



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PLANNING BOARD

2 HIGH STREET
 SANBORNVILLE, NEW HAMPSHIRE 03872
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MINUTES OF THE PUBLIC HEARING
June 7, 2012

Final Copy

MEMBERS		ALTERNATES		STAFF	
Paul Winckler, Chairman	X	Richard DesRoches	X	Michelle MacDonald, Secretary	X
John Blackwood, Vice-Chairman	X	Doug Stewart		Arthur Capello, Code Enforcement	X
Charlie Edwards, Selectmen's Rep		Gerard Levesque	X		
Stephen Royle	X				
Tom Dube	X				

Attendees present: Cindy Bickford, Town Assessor

Chairman Winckler opened the meeting at 7:00pm, with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT

Chairman Winckler opened the session for public comment. Mr. Winckler recognized Cindy Bickford, Town Assessor.

- Ms. Bickford stated she knew that Arthur Capello, Town of Wakefield Building Inspector had spoken recently to the Planning Board about the deeds for Boundary line Adjustments. Ms. Bickford stated that she was also aware that there had been new verbiage added to the Notice of Decision letters being sent out that basically stating the Boundary Line Adjustments do not take effect until deeds have been recorded. Ms. Bickford asked the Board if they would address this issue when they are reviewing a plan. Ms. Bickford had brought this issue to the Boards attention due to the fact that there was a Boundary Line Adjustment that had been approved over a year ago. The property owners well is on the neighbor's property. No deeds have been recorded and it has been approximately a year and a half and they still do not own their well.

Mr. Winckler asked Ms. Bickford if this is happening frequently. Ms. Bickford stated that there had been two Boundary Line Adjustments that were processed about a year to a year and a half ago which still do not reflect the Town's Tax Maps nor do they exist because there has been no deeds recorded to transfer ownership. Mr. Dube stated that he didn't see the problem because the plans had been recorded. Ms. Bickford responded that the plans mean nothing unless a deed transferring ownership of the land has been recorded.

Mr. Royle stated that there were two different Boundary Line Adjustments. One which is between two property owners and the other is when a property owner owns both plots of land. He asked about the Boundary Line Adjustment where the owner owns both plots of land. Ms. Bickford stated that would be different and yet quite common. Mr. Royle said "so a Boundary Line Adjustment owned by the same property owner would not be an issue?" Ms. Bickford stated that Mr. Royle was correct. Ms. Bickford gave an example of a previous Boundary Line

Adjustment that was reviewed by the Board for Gloria Rhodes. She stated that it was the same ownership so there was no issue. It only becomes an issue when you are deeding property from one property owner to another. Mr. Dube felt this wasn't the Board's responsibility. Ms. Bickford stated that the Planning Board cannot require the recording of the deed. She was just asking that when the Board approves a Boundary Line Adjustment to explain to the property owner that until a deed is recorded the Tax Maps or property ownership does not change. Ms. Bickford stated that a Boundary Line Adjustment could be recorded at the Carroll County Registry of Deeds for up to 20 years but if the land was never transferred it doesn't change a thing. Ms. Bickford also stated that this reminder is now added to the Notice of Decision letter in bold print but she was just asking the Board to be another reminder for the property owner.

2. Ms. Bickford stated that Mr. Anglin had come into her office and was inquiring if anything had been done about the access to his property. Ms. Bickford told the Board that she had read the minutes from that particular meeting and understands the decision being "out of the Board's hands" but she is concerned because the Planning Board signed the plan that abandoned that road. Ms. Bickford stated that she and Arthur Capello, Town of Wakefield Building Inspector attended a seminar last year where an LGC Attorney spoke on private road, class six roads and trails. Ms. Bickford feels that the Planning Board had no right to abandon Mr. Anglin's road. Mr. Blackwood stated that a property owner could make whatever changes they wish that went along with the deed. He feels that since Mr. Colosi added another access for Mr. Anglin's property that this issue is finished. Mr. Capello stated that the Planning Board could unrecord the plan that they signed. Ms. Bickford made the suggestion that the Planning Board could make an amendment. Mr. Winckler stated that the Board should offer Mr. Anglin and Mr. Colosi the chance to come to a meeting and discuss the issue. Mr. Dube felt that this issue needed to be discussed with their attorneys.

Ms. Bickford made the statement that the deed shows the transfer of the land but does not describe the road ways. Mr. Royle asked if it stated in Mr. Anglin's deed that he had a right of way to his property. Mr. Blackwood made the comment that he had a right of way but he closed it. When Mr. Colosi built his house he put an access in for Mr. Anglin. Mr. Capello stated that it was not a suitable passageway. He told the Board to look over the letter from Rick Sager, Town of Wakefield Attorney because he also stated that the access was not a suitable passageway. Mr. Royle stated that the letter also said that the Planning Board was not obligated to do anything. Mr. Winckler suggested that the Board send a letter to both Mr. Anglin and Mr. Colosi inviting them to discuss this issue at a Board meeting. Mr. Capello stated that it wasn't the Board's responsibility to be the mediator. Ms. Bickford stated that she just wanted to inform the Board that Mr. Anglin had come into her office asking for an update on this issue.

3. Ms. Bickford talked about the North Coast Construction facility on Crystal Lane. Ms. Bickford mentioned that Mary Pinkham Langer, Gravel Tax Appraiser for the State of New Hampshire came into her office and asked if she would bring the following to the Board's attention. Mrs. Langer wanted to remind the Board that they granted an extension for Condition of Approval to November 2012. Ms. Bickford stated that North Coast is currently hauling loam off-site, which they are allowed but there is concern that the condition that all disturbed areas not to be paved or otherwise treated shall receive four (4") of loam will not be met by November. Mrs. Langer just wanted the Board to be on top of this. Mr. Winckler asked Ms. Bickford if a letter had been sent out by Mrs. Langer to North Coast Construction. Ms. Bickford stated that Mrs. Langer had met

North Coast on site but did not address this particular issue. Mrs. Langer also wanted to follow up on the extension to the conditions, mainly the condition of the alteration of terrain permit being renewed which was never completed. Ms. Bickford stated their alteration of terrain permit expired on August 9, 2009 and has never been renewed.

Mr. Royle asked Ms. Bickford if the Planning Board or Mrs. Langer enforces the terrain permit. Ms. Bickford stated that the Planning Board needs to enforce the permit. Mr. Dube stated that the terrain permit is a state permit. Mr. Dube informed Ms. Bickford that North Coast told the Board they no longer needed the permit because there is not more than one acre disturbed anymore. Mr. Dube feels that if the state still feels the need for the permit that it should be between North Coast and the State. Ms. Bickford made the comment that the renewing of the permit was part of the Boards approval. Ms. Bickford referred to the minutes from a past Board meeting that stated a motion was made and seconded to approve an extension of the Conditions of Approval for North Coast Construction to November 2012 with the conditions that the Alteration Terrain Permit be renewed and a certification by an engineer that the final work is in compliance. Mr. Dube thought that a North Coast Engineer came to the Board and informed them that they no longer needed the permit.

Mr. Dube wanted to know if Mrs. Langer was a State official why she wouldn't send/give North Coast a notice. Mr. Capello stated if it is a Condition on the Approval it is local enforcement. Mr. Royle stated that the Conditions of Approval would be the Boards responsibility to make sure North Coast understands them but it's the States responsibility to make sure they are being followed. Mr. Royle did not feel that Mr. Capello needed the Planning Boards permission to enforce the renewal of the Terrain Permit. Mr. Capello stated any Conditions the Planning Board approves he needs their permission to enforce.

Mr. Winckler felt that this is not a big deal due to the fact it is not November yet. Ms. Bickford just wanted to point out that the permit hasn't been renewed and that North Coast Construction is removing loam when they need 4" in order to meet the conditions. Ms. Bickford informed the Board if they had any questions that she would forward Mrs. Langer's e-mail to Michelle MacDonald, Town of Wakefield Land Use Clerk. Mr. DesRoches made a suggestion to have Mr. Capello send a courtesy letter to North Coast reminding them of the Conditions that need to be met.

MOTION: to send a letter to North Coast Construction mentioning the Alteration Terrain Permit and the conditions of approval.

Made By: Steve Royle

Seconded By: John Blackwood

Discussion: Let the record state that member Tom Dube recused himself from voting at this time.

Vote: Unanimous

PUBLIC HEARING

There were no hearings.

BOARD BUSINESS

1. Gerry Levesque – Water samples

Mr. Winckler stated that Gerry Levesque had some water samples from the lakes as well as data for the last 5 years. Mr. Levesque stated that this started back on April 6, 2012 when they received the report from Forest Bell. Mr. Levesque mentioned that he asked Linda Schier, from AWWA about getting the water samples. Mr. Levesque was told by Linda that she could get these samples. Mr. Levesque then had a meeting with Linda and found out that she couldn't get the data because the information wasn't available. Mr. Levesque mentioned that there was another meeting held and that Bob Craycraft, Steve Royle, Linda Schier, Dick DesRoches, and he attended to see if they could get this issue straightened out. There are phosphorus readings that are missing for the last 5 to 7 years.

Mr. Levesque asked the Board if they knew what phosphorus does to a lake. Mr. Levesque responded by saying that phosphorus creates a bloom. Mr. Levesque talked about how Bob Craycraft told Mr. Royle and him that a pond behind Michawanic Village was turning green. Mr. Blackwood asked if it was from pollen. Mr. Levesque stated that according to Bob Craycraft, who is a Scientist from the UNH it is not from pollen. Mr. DesRoches stated that in the meeting Mr. Craycraft said it was algae bloom.

Mr. Levesque discussed Lovell Lake and how they do not know the phosphorus level now and haven't for the last four years. Mr. Blackwood wanted to know why they do not know if they have taken water samples from the lake. Mr. Levesque stated that Chuck Hobson takes the samples and the records to UNH. UNH normally has the scientist read all the numbers but they haven't done it. Mr. Levesque didn't know if time or money was an issue or not.

Mr. DesRoches stated that Bob Craycraft comes once or twice a year to take water samples himself but the rest of the time it is volunteers that take the samples then Mr. Craycraft takes all the information and compiles a report on water quality phosphorus, as well as clarity. Mr. DesRoches stated the report that Mr. Levesque is referring to was a report that Forest Bell did in 2008 and completed in 2009 so he only had information through 2007. However, Mr. Bell did not use individual samples. He takes the information and enters it into a computer program which came up with the trends on the graph. What Mr. Bell is looking for is the phosphorus level going up, down or staying level. Mr. Bell's results showed that in all the lakes but one the phosphorus levels are going up over a ten year period. What AWWA needs to know is what happened with the levels in 2008 and 2009. Linda Schier has been working with Forest Bell and Dustin Johnson on how to get the additional trend information added onto the graphs so there will be 15 years instead of 10 years.

Mr. DesRoches feels it is not likely that the phosphorus levels have gone down in the last few years. Mr. DesRoches stated Linda Schier was going to get a price because this is fairly expensive to do. She was also going to figure out how much AWWA could do themselves. Mr.

Winckler agreed it would take a large amount of money to accomplish this goal and asked what the expensive would be for. Mr. DesRoches stated the expense is taking all that information and putting it into making the graph. Mr. Levesque stated that this test is 32 years old right now and that he has started to find someone else that can do what Forest Bell does. Mr. Levesque went to a lab called Nelson Analytical and explained what the issue was. Nelson Analytical will test water samples for phosphorus for \$12.00 and they perform tests on hundreds of lakes. Mr. Levesque passed out a report from Nelson Analytical to the Board to show what Nelson Analytical tests for. The report showed that with a typical lake they test for orthophosphate and phosphorus. But they also test for coliform and e-coli bacteria which AWWA does not test for.

After a lengthy discussion on water samples and how to produce the data Mr. Levesque asked the Board how far they wanted him to take this issue. Mr. Levesque main concern was that there is going to be a workshop on July 16th and he wants to have all the information needed. Mr. Winckler stated that he was looking forward to the workshop and hopes to get builders and contractors to attend. Mr. Winckler thanked Mr. Levesque for his work.

OLD BOARD BUSINESS

1. Site walk on Route 16.

Mr. Winckler stated that the site walk on Route 16 that was scheduled for Saturday June 2nd had been cancelled due to the pouring rain. Zoning Maps were passed out to the Board Members by Chairman Winckler. Mr. Winckler stated that he could see quite a few places along Route 16 that could be zoned Business/Commercial. One area was the Industrial Park South on both sides of the road. He was concerned about North of the Industrial Park due to the fact that the Water District draws their water from this area. Mr. Dube stated that they should consider both sides of Route 109. Mr. Royle stated there would be a better chance South on Route 109 than North. Mr. Winckler thought that both sides of Route 16 1000 ft. back could be zoned Business/Commercial. Mr. Dube made the comment that if it was 1000 ft. back it would have to be at least a 200 ft. buffer.

Mr. Blackwood stated that the ledges in Union would be difficult to zone Business/Commercial due to the fact that it could get costly for the future property owner. He felt if the Board wanted to attract business on Route 16 that they should not make it impossible for the business to get off the ground. Mr. DesRoches stated that it didn't make sense to re-zone an area they know is non-buildable. Mr. Winckler made the suggestion that they should zone all of Route 16 Business/Commercial with some exceptions. Mr. Royle suggested that they zone some parcels on each side of Route 16. Mr. Dube thought they should take the area from Gage Hill Road down 1000 ft. on both sides. He believes they can't spot zone Route 16.

After a lengthy discussion the Board agreed that they would purpose to zone the left side of Route 16 South of Gage Hill Road to Union as Business/Commercial for 2013. Mr. Royle asked what the next step would be. Should they have Mr. Garrepy review this decision? Mr. Winckler agreed Mr. Garrepy's input would be helpful. Mr. Winckler asked the Board if they wanted to travel Route 16. Mr. Blackwood stated that he has walked Route 16 many times. Mr. Dube thought they should consult with Mr. Garrepy.

2. Arthur Capello- Mike Garrepy, Town Consultant
Mr. Capello brought to the attention of the Board that a decision is needed concerning Mike Garrepy, Planning Board Consultant. Mr. Capello asked if Mr. Garrepy had been working on the Master Plan. Mr. Winckler stated that he thought Mr. Garrepy was working on the Historical Chapter but knew that Pam Judge and Mike Garrepy have not touched base yet. Mr. Winckler stated he called Pam Judge and left a message but she has not returned his call.

Mr. Winckler requested Mr. Garrepy to attend the June 21st meeting for a Minor Site Plan Review. The Board could discuss their concerns with him at that time.

CORRESPONDENCE AND MISCELLANEOUS

There was no correspondence and miscellaneous.

APPROVAL OF MINUTES

Mr. Winckler had some minor changes that needed to be made.

MOTION: To approve the minutes of the May 17th meeting with the changes
Made by: Steve Royle
Seconded by: John Blackwood
Discussion: None
Vote: Unanimous

ADJOURNMENT

MOTION: To adjourn the meeting at 8:42pm
Made by: Tom Dube
Seconded by: John Blackwood
Discussion: None
Vote: Unanimous

Respectfully submitted,
Michelle MacDonald

Michelle MacDonald
Planning Board Secretary