

WEARE PLANNING BOARD  
Final Minutes of the Meeting  
Of April 28, 2016

**Present:** Craig Francisco (Chairman), Bruce Fillmore (Vice Chair), Neal Kurk (Secretary), Tom Clow (Exofficio), John Vanloendersloot (Alternate), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

**Guests:** Art Siciliano, Josh Dunn, Sara Dunn

**I. Call to order.**

The meeting was called to order at 7:00 p.m. by Chairman Francisco.

**II. Continuation of Site Plan Review for Josh Dunn, DBA NSN Fitness, 731 Concord Stage Road, Map 403-16.1, in Commercial Zone**

The Board looked at the new map that was provided to look at the changes that were made. Chairman Francisco asked how the swale is going to outlet and said he doesn't see a low spot or berm anywhere where water can get out. Vice Chair Fillmore said where they have the end of it, is where they have the hole dug is probably where the water is going to go.

Chairman Francisco made Mr. Vanloendersloot a voting member.

Mr. Vanloendersloot asked if the lighting on the sign is downcast or ground up. Mr. Dunn said downcast. Mr. Vanloendersloot asked where the entrance to the building was going to be. Mr. Dunn said there is, one on Luftkin Road and one on Route 77. Mr. Vanloendersloot asked if they were going to be adding an additional entrance and Mr. Dunn said no.

Chairman Francisco brought up being open 24 hours and asked where the conversation stands. Mr. Kurk said no decision was reached since it was a conceptual. Vice Chairman Fillmore said it was an application and we continued it. Vice Chairman Fillmore said we accepted the application and asked Mr. Dunn to make some modifications to the plan. Chairman Francisco said there was talk about limiting the hours on the car wash by the Mobil gas station. Chairman Francisco said there is a difference in use between the carwash and fitness center. Mr. Vanloendersloot said he can see an issue with an outdoor use and this being indoor. Mr. Vanloendersloot said he only sees headlights being an issue by the Foote resident and said there is a shrub/tree line already there.

Mr. Clow said he is the one that brought it up and said they ended up putting a restriction on the car wash since they had wanted to keep it open 24 hours. Mr. Clow said he thinks the restriction was 10 pm to 5 am. Mr. Vanloendersloot said he doesn't see an issue with a business like this open 24 hours from a noise standpoint. Mr. Clow said there is nothing in zoning that would prevent it. Mr. Kurk said he disagrees. Mr. Meany said there are performance standards. Mr. Meany said if the abutters don't care then there goes the performance standards. Mr. Kurk said there are purpose sections to the ordinance that provide the Board with discretion on a whole

variety of things even after all the technical requirements of the ordinance have been met. Chairman Francisco said there is a vast difference between a car wash and a fitness center. Mr. Kurk said there is a difference in location and abutters. Mr. Kurk read a section from the performance standards.

Mr. Vanloendersloot asked about snow removal. Chairman Francisco said Mr. Dunn should be able to plow it out to the North. Vice Chair Fillmore said it shouldn't be a problem since there is plenty of room around the building and no other structures. Mr. Clow brought up the swale and small retention pond and asked if it was added. Mr. Meany said yes.

Chairman Francisco said for 18 parking spaces at 9' wide, should be 162' long if you are going to have that many spaces. Mr. Clow asked Chairman Francisco if he was saying the parking spaces in that area would have to be reduced. Chairman Francisco said he counted 32 parking spaces with two handicap. Chairman Francisco said the parking lot either needs to be bigger or show fewer parking spaces. Chairman Francisco said the note doesn't match what is being shown. Chairman Francisco asked how much was going to be paved or was is it gravel? Mr. Dunn said none of it is going to be paved, it is suppose to hit the existing driveway. Chairman Francisco asked Mr. Dunn if he was going to extend the existing pavement to the North towards the stonewall? Mr. Dunn said the gravel is suppose to abut to the existing parking lot. Chairman Francisco said there is about 5' between the existing pavement and the gravel and asked if that was going to be paved. Mr. Dunn said it could be. Chairman Francisco said he would like a note to be added to the site plan saying "if driveway is ever to be repaved, it needs to be regraded so it slopes off Luftkin Road 8'."

Chairman Francisco read the buffer requirements from zoning, page 31 under commercial. Mr. Vanloendersloot asked if this is technically classified as a new commercial activity and Chairman Francisco said yes. Mr. Vanloendersloot said it is an existing building and Chairman Francisco said I am not even saying they need to put a buffer by the road. Vice Chairman Fillmore said right now it is paved over the lot line. Vice Chairman said there is note 16 on the plan and Chairman Francisco said it really doesn't say how many trees. The Board talked about ideas for the buffer. Chairman Francisco said the three things he sees are: 1) the parking striping on the plan has to be revised and note 8 needs to be revised to match the striping on the plan, 2) note adding "that if the driveway is ever rebuilt/paved, it must slope downward from Luftkin Road for 6-8', 3) replace note 16 with something saying "adequate fir or spruce trees shall be added to the existing evergreen row along the common parking lot on Map 403, Lot 16.2 to achieve a 10' spacing, these additional trees should be a minimum 5' high." Mr. Clow asked if they should have a suggested number of parking spaces now and Chairman Francisco said as long as he leaves the parking lot size at 144', all he needs to do is change note 8 to say 28 parking spaces.

Mr. Kurk said he would like to revisit the hours and said he thinks they should not extend it beyond the time they have allotted for the car wash. Mr. Kurk said it should be limited so it is closed between 11 pm and 5 am. Mr. Vanloendersloot asked what the reasoning was. Mr. Kurk said it is not a good thing for the Town to have business activity during those hours. Mr. Kurk said he thinks it changes the character of the neighborhood that most folks would not expect to have. Chairman Francisco said from the minutes, Ms. Mulholland said she doesn't have an issue.

Mr. Vanloendersloot asked Mr. Dunn if he knew what the Henniker fitness place did during those times and Mr. Dunn said he didn't know. Mr. Vanloendersloot asked Mr. Dunn if he would be having any classes during those hours and Mr. Dunn said no, it would be just a privilege. Mr. Clow asked if they could put a note stating no group training/classes during those hours and you need a security card to get in. Mr. Dunn said he already has a set schedule with some starting at 5 am. Mr. Clow said he doesn't see it as an issue because of the type of activity and thinks it would be minimal traffic. Chairman Francisco said he doesn't see it as an issue and thinks they should add a note about no group activity/classes during 10 pm and 5 am.

Chairman Francisco asked Mr. Dunn to have his surveyor put in a work draft outlet on the swale/basin of about 6 inches deep rock line so it would go towards Luftkin.

Chairman Francisco made a motion to approve a site plan for Josh Dunn on Tax map 403 Lot 16.1 per map revised 4/11/16 with the following comments: 1) parking demarcation revised to show 9'x18' parking space which will reduce the number of parking spaces to approximately 28 and note #8 be revised to reflect the proper parking spaces, 2) note #13 "add there shall be no classes or group activities between 10 pm to 5 am", 3) replace note #16 with "adequate fir or spruce trees shall be added to the existing evergreen row along the common lot line with Map 403 Lot 16.2 to achieve a 10' spacing and additional trees need to be a minimum of 5' high", 4) add a note "if driveway is repaved it must slope downwards from Luftkin Road 6-8' and provide some type of outlet for the retention swale. Vice Chairman Fillmore seconded.

Mr. Vanloendersloot mentioned parking spaced in the front and said he doesn't see them marked on the map. Vice Chairman Fillmore said they are existing and are in the state right-of-way. Mr. Kurk asked what the consequent is of drawing it or not drawing it and Vice Chairman Fillmore said he wouldn't want to approve parking in the right of way. Motion passed. 5-0-0.

### **III. Site Plan Review - Mt. William Inc., 1225 River Road, Map 409-4.1, in a Commercial Zone**

Mr. Meany said they came in for the design review, the building was approved, they wanted to use the building and they need to add it to their site plan. Mr. Kurk moved to accept the application as complete. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

Mr. Siciliano said they are going to build a building to store the equipment and said it is going to be a metal building. Mr. Siciliano said they want to get the equipment out of the sun since it is doing a number on the tires. Chairman Francisco asked Mr. Meany if there was any comment from the Conservation Commission, Fire Department or Police Department and Mr. Meany said no. Mr. Meany said the site has been approved, building has been approved, and said he needs approval to operate his business in the building.

Mr. Kurk moved to approve the application. Mr. Clow seconded. Chairman Francisco suggested Mr. Siciliano to add a comment about the buffer area. Mr. Kurk accepted the revision to the motion and so did Mr. Clow on the second. Motion passed. 5-0-0.

**IV. Lot Line Adjustment: Corrective Plan for previously approved LLA for Eldon J. & Carol Townes, Tax Map 201, Lot 112.12 and Map 201, Lot 11, South East side of Grandview Drive in Residential Zone**

Chairman Francisco made a motion to waive the topographic surveys, soils surveys and wetlands surveys. Mr. Kurk seconded. Motion passed. 5-0-0. Chairman Francisco made a motion to accept the application as complete. Mr. Kurk seconded. Motion passed. 5-0-0.

Mr. Siciliano said the lot line adjustment plan he did previously falsely included Lot 112.12 on Lot 112.2 and said the corrected plan shows the correct lot line adjustment. Mr. Siciliano said the ling exchange previously between Lot 112.11 and Lot 112.2 was suppose to be between Lot 112.11 and Lot 112.12 which is the way it is shown now. Mr. Siciliano said there is a note that says "this plan corrects previous plan #38759 recorded at the Registry of Deeds and previously approved by the Planning Board on 9/24/15."

Mr. Kurk moved the application be approved. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

**V. Minutes**

Mr. Kurk moved to accept the February 11, 2016 minutes as amended. Mr. Vanloendersloot seconded. Motion passed. 5-0-0

Mr. Vanloendersloot moved to accept the February 25, 2016 minutes as amended. Vice Chairman Fillmore seconded. Motion passed. 5-0-0

Vice Chairman Fillmore moved to accept the March 24, 2016 minutes as amended. Mr. Clow seconded. Motion passed. 4-0-1

**VIII. Adjournment.**

Mr. Kurk moved to adjourn. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

Respectfully submitted,

Tina Ripley  
Minute Taker