



# TOWN OF WAKEFIELD, NEW HAMPSHIRE

LAND USE DEPARTMENT

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## MINUTES OF THE PLANNING BOARD MEETING 18 February 2016

Approved 3/17/16

<b>MEMBERS</b>		<b>ALTERNATES</b>		<b>OTHERS</b>	
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	X
Connie Twombly, Selectmen's Representative	X	Nancy Spencer-Smith		Richard Sager, Town Counsel	X
David Silcocks, Member	X				
Dick DesRoches, Member	X				

**Also present were:** Donna Martin (videographer), members of the audience.

### **CALL TO ORDER – 7:00pm**

1. Chairman Royle called the meeting to order at 7:00pm following the Pledge of Allegiance. Wakefield Police Chief Ken Fifield reminded all to proceed in a respectful and dignified manner. He then led those present in prayer. S Royle asked for each one seated at the front table to introduce themselves to the public.

### **PUBLIC COMMENT**

2. None.

### **PUBLIC HEARINGS**

3. Major Site Plan Review Application submitted by Sanbornville Dollar General, LLC located at 138 Meadow Street, corner of Forest Street, Wakefield Tax Map 180, Lot 103, owned by Philip Rines & Helene Antcil. S Royle, Chairman, stated that there was a conflict with the plans presented by Sanbornville DG and our Wakefield Zoning Ordinance concerning the size of the building. S Royle then asked Attorney Sager to explain where we are with the application and how we need to proceed.

4. Town Counsel, Rick Sager gave an overview of the Sanbornville DG applications. The applicant's first public hearing was September 17<sup>th</sup> 2015. Several concerns with the application were brought to light. Several months passed while the applicant considered its position and several written requests for continuances were received and granted. On January 7<sup>th</sup> no request for a continuance was received and the application was denied without prejudice (which means the same application can be resubmitted.) Sanbornville DG has resubmitted the application with some changes. The application was received by the Planning Board and sent for review by its consultants, planner Mike Garrepy and engineer White Mountain Survey & Engineering. Mr Garrepy has reviewed the application and determined that in order for the application to ever be approved, the applicant would need to receive a variance from the Zoning Board of Adjustment. R Sager continued that either the applicant would need to reduce the size of the building to be 70 feet or less along each roadway (Forest & Meadow Streets.) The current building is 70 feet by 130 feet in size. Therefore the applicant either needs to reduce the size of the building to less than 70 feet along each roadway or submit a variance application to the Zoning Board of Adjustment to allow the Planning Board to consider the size of the building as presented. R Sager has spoken with the applicant's attorney. They are surprised by M Garrepy's findings and do not recall the issue being presented at the first public hearing on September 17<sup>th</sup>. R Sager noted that the PB should take a vote on whether or not they agree, as a board, with M Garrepy's conclusion that the applicant must either reduce the size of the building or receive a variance from the ZBA. R Sager explained how a motion might be worded.

**MOTION:** To require the applicant amend their proposed building to be in compliance with the Zoning Ordinance or go to the Zoning Board of Adjustment to seek relief from the Zoning Ordinance, Article 3, Table 3 for the 70 foot maximum building width along both streets by receiving a variance from the ZBA prior to the PB accepting the application.

**Made by:** Tom Dube

**Seconded by:** Dick DesRoches

**Discussion:** None.

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

5. R Sager noted that the PB is requiring that the applicant either revise its building to a maximum of 70 feet by 70 feet to comply with the Zoning Ordinance or seek relief from the ZBA. R Sager noted that if the applicant is going to proceed towards receiving a variance from the ZBA, that will take some time. He noted that he is not sure if the PB would accept the application at the meeting given the zoning problem and asked the applicant's representative how they would like to proceed.
6. Austin Turner from Bohler Engineering introduced himself and noted that they had consulted with staff regarding this issue back in March 2015 while going through due diligence while checking out the site to see if it was suitable. On March 12<sup>th</sup>, Bohler

Engineering had a phone conversation with the Code Enforcement Officer who had responded with his opinion that as long as the building did not exceed 70 feet along Route 109 (Meadow Street) the building would meet the maximum building width requirement. The engineers proceeded with their due diligence and site design. They presented their application in September 2015. He cannot speak for the applicant, but would like to know whether the PB would consider the application as complete and if not he would ask if they would continue the application so that he can confer with his clients and determine what tract they would like to proceed on.

7. S Royle noted that the application was basically complete and that the PB could accept the application, but based upon the zoning issue, they would likely table the application. R Sager noted that if the PB accepts the application the 65 day clock starts in which the PB must either approve or deny the application. Given that we know that there is a zoning problem and the applicant will either have to revise the site plan or apply to the ZBA for a variance it would be in the best interest of the applicant and the PB if they tabled the application (understanding the application is basically complete) until Austin Turner has an opportunity to speak with his client and determine how they will proceed. Once the applicant knows how they will proceed they can notify the PB and a public hearing can be properly noticed, and given the circumstances, the PB should consider waiving the application fee when the applicant is ready to proceed. The applicant would only be required to pay for the newspaper notice and the notices to the abutters.
8. Austin Turner agreed because he does not want to start the clock ticking and place the PB in the position to make a decision because they have reached day 65. He would like to have the opportunity for his client to make a decision and have time proceed with a ZBA application, which could take 30 days. He would prefer that the PB table the application to a future date and not to accept or deny the application as presented.

9. R Sager noted that tabling to a specific date does not make sense because we do not know how long the ZBA will take to make a decision and if the decision is not favorable time may be needed to appeal the decision. We will do whatever you wish but we suggest that you ask to table the application and notify us when you are ready to proceed. Austin Turner asked, as a question of procedure, if the application could be tabled indefinitely. R Sager noted that is in effect what he is suggesting, to table indefinitely, which is basically withdrawing the application for tonight without prejudice to resubmit, until the applicant receives a variance or amends the plan to comply with zoning. Austin Turner asked the PB if they would be willing to waive the application fee if he agrees to table the application.

**MOTION:** To table Sanbornville Dollar General, LLC application indefinitely and to wave the application fee, but not the abutter and newspaper notification fees, should the applicant decide to reapply.  
**Made by:** Tom Dube  
**Seconded by:** Connie Twombly  
**Discussion:** None.  
**Vote:** 5-0 in favor of motion.

10. R Sager confirmed that the application is tabled indefinitely and that the applicant will notify the PB when they are ready to come back and move forward. N Fogg confirmed that they would need to notify the PB 21 days prior to the date they would like to reappear before the PB to allow time to place a public notice in the newspaper and notify the abutters.

### **PRELIMINARY CONCEPTUAL HEARINGS**

11. None.

### **BOARD BUSINESS**

12. None.

### **APPROVAL OF MINUTES**

13. Approval of the minutes from 4 February 2016.

**MOTION:** To accept the minutes of 21 January 2016 as printed.  
**Made by:** Dick DesRoches  
**Seconded by:** Connie Twombly  
**Discussion:** None  
**Vote:** 5-0 in favor of the motion.

**CORRESPONDENCE**

14. None.

**PUBLIC COMMENT**

15. None.

**SET MEETING DATE**

16. The next regularly scheduled PB meeting will be 7pm, Thursday, March 3<sup>rd</sup>, 2016 in Town Hall.

**ADJOURNMENT**

<b>MOTION:</b>	To adjourn the meeting at 7:47 pm.
<b>Made by:</b>	Connie Twombly
<b>Seconded by:</b>	Tom Dube
<b>Discussion:</b>	None
<b>Vote:</b>	5-0 in favor of the motion

Respectfully submitted,  
Nathan Fogg/cl