

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of June 9, 2016

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

Guests: Phil Romano, George Merrill

I. Call to order.

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

II. Conceptual Review

Phil Romano – 1702 River Road, metal recycling business in an Industrial Zone, Tax Map 202-103

Chairman Francisco said his opinion Mr. Romano fit under metal work and does not need a variance since he is zoned industrial. Mr. Vanloendersloot asked about taking ac cores, transmission coolers, and radiators. Mr. Romano said he would definitely not be taking any of those. Vice Chair Fillmore said Mr. Romano said he needs to be real specific on his site plan. Chairman Francisco said it will need to specify like nonferrous, no liquids, etc. Mr. Romano said it wouldn't be a benefit to him. Mr. Vanloendersloot said he was concerned about fluids and Mr. Romano said he understands and said he would tell people he couldn't take the item until it was completely drained of fluid. Mr. Vanloendersloot asked if the customers would be general public or municipalities and Mr. Romano said it is mostly tradesman. Mr. Romano said what they do is take a copy of peoples license to make sure things are not stolen.

Mr. Kurk asked Chairman Francisco what the decision was on junkyard and said he read in the minutes there was some issue about that. Chairman Francisco said they were questioning whether Mr. Romano's business, was a junkyard. Mr. Kurk said there is a definition of junk in the ordinance and asked if there is someplace in our ordinance that it is permitted. Chip Meany said it is not permitted and said it is in the zoning book. Chip Meany said if he is considered a junkyard then Mr. Romano will have to go for a variance. Mr. Kurk read the definition of junk from the ordinance. Mr. Vanloendersloot said based on that definition he would consider this a junkyard and Mr. Kurk said he would agree. Mr. Kurk said on the other hand, if this is going to take place inside and asked Mr. Romano if he was just recycling (buying and selling). Mr. Romano said yes, they clean it. Mr. Kurk read page 9 of the zoning ordinance stating "junkyard shall not be a permitted use in a zoning district in the Town of Weare." Mr. Kurk said if everything is inside then it is not a yard. Vice Chair Fillmore said that is how he would do it also.

Mr. Vanloendersloot asked Mr. Romano if there would be any operation outside the building and Mr. Romano said maybe some dumpsters when they haul the stuff out. Mr. Vanloendersloot asked Mr. Romano if there will be any outside storage while you are waiting for a truck for delivery and Mr. Romano said probably not and at night time everything would be brought inside. Mr. Romano said there would be dumpsters outside and would be empty until they get full and are ready to send them out. Mr. Kurk asked Mr. Romano how many dumpsters he was talking about and Mr. Romano said 2-3. Mr. Clow said most of the RSA's talks about automotive junkyard, the exception is when it talks about machinery junkyard & look at II under machinery junkyard. Mr. Clow read machinery junkyard II and said he can't foresee a dumpster. Mr. Romano said if the dumpsters are a problem, he can get a 53 ft. trailer. Mr. Kurk said if there were no open dumpsters then he would agree that it is definitely not a yard.

Mr. Kurk said if Mr. Romano filed a site plan stating all the material stored outside would be stored in covered boxed trailer, all activity will be done inside and there was going to be no hazardous or other kinds of materials, he doesn't think it is a junkyard as they are defining it. Mr. Clow said if you look at the RSA that defines junkyard; it defines it into three areas - two of them relate directly to motor vehicles and the other is machinery junkyard which refers you below to III and it states they need 500 sq. ft. of outside storage to qualify for machinery junkyard. Mr. Kurk said he thinks with the right site plan it will be an acceptable use for the site and said the concerns of pollution, the site plan needs to make it clear how that will be mitigated. Mr. Vanloendersloot said having everything in a 53 ft box trailer should solve most of it. Chairman Francisco suggested putting a concrete pad underneath the box trailer.

Mr. Kurk asked what happens if there is an accidently leak/spill. Mr. Vanloendersloot suggested that speedi dri could be used. Mr. Kurk asked Mr. Romano if he will have any employees and Mr. Romano said hopefully three. Mr. Bolton asked Mr. Romano if he was going to take in lawn mowers. Mr. Romano said no, he didn't have to and said he it is mostly going to be copper, brass, aluminum, wire and truck rotors. Mr. Kurk asked Mr. Romano to put his hours of operation on site plan. Mr. Vanloendersloot asked Mr. Romano what his hours are now in MA and Mr. Romano said it is 6 AM to 5 PM and said it is different there. Mr. Romano said he can be flexible and said the biggest day is Saturday. Mr. Kurk asked Mr. Romano if there would be a sign and Mr. Romano said yes. Chairman Francisco said when it comes time for the site plan, he would like to do a site walk. Chairman Francisco asked for a visual buffer.

GWMM Capital & Holding/George Merrill – 1013 River Road – to construct a new residential home in Residential Zone, Map 406-51

Chairman Francisco said to recap the subdivision was approved in 2001. Chairman Francisco said William Boisvert had a subdivision approved with a road through the lots which is roughed in, he abandoned that idea and changed to this plan after he sold off Lot 51-1, the driveway is existing on Lot 51-2. Chairman Francisco said when Mr. Boisvert sold the deed to Lot 51-2 he reserved the right to access easement, so when Mr. Merrill bought lot 51-3, he received an access easement from Lot 51-2; however; the plan is not

approved for a shared driveway. Chairman Francisco said if the plan was not approved with a shared driveway, you can't make it a shared driveway per conversation with the Town Attorney. Chairman Francisco said Mr. Merrill would have to make a driveway on the frontage of River Road which is very difficult.

Mr. Merrill said it was originally the hydrant that was the problem which wasn't properly deeded to the Town from Mr. Boisvert. Mr. Merrill said he went and got a septic design approved by the Town before it went to the State. Mr. Merrill said now the driveway is the issue. Mr. Merrill said he thinks it was at 16% grade at one point and now he has got it down to 11% grade. Mr. Merrill said since then Mr. Dahlberg has redesigned it and got it down to 10.5% grade. Mr. Kurk asked if it was the shared driveway and Mr. Merrill said yes. Mr. Meany said the problem that exist is, there was an error made at the time of an assumption that the original Boisvert deeded access right-of-way could be used as a shared driveway, it was never approved, subsequently because of all the problems with the driveway it was sent to legal for opinion and the opinion was the driveway could not be used as it was designed since it was right-of-way and in order to access the lot, it has to be from the Class V Road that it was subdivided from. Chairman Francisco suggested doing a lot line adjustment to trade 2 sq. ft and do a shared driveway. Mr. Meany suggested Mr. Merrill talk to the new owners to see if they will do a lot line adjustment and do a shared driveway. Chairman Francisco said Mr. Merrill will have to do a shared driveway agreement if he decides to go that route. Chairman Francisco mentioned the trading a 10th of an acre can cause a mortgage issue and it would be better to just gift a portion of the land.

III. Subdivision Regulations

3.2 Words & Definitions

15. Frontage: The definition of frontage was changed. Chairman Francisco said the definition does not include state roads. Here is what was added: "The distance along the lot line from either: a public highway, excepting limited access highway as defined by RSA 230:44 and Class VI highways; or a road shown on an approved, recorded and bonded subdivision plat." Here is what was removed: "Shall mean that a portion of a lot bordering on a Town road or street, or herein defined."

26. Wetlands: The definition of wetlands was changed. Mr. Kurk asked Chairman Francisco where he got the definition from and Mr. Francisco said 28.3 from zoning ordinance. Mr. Kurk asked if they lost anything from removing Hydric A & B soils and Chairman Francisco said yes. Here is what is added: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas as defined in Zoning 28.3." Here is what was removed: "Shall mean all wetlands as defined in the Town of Weare Zoning Ordinance and shall include all Hydric A soils and Hydric B soils as defined by the State of New Hampshire Department of Environmental Services."

5.1 Hearing Procedures

A. Preliminary Conceptual Consultation Phase: Mr. Vanloendersloot said for A & B it seems the dates are reversed. Chairman Francisco said he just took out the dates and said it has been the Boards policy that if someone comes in with a conceptual no matter what meeting it is, they will hear it first. Here is what was added at the end of Conceptual Hearings will be conducted during "any public meeting." Here is what was removed: "work session meetings of the Planning Board, generally on the fourth (4th) Thursday of the month."

B. Design Review Phase: Here is what was removed: "generally on the second (2nd) Thursday of the month."

6.1 Final Plat Requirement c.

Here is what is added: "added as amended after January, 1987."

8.1 Public Roadways General

7. Mr. Kurk asked for a definition of block and Chairman Francisco said he didn't have one. Vice Chair Fillmore said he doesn't know why they need that and said he would prefer to strike the first sentence. Here is what was removed: "The width of blocks shall not be less than four hundred (400) feet, nor shall the length exceed twelve hundred (1200) feet. All lots of new subdivision roads shall have a minimum of 200 foot frontage."

9. Chairman Francisco said it is hard to build a road to .5% grade. Vice Chair Fillmore asked if it was grade to centerline or centerline to the edge and Chairman Francisco said he thinks it is grade to centerline. Here is what was added: "Centerline" to beginning of sentence and changing "0.5% to 1.0%."

13. Mr. Kurk asked Chairman Francisco why the change of 60 degree to 75 degree and Chairman Francisco said for line of sight looking left. Mr. Kurk asked about adding language Per Planning Board approval. Here is what was changed: "60 degrees to 75 degrees."

8.2 Roadway Design Standards

Chairman Francisco said the only thing he changed was the percent in the table. Mr. Kurk said he would like to change the "minimum width of 3 pavement" from 24 feet to 16 feet for local and collector roads and 24 feet to 20 feet for arterial roads, subject to determination by the Planning Board. Mr. Kurk said he would also like to change "minimum shoulder width" from 4 feet to 2 feet for local and collector roads and 4 feet to 3 feet for arterial roads, subject to determination by the Planning Board. Mr. Kurk said to set a minimum that is reasonable to the Town that gives them flexibility. Mr. Bolton asked about adding in bike/walk path if we are going to narrow the road. Mr. Kurk said

if the developer wants to do that then he can present it. Mr. Clow said if you narrow down the road you increase the chance of accidents. Vice Chair Fillmore said he thinks 20 feet is a reasonable number. Mr. Kurk read from the 2009 Southern NH - Alternative Geometric Roadway Design Standards. Mr. Kurk said he didn't want to have a cookie cutter town and said he can do some more research. Chairman Francisco said he thinks 2 foot shoulder is too small. Mr. Bolton said this is a perfect opportunity to use what the woman from Southern NH talked about. Mr. Vanloendersloot said he likes the idea about doing it based on the number of cars.

8.4.1 Storm Drainage Layout and Improvements

2. Structures and Materials

j) Mr. Kurk asked if they are saying they are no longer going to accept corrugated, galvanized steel and corrugated aluminum and Chairman Francisco said yes. Vice Chair Fillmore said they don't last 20 years. Here is what was added: "or high density polyethylene." Also added "are" after culverts. Here is what was removed: "corrugated, galvanized steel and corrugated aluminum."

3. Ditches

b) Chairman Francisco said he doesn't know what RSA 45:17 is and Mr. Vanloendersloot said it doesn't exist. Vice Chair Fillmore suggested crossing out as required by RSA 45:17. Mr. Kurk asked what a Site Specific swale is and Chairman Francisco said it is old language for a treatment swale. Mr. Kurk asked about the 1% and Chairman Francisco said it was to make it consistent with the roadway. Here is what is changing: "0.5% to 1.0% and "Site Specific swales" to "Treatment Swales". Here is what is removed: "by RSA 45:17."

5. Design Standards

h) Mr. Kurk asked if this was a low standard (2 year, 24 hour storm event) and asked why this isn't a 50 year storm event. Chairman Francisco said because the site specific permit is now call the alteration terrain permit and said they do a lot more than 2 year 24 hour storm event. Vice Chairman Fillmore said post development run off cannot exceed pre-development run off. Vice Chair Fillmore said he can take a look to see what DES has.

8.6 Monuments

1. Location

a. Chairman Francisco said hardly anyone uses concrete bounds except for DOT. Vice Chair Fillmore said people confuse road bounds for lot bounds and said he has seen other places have different sizes for the road bounds and lot bounds. Here is what was removed: "Bound Locations;" and "or concrete."

b. Here is what was added: "All other corners shall be monumented with rebar or iron pipes." Here is what was changed: "Those iron pipes" to "These monuments". Here is what was removed: "Iron Pipe Locations:" and "All rear lot corners and angle points and side lot lines shall be monumented with iron pipes." Vice Chair Fillmore suggested adding a magnet. Chairman Francisco will work on an update.

2. Monuments

a. Here is what was removed: "or concrete", "concrete or stone" and "or five (5) inches in diameter,".

b. Here is what was added: "Rebar and" and "Rebar shall be 36" long and 3/4" in diameter."

c. Monument Placement

i) Here is what was added: "Front lot corners and right of way."

ii) Here is what was changed: "registered" to "licensed".

8.10 Utilities

Chairman Francisco said he thought somewhere they had it where all utilities had to be underground and said he couldn't find it. Mr. Vanloendersloot asked if solar panels fall under utilities and Chairman Francisco said he thinks it would be a structure per zoning ordinance and would have to meet the setback requirements. Mr. Vanloendersloot asked if we had anything in any of our regulations regarding solar and if we don't, should we? Chairman Francisco said it would be a good discussion when they do zoning ordinance. Mr. Clow said when the topic does come up, he sees it as a structure. Mr. Kurk asked if underground utilities should be for clusters or everything and Chairman Francisco said everything. Mr. Vanloendersloot asked why underground versus aerial and Chairman Francisco said more reliable, no trees knocking lines down and no poles getting hit by cars. Vice Chair Fillmore said with narrower roads you can have canopy. The Board briefly talked about the cost of the overhead lines (aerial) and Vice Chair Fillmore said the price of underground hasn't change. Here is what was removed: "or aerial service systems. Utility poles should be kept close to the right of way line, in no case in the ditch line and always well back of a curb."

IV. Adjournment.

Vice Chair Fillmore motioned to adjourn at 9:47 pm. Mr. Clow seconded. Motion passed. 5-0-0.

Respectfully submitted,

Tina Ripley
Minute Taker