

TOWN OF WEARE

PLANNING BOARD

15 Flanders Memorial Rd - PO Box 190

Weare NH 03281

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January 27, 2011 - Meeting Minutes

****FINAL COPY****

PRESENT: Craig Francisco, Chairman; Frank Bolton, Vice Chairman; George Malette, Neal Kurk, DanI-Jean Stuart, Chip Meany, Land Use Coordinator; Sheila Savaria, Recording Secretary

GUESTS: James F. Laura, Tracey A. Laura, Jason Houle, Robin Houle, Reggie Houle, Gregory Swift, Bob Bailey, Tim Galvin

I: CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:05 pm at the Weare Town Office Building.

II: PUBLIC HEARINGS:

Site Plan Review Robin Houle, Day Care Center
1111 South Stark Hwy #5
Map 108-33

Robin Houle has been to the ZBA and was granted a special exception to operate a daycare center at Dimitri's plaza. Tonight she is presenting a business plan and site plan review. Chip Meany told the board that all abutters had been notified, but there were no responses.

Neal Kurk moved to accept the application as complete; George Malette seconded, all voted in favor.

The application was changed to reflect that there would be 14 children in phase I, and 15 additional children in phase II. Neal Kurk said that this is an application to put a new business in an existing strip mall, there is adequate parking, there is no problem with the application, and the plan should be approved.

Neal Kurk moved to approve the application of Robin Houle for a site plan review for a day care center in Dimitri's Plaza in 2 phases. Phase I would be for up to 14 children on the northerly side of the premises, and phase II is for 15 additional children on the southerly side. The hours of operation are 6:30 am - 6:00 pm, 5 days a week. George Malette seconded the motion, all voted in favor.

Subdivision Review James F. Laura & United States of America
506/508 Mt. Dearborn Road
Tax Map 407-91/92

Chairman Francisco recused himself from this case because he is the surveyor for the Laura's; Frank Bolton took over as Chairman and appointed Dani-Jean Stuart as a voting member on this case.

Chip Meany explained that this is an application for a lot line adjustment on the corner of Mount Dearborn Road and Hodgdon Road. The U.S. Government took over a parcel of land and a house was built on the wrong piece of land, so the lot line needs to be change so the owners can have a clean deed to the property. The property is in the Residential Zone.

Craig Francisco, the Land Surveyor, explained that currently on lots 91 and 92, the property line goes

through the house. The U.S. Government took possession of lot 91 per a court order. The request is to change the lot line so the driveway and house is all on Mr. Laura's property and there will be no encroachments on the Government property, which is currently unsellable. The 2 lots will meet minimum town regulations at 6.75 acres, and Mr. Laura's property will be over 12 acres. If a driveway permit is not approved, the 2 properties will have a shared driveway. Mr. Francisco requested 3 waivers from Wetlands, Topographic Survey, and the Survey of the Northern lot 91.

George Malette moved to approve the 3 waivers with the condition that the appropriate checklist be provided to the Town; Dani-Jean Stuart seconded, all voted in favor.

George Malette moved to accept the application as complete, Neal Kurk seconded. Discussion: Neal Kurk asked if it was relevant for the Board to know if lot 91 is in use or not. Mr. Francisco said that he checked and there is a note saying it is not in current use. All members voted in favor.

Tim Galvin, the owner of lots 93 and 94, asked where the new driveway would go and asked if it would be an issue being on a class 5 road on less than 10 acres? He asked if lot 92 would be subdivided, and Mr. Laura said it would not be, and it would likely be sold as soon as possible. Mr. Galvin then questioned whether this lot line adjustment would be making a substandard lot more substandard? There is more than 200 feet of frontage, but not more than 10 acres. Mr. Francisco does not feel the lot is nonconforming.

Gregory Swift, the owner of lot 34, thinks adjusting the property lines is a great idea. He also brings up the concrete spillway on the map, and encourages the Town to look into this, because if it fails, you could loose 2 roads. Mr. Swift asked who owns the spillway and wondered if the spillway problem could be brought to the U.S. Government.

Neal Kurk felt more time is needed to read through the regulations, and Mr. Malette agrees that there have been enough issues brought up that the Board should do some more investigating before making a decision. Specifically, the issues are that a lot line adjustment should not make a nonconforming lot more nonconforming, and they need to make sure that this is not actually a subdivision. Mr. Francisco argued that per the definition of a subdivision, they are not subdividing the land, they are moving a line and there will still be a lot 91 and 92.

Neal Kurk moved to continue the case until the next meeting; George Malette seconded. Mr. Francisco will add a note that if they cannot get a driveway permit, they will add an easement. Neal Kurk and George Malette voted in favor, Frank Bolton and Dani-Jean Stuart were opposed. The motion failed.

George Malette said that the Board is not making new lots, it is not a subdivision. The final resulting lot is over 6 acres, there is no negative impact to the area, the town, the neighbors, and there is no reason not to approve this.

Dani-Jean Stuart moved to approve the lot line adjustment as presented, with a note added to the plan that states that if a driveway permit cannot be obtained for lot 92 through the Town of Weare, then an easement will be granted for lot 91 for access on the current shared driveway. George Malette seconded the motion. Mr. Laura said that won't work and he was very clear that there would be no easement. Ms. Stuart withdrew her motion.

Neal Kurk moved to continue this case until the March 24 meeting; Dani-Jean Stuart seconded, all voted in favor.

Craig Francisco resumed his position as Chairman.

III: OTHER BUSINESS:

Voluntary Merger - Neal Kurk moved to approve the application to merge Robert and Dina Sanders property on map 406, lots 9 & 10; Dani-Jean Stuart seconded, all voted in favor.

Minutes

Frank Bolton moved to accept the minutes of the December 16, 2010 meeting as amended; George Malette seconded, all voted in favor.

George Malette moved to accept the minutes of the January 13, 2011 meeting as written; Frank Bolton seconded, all voted in favor.

George Malette mentioned the Weare Agricultural Commission's potluck dinner which will be held at the Wildwood Farm on February 19. There is more information on the Commission's Facebook page.

IV: ADJOURNMENT:

As there was no further business to come before the board, Neal Kurk moved to adjourn the meeting at 9:30 pm; George Malette seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria
Recording Secretary