

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of July 14, 2016

Present: Bruce Fillmore (Vice Chair), Neal Kurk (Secretary), Frank Bolton (Member), Tom Clow (Exofficio), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

Guests:

I. Call to order

Vice Chair Fillmore said Chair Francisco is not here so he is filling in. The meeting was called to order at 7:00 p.m. by Vice Chair Fillmore.

II. Review of Subdivision Regulations

Mr. Clow said they talked a lot about road widths so I did some research on the surrounding communities and said at the last meeting I handout those results. Mr. Kurk said he has contacted Jack Munn and asked for a sample of comparable sized towns, but has not heard back from him yet. Mr. Clow said he thinks the narrowest road is 18ø and said it ties directly into traffic flow. Vice Chair Fillmore said before we make a decision, he thinks it would be a good idea to have the DPW in to get there opinion. Chip Meany said he spoken to DPW, Fire Department and Police Department so they are aware.

Frank Bolton said there was an issue about vesting. The Board decided to hold off talking about this until the Chair is at the meeting.

Mr. Kurk brought up things he would like to see changed as followed:

Page 5 ó 3.1d Usage ó to add ò, as determined by the Planning Boardö. Mr. Clow said he has no problem with adding it.

Page 5, 3.2 1) Abutter ó Mr. Kurk asked if this is consistent with the definition in zoning. Mr. Meany said he doesn't think anyone has cross-referenced definitions between zoning and subdivision. Mr. Kurk asked if that was a problem and Mr. Meany said no, if you want to make them all the same. Mr. Kurk read the zoning ordinance definition for abutter and is said as defined in RSA 672:3. Mr. Kurk said he thinks the subdivision definition is largely copied from the State Statue and said there needs to be one change if they keep it. Mr. Kurk said they need to remove the comma in royal numeral XX,III. Mr. Kurk said the Towns definition is different from the State Statue. Mr. Kurk said if they keep this definition, his concern is that it is different in the zoning ordinance and it is different from the statue; that it will create confusion that is unnecessary. Mr. Kurk said suggested it should be as defined in RSA 672:3 and 676:4. Mr. Kurk said the disadvantage to that is trying to figure out if someone is an abutter you have to go to the Statue. Mr. Kurk said the advantage of this is, it is in the ordinance and people can follow it. Mr. Kurk suggested the definitions be consistent and conform to the Statues. Mr. Kurk said

he doesn't care which way we go. Vice Chair Fillmore suggested added a sentence at the end reference RSA 672:3.

Mr. Clow asked who does the actual notifications of the abutters and said if the Town does so; it is not like people are out there searching the definition. Mr. Meany said usually what happens is they come into the office and they refresh the person memory as to what an abutter is. Mr. Clow said to him it doesn't matter if it is all spelled out in subdivision. Vice Chair Fillmore said normally it is not a problem. Mr. Meany said while we are amending these, can you note date of when it was amended. The Board discussed how they were going to word it. The Board decided to change it to "as defined in RSA 672:3 and 676:4b" and removing the current language.

Page 6, 6) building definition 6 Mr. Kurk read the definition from subdivision and zoning ordinance. Mr. Clow said they need to add in roof. Vice Chair Fillmore asked about copying the definition from zoning and said he is all for that.

Page 6, 12) engineer definition 6 Mr. Kurk said the definitions are different in subdivision and zoning. Mr. Meany said they are the same thing and said they don't have a Town employed engineer. Mr. Meany said they have an engineer that they use for the Town. Mr. Kurk asked if they could change him tomorrow and Mr. Meany said yes. Vice Chair Fillmore said with the new State Rule, the developer may not want to use the Town Engineer and he may propose three engineers of his own, that the Town has to select from. Mr. Meany said that is not a problem. Mr. Kurk asked what a planning consultant is in subdivision but not in zoning and Mr. Meany said it could be surveyor, architect, wetland scientist or all of the above. Mr. Kurk said they are different but there is no difference. Mr. Bolton asked why you wouldn't make them consistent? Mr. Kurk said the way Mr. Meany described it, they use different words, but they have the same impact with the same effect. Mr. Kurk said he didn't have a problem with changing it if the Board wanted to.

Vice Chair Fillmore asked if it is wrong for any definition that we have in subdivision and zoning, like for building, could we have the definition be "see the definition in zoning" that way if we have to change something, we only have to change it once instead of three times. Mr. Kurk said if the Board wanted to do that, he thinks it is appropriate and said he doesn't think there is a problem with it. Mr. Meany said over the years, there were turf wars that everyone had to have their own meaning for the same thing.

Mr. Meany said all of these changes as wonderful as they may be, require the time of someone to actually delete, add, retype, reconfigure pages and page numbers. Mr. Meany said administratively just to get one clean copy and then make however many copies, it costs more than what is my budget. Mr. Clow said if the Board changed all the definitions to refer to definition in zoning, asked if it could change all the number and Mr. Meany said it could. Mr. Meany said if you just changed the definitions to just two sentences, it will just take the time of someone with a word processor. Mr. Meany said the problem with some of this is we don't have an electronic copy of it and at certain times we have to retype everything. Mr. Kurk asked if there was an electronic copy of the subdivision and Mr. Meany said he thinks there is. Mr. Clow

suggested having a contracted service line in the Town Budget and Mr. Meany said that would be marvelous. Mr. Clow said for special projects.

Mr. Bolton asked how much problem does this cause. Mr. Meany said he never has. Mr. Bolton said there are all these options to fix this. Mr. Meany said with the way you define an engineer to assume the responsibility, the liability that goes with the whole thing. Mr. Meany said if you take someone who doesn't have an engineer's stamp under either definition and allow them to do something; he is not going to have the insurance that is required in case he makes a mistake on designing a road pit or reviewing the design of a road design pit. Mr. Meany said you need to keep the professional status in there. The Board discussed if they were going to change it or leave it. Mr. Kurk said he would be more comfortable if it was consistent with zoning but it is not that big a deal for him. The Board decided to make no change.

Page 6, 13) final subdivision plat ó The Board decided to remove the wording in parenthesis (as recently defined relative to Senate Bill 176, pursuant to RSA 478:1-a, approved May 17, 2004, effective January 1, 2005). Vice Chair Fillmore is going to look up the RSA.

Page 10, 5.1A) ó Preliminary Conceptual Consultation Phase ó Mr. Kurk suggested removing the 2nd sentence "Conceptual Hearings will be conducted during work session meetings of the Planning Board, generally on the fourth (4th) Thursday of the month." Mr. Clow said with Chairman Francisco's packet we did that already. Mr. Clow said that goes back 10 years ago when they were trying to accommodate the Conservation Commission and the time of the month they have their meeting. Mr. Clow said so the plans for subdivision could be on the 2nd meeting of the month so the Conservation Commission could have a chance to look at it. Mr. Clow said this is the opposite of what we are doing now.

Page 10, 5.1B) The Board decided to remove the last sentence "Design Reviews will be conducted during regular meetings of the Planning Board, generally on the second (2nd) Thursday of the month." Mr. Clow said this wrong since the regular meeting is on the fourth (th) Thursday of the month.

Page 11D) ó Mr. Kurk suggested deleting the 3rd sentence "Applicants may request a waiver of new application fees when an application has been denied or withdrawn and then resubmitted with modifications within a timely period." Mr. Kurk suggested it be "New applicant fees shall not be charged when there is a re-submission." Mr. Meany said usually they don't charge except for abutter notification. The new wording is "New application fees shall not be charged when an application has been denied or withdrawn and resubmitted with modifications within 90 days." Then we need to delete however & capitalize n in no. Vice Chair Fillmore asked if they needed a definition of application fees under definitions and Mr. Meany said not in definitions, there is a list of fees.

Page 52/53 fee schedule ó need to make sure \$10.00 abutter fee notification is there and need two sets of labels for abutters.

Page 20 ó The board agreed to wait on road widths.

Page 32/33 ó Driveways ó Mr. Kurk asked if this was updated and Mr. Meany said yes. Mr. Kurk asked if the update would be put in and Mr. Meany said yes. Vice Chair Fillmore asked if there was anything about driveway location being shown on subdivision plans. Mr. Meany said no. Mr. Kurk asked Vice Chair Fillmore to write up some language.

Definitions

Mr. Bolton said you could put a catch-all phrase in the front of each individual book that says duplicate definitions; the definitions in such an such document will apply. Vice Chair Fillmore said the zoning definition would take precedent since it is more stringent. Vice Chair Fillmore said zoning is approved by the voters. Vice Chair Fillmore said if the definition is in zoning then that should be the definition. Mr. Clow said there should be a statement òif there is a conflict in definition, then the one on zoning takes precedent. Mr. Kurk said that is a good idea.

III. Adjournment.

Mr. Clow motioned to adjourn at 8:05 pm. Mr. Kurk seconded. Motion passed. 4-0-0.

Respectfully submitted,

Tina Ripley
Minute Taker