

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of February 23, 2017

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

Guests: Martin O'Brien (H2O Waste), Tammy Scott, Penny Seaver, Bean Seaver Smith, Mike Smith, Steve Bartlett, Frank Burl, Nancy Burl, Lucas Turcotte, Rick Sullivan (Eversource), Scott Silva, Todd Silva, Chuck Sargent, Nancy Fillmore, Mike Dahlberg

I. Call to order

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

II. Site Plan Review

Continuation of site plan for Romano, 1702 River Road, Recycling Center, Map 203-103

Chairman Francisco said he received an email from Art Siciliano requesting an continuation until March 23, 2017. Mr. Kurk moved to continue the application to March 23 2017. Mr. Clow seconded. Motion passed. 5-0-0.

III. Non-Public Session

Chairman Francisco made a motion to go into non-public under RSA 91-A:3IIb. Mr. Kurk seconded. Motion passed. 5-0-0. Chairman Francisco said they talked about an attorney letter and they didn't take any minutes.

IV. Subdivision

Continuation of subdivision for Pitbull Realty Group, LLC, South Stark Highway, Map 109-21

Chairman Francisco said he saw they have a DOT driveway permit and State subdivision approval. Chuck Sargent said they do and said they are waiting for the results of the meeting with legal counsel. Chairman Francisco said it appears there are 3 issues: ownership of the cemetery, location of the cemetery, location of access to the cemetery. Mr. Sargent said they are saying the location of access to the cemetery would be the driveway. Chairman Francisco said someone owns the access. Chairman Francisco said the Town did research back to 1932 and said it was reserved then, but we don't know who owns it. Chairman Francisco said the ownership of right to pass, you can't say it is going to be here. Chairman Francisco said they have to agree to define it, whoever they are. Chairman Francisco said you need to find out who owns it and said the issues are the

location of the cemetery, ownership of the cemetery, and location of access to the cemetery. Vice Chair Fillmore said the Town does not own it. Mr. Sargent said if they can't come to a conclusion, what can they do. Chairman Francisco suggested to petition the court for a quiet title and define the easement. Chairman Francisco said you have to eliminate the cloud that is in your title (reserving right to cemetery). Chairman Francisco said you can withdraw your application, continue indefinitely or act on it tonight. Mr. Sargent decided to withdraw application for now.

V. Site Plan Review

Continuation of site plan review, 1702 Colby Road LLC for RV Service Center at 38 Colby Road, Map 412-170-2

Scott Silva gave plans to the Board. Mr. Silva said the lights are downcast lights under the overhang. Chairman Francisco asked about light cut sheets and Mr. Silva said he gave them out at last meeting. Chairman Francisco said they need a cut sheet with the lights showing what they are going to do. Chairman Francisco said since he was not able to attend the site walk he did one tonight before the meeting and said he noticed a couple of things: 1) the silt fences are down in many place, 2) the wetland buffer near the front is disturbed and said vehicles are parked real close to it. Chairman Francisco said they didn't know about the excavation in the back and said it appears there is over 100,000 sq. ft of disturbance. Chairman Francisco said 2.3 acres and said they need to get an alteration of terrain permit from DES. Chairman Francisco said he couldn't tell if the wetland crossing was widened. Mr. Silva said it hasn't been widened and said it has been there for years. Mr. Silva said they are going for a dredge and fill permit for it.

Mr. Silva said Art Siciliano is applying for a permit for the culvert. Chairman Francisco said there is a lot of water going down over the hill. Vice Chair Fillmore suggested that Mr. Silva have Mr. Siciliano add the limit of excavation onto the plan. Vice Chair Fillmore suggested having the town engineer (Steve Keach) have a look at the site. Vice Chair Fillmore said there is an issue with compliance with site plan and erosion control. Mr. Vanloendersloot asked if there was anything showing snow storage and suggested it be added to the current plans. Chairman Francisco said he would like to see the 100' vegetated residential buffer be fixed in the front. Chairman Francisco said if the wetlands buffer is disturbed, he would like to see it loamed and seeded. Chairman Francisco said if you disturb more than an acre you need to have a SWPPP. Chairman Francisco said they need to show snow storage on the plan, show where the road is, if they do floor drains they need to show it and list the permit number, and if they don't have floor drains add a note specifying that, erosion control fixed, fix note about pipe, wetland buffer in the front, town engineer to look at site and cut sheet for lights.

Chairman Francisco asked for public comment. There was none.

Chairman Francisco closed the public hearing.

Vice Chair Fillmore moved to continue application to April 27, 2017. Mr. Kurk seconded. Motion passed. 5-0-0.

VI. Lot Line Adjustment

Continuation of Lot Line Adjustment - Timothy G. Farmer Revocable Trust, 17 Waterman Road, Map 101- 57, 59 & 60

Chairman Francisco said the Board received a letter stating Tom Carr can represent Mr. Farmer. Tom Carr said this is a plan to eliminate lot 101-59 annex parcels B and C to adjacent lots Mr. Farmer currently owns. Mr. Carr said it is his understanding they are waiting approval from the town attorney regarding the easements. Chairman Francisco said there was an easement for 3 different lots and said it has been looked at but he is not sure if it has been approved yet. Chairman Francisco said he would like a rebar set at the end of the 40' line with a bearing of N80 degrees 23'06" E near the easement area. Mr. Carr said it would be an offset bound since the monument would fall in the center of the brook. Chairman Francisco suggested adding a note stating the former right of way will be eliminated and the proposed dotted line be continued all the way through to Chase's property. Vice Chair Fillmore asked Mr. Carr if the driveway is 25' within the buffer of the wetlands and Mr. Carr said he does not know.

Chairman Francisco asked for public comment. There was no comment

Chairman Francisco closed the public hearing.

Chairman Francisco said they need to add a note for former right of way easement be discontinued to Mr. Chase, need to set a monument, draft a document for rest of the easement to Mr. Chase which will be per Mr. Drescher, if driveway is in wetlands buffer they will need to get a variance, easement document needs to be approved by Mr. Drescher.

Mr. Carr requested they continue to next month meeting. Mr. Kurk moved to continue the application to March 23, 2017. Vice Chair Fillmore seconded. Motion passed. 5-0-0.

Mr. Vanloendersloot excused himself.

VII. Subdivision: Francis and Nancy Burl; Corner of Rockland and Concord Stage Road, Map 202-94 in a Commercial/Rural AG Zone

Chairman Francisco said he had a note from Conservation Commission and they had no objection.

Vice Chair Fillmore asked if there should be a waivers for the remainder of the boundary survey since it doesn't have all the distances and topographic survey of the entire lot. Mike Dahlberg said the remainder is near the railroad beds and based on Town tax maps. Mr. Dahlberg verbally asked for a topo waiver and a boundary waiver and said he would

follow up with paper one later. Chairman Francisco said they need waivers for the entire boundary survey and remainder of topo on lot 94. Vice Chair Fillmore moved to approve waiver for remainder of topo on lot 94 and entire boundary survey. Mr. Kurk seconded. Motion passed. 5-0-0. Vice Chair Fillmore motioned to accept application as complete. Mr. Kurk seconded. Motion passed. 5-0-0.

Mike Dahlberg said he represents Mr. and Mrs. Burl and said they would like to subdivide off the commercial section of their property. Mr. Dahlberg said they have met all the minimum lot sizes. Mr. Dahlberg said this would be followed up by a formal site plan since they can't build on a commercial site without one. Chairman Francisco asked why they didn't show the entire commercial zone on the commercial lot. Mr. Dahlberg said they show a zone line, when they first surveyed this Mr. Stone showed a spot where they are suppose to draw a 730' radius circle for the commercial/residential agriculture zone line. Mr. Dahlberg said they show all the commercial lot that is practical. Chairman Francisco suggested on note 3 to change proposed lot to 94.2 and same with note 4. Vice Chair Fillmore made a comment that they have to set monuments and Mr. Dahlberg said they do. Chairman Francisco asked if the driveway was going to come off of Rockland Road and Mr. Dahlberg said he would think so.

Chairman Francisco asked for public comment. There was none.

Chairman Francisco closed the public hearing.

Chairman Francisco said they need to change notes 3 from proposed lot to lot 94.2, change 3 acres to 2 acres, change note 4 from proposed lot to lot 94.2, need Town of Weare driveway note, set monuments (3), and add construction approval number.

Mr. Kurk moved to approve the application that the following be completed: culvert be labeled, note 3 be corrected from 3 acres to 2 acres, proposed lot be changed to 94.2, note 4 also be changed from proposed lot to lot 94.2, add note that monuments be set, add note with usual driveway language subject to Town of Weare's driveway requirements, septic system approval number be added to the plat. Vice Chair Fillmore seconded. Motion passed. 5-0-0.

VIII. Site Plan/Change of Use

Martin O'Brien DBA H2O Waste Disposal & Marty Co. Dumpsters at 33 B & B Lan, Map 411-195 in an Industrial Zone

Chairman Francisco said he had a note from Assessing with no comment. Mr. Kurk asked what the existing hours of operation are and Mr. Dahlberg said Monday to Friday, 5:00 am to 10:00 pm and Saturday, 8:00 am to 5:00 pm and no hours on Sunday. Mr. Kurk asked if there are any floor drains in the build and Mr. Dahlberg said if there are any they would be filled in.

Mr. Kurk moved to accept the application as complete. Mr. Clow seconded. Motion passed 5-0-0. Mr. Dahlberg said there will be a truck scale that will be on cement foundation. Mr. Dahlberg said there would be no increase impervious ground. Mr. Dahlberg said in regards to vehicle storage on site and parking, it is the employees, trucking use and some dumpsters. Mr. Dahlberg said it will all occur within the compacted gravel area on the plan. Mr. Kurk asked about the number of employees, the application says 3-5 and plan says 9. It was clarified that he has 5 fulltime and 2 ó 4 part-time. Mr. OœBrien said he owns two companies H2O Waste Disposal and Marty Co. Dumpsters and said he goes around and collects curb side trash and recycling material. Mr. OœBrien said nothing will be housed outside. Mr. OœBrien said employee vehicles and about 20 dumpsters will be outside, but the dumpsters will be in rotation.

Vice Chair Fillmore suggested expanding on note 17 stating no washing of dumpsters outside. Mr. Kurk asked about odor and Mr. OœBrien said that shouldnœt be an issue and it should be offsite within 24-48 hours. Mr. Vanloendersloot asked about batteries and Mr. OœBrien said they would be palletized and shipped out.

Chairman Francisco asked for public comment. There was none.

Chairman Francisco closed public hearing.

Mr. Kurk asked how many trucks would be coming in out a day and Mr. O'Brien said probably about 12-15 trucks, mostly box trucks. Mr. Vanloendersloot asked if customers would be bringing material to them and Mr. OœBrien said no. Vice Chair Fillmore said you donœt really show a location where you are storing different things outside and asked if there was any way they could show where the broom cleaned dumpsters would be stored and keep them together. Mr. Bolton asked about the empty dumpsters being broom cleaned, stored outside and asked what happens when they get rain water in them. Mr. Bolton said there is the possibility of contaminating the ground where the dumpsters are stored. Mr. OœBrien said they are going to be constantly rotated out and said the containers do have plugs in them. Mr. Bolton suggested having a roof over where they store the dumpsters.

Mr. Dahlberg said most of the dumpsters that will be stored on site are for house cleanouts and contractors, not for households. Mr. Dahlberg said Mr. OœBrien brings in the household stuff which is picked up at the curb in box trucks. Mr. Dahlberg said the dumpsters take building waste. Chairman Francisco asked how many dumpsters he plans on storing on site and Mr. OœBrien said 12-30, it depends on the season. Mr. Vanloendersloot asked if they were going to use the existing sign or build a new one and Mr. Dahlberg said they were going to use the existing one. Chairman Francisco said he would like to do a site walk to look at the floor inside the building. The Board agreed to do the site walk on March 9, 2017 at 6:00 pm. Mr. Kurk moved to continue the application to March 23, 2017. Vice Chair Fillmore seconded. Motion passed. 5-0-0.

IX. Public Hearing

Tree cutting on scenic roads. – Trees have been flagged and home owners advised

Rick Sullivan said he is an arborist for Eversource and said they have a list of the scenic roads. Mr. Sullivan said there was Mt. Dearborn Road, Duck Pond, Tiffany Hill Road. Mr. Sullivan said they are on a four year cycle for trimming trees. Mr. Kurk asked which one is Mrs. Walker's tree and said it is about a 14" ash or oak tree. Mr. Clow asked if the trees have been marked with flagging and Mr. Sullivan said yes. Mr. Sullivan said they do get consent from abutting home owners for removal and there is a check mark yes if they have received it. Mr. Sullivan said they want clearance around the wires and they also want to keep their customers happy. Mr. Clow said on the forms that go to residences there is no place to say no, but there is a place to say I want a conference. Mr. Sullivan said they typically wouldn't do a removal without consent, but trimming if they don't hear from someone within 45 days, the State Law says if there is no contact within 45 days there is consent.

Mr. Bolton left at 9:30 pm.

Mr. Kurk asked Mr. Sullivan what RSA required him to be here. Mr. Sullivan said RSA 231:158.

Chairman Francisco just made Mr. Vanloendersloot a voting member.

Mr. Kurk moved that the Planning Board approve the proposal from Eversource with respect to trimming and removal trees and brush adjacent to its power lines along the following scenic roads in Weare: Mt. Dearborn Road, Duck Pond Road, Nichols Road, Tiffany Hill Road and West Quaker Road with those only marked with a Y on the spreadsheet. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

X. Minutes

Mr. Kurk moved to approve both site walk minutes of 2/11/17 as written. Mr. Clow seconded. Motion passed. 5-0-0.

XI. Miscellaneous

Mr. Vanloendersloot mentioned that the master plan is out of date and said there is a lot of information that is used by various committees, specifically roads (not updated since 2005), police and fire apparatus. Mr. Kurk asked if it is something that would require a contract with Southern NH Planning Commission. Vice Chair Fillmore said usually SNHPC does it, but they have to put a line item in the budget. Mr. Vanloendersloot said according to the bylaws they should be tackling something every year. Mr. Clow suggested having someone from Southern NH Planning Commission come in to get the

ball rolling, to tell us what their role would be, how much of it would be covered by the dues we already pay them, and what the additional cost would be.

XII. Adjournment

Mr. Kurk moved to adjourn at 9:40 pm. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

Respectfully submitted,

Tina Ripley
Minute Taker