applicant can have to comply with the conditions. He mentioned that there may be some changes to the lot configurations or there could possibly be no lot configurations at all which will be based on the conservation easement that is negotiated. He advised that the usual procedures for a subdivision must be followed, i.e. notice to abutters and publication of the public hearing in the newspaper. He stated a new Notice of Decision will be required as well as the Board’s signing of a new plan with the appropriate dates, etc.. He mentioned that the applicant didn’t have a problem returning to the Board for the approval of the plan. He suggested that the fees already collected be used for the new application.

**A Motion was made and seconded to review a new subdivision plan for the Boucher Revocable Trust since the previous approval of the conditions has expired. Edwards/ Stevenson – Unanimous.**

At this time the Board held a brief discussion regarding a way to prevent these circumstances again with the secretary advising she could calendar the expiration of the extension in her computer.

E. **CORRESPONDENCE and MISCELLANEOUS**

1. **Meeting Schedule** – The Board was in agreement to cancel their regular meeting on Thursday, January 12, 2012 because they have scheduled a public hearing for Monday, January 16, 2012.

To Mr. Edwards’ suggestion that the Board meet an hour prior to the public hearing so they can discuss any questions they may have concerning the proposed ordinance revisions, Mr. Capello mentioned that no revisions can be made to the proposed ordinance amendments because they are due in the Town Clerk’s office a day or two after the public hearing.

Mr. Garrepy advised he and Mr. Capello wondered why the Board had back to back meetings rather than having one on the first Thursday of the month and another on the third Thursday of the month. He felt it would be better to have the Planning Board meetings on the first and third Thursdays of the month which will give everyone more time to get paperwork together for the second meeting.

**A Motion was made and seconded to revise the Planning Board's meeting schedule to the first and third Thursdays of the month beginning in February, 2012. Dube/Edwards – 4/1 – Abstention (Ms. Stevenson).**

3. **Zoning of Route 16** – Mr. Winckler mentioned that the Board has discussed the zoning, etc. for Route 16 and talked about a straw poll to inquire about the sentiments of the Citizens of the Board. The members rejected the idea.

After a brief discussion, Mr. Winckler asked each Planning Board Member to submit a list of names for consideration to that sub-committee with Ms. Stevenson and Messrs. Edwards and Dube feeling that the Board should wait until after the Town Meeting.

F. **APPROVAL OF MINUTES**

There were no Minutes approved.

G. **ADJOURNMENT**

**A Motion was made and seconded to adjourn the meeting at 8:30 PM. Dube/Stevenson – Unanimous.**

Respectfully submitted,  
**ANNA M. WILLIAMS**  
Planning Board Secretary