



# *Town of Weare Planning Board*

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## Planning Board

Craig Francisco, Chairman  
Frank Bolton, Vice Chair  
Neal Kurk, Secretary  
George Malette, Member  
Keith Lacasse, Ex-Officio  
John VanLoendersloot,  
Alternate  
Bruce Fillmore, Jr., Alternate

## **PLANNING BOARD – MARCH 13, 2014 FINAL MEETING MINUTES**

Present: Craig Francisco, Neal Kurk, George Malette, Frank Bolton, Bruce Fillmore, Jr., John VanLoendersloot and Chip Meany, Code Enforcement Officer

Guests: None

### **I. CALL TO ORDER**

The meeting was called to order at 7:06 pm by Chairman Craig Francisco.

Chairman Francisco welcomed Mr. VanLoendersloot as a new alternate tonight.

Mr. Francisco opened a discussion on a Voluntary Merger application on Rockland Rd., Tax Map 202, Lots 93 and 94. Mr. Kurk asked if there were buildings on either lot. Mr. Meany responded none. Mr. Meany stated the reason behind this is the landowner is paying taxes on separate pieces of land and he just wants to combine them. Vice Chairman Bolton moved to approve the merger of lots 93 and 94, Tax map 202. Mr. Kurk seconded. All were in favor.

A discussion was opened up regarding Subdivision Regulations page 33, Driveways 1. Sections A-H. The definition of a driveway was presented, as well as a copy of the current driveway permit form. Mr. Meany stated that Mr. Redmond noted it was not noted on the application that you must have 200 feet of site distance. Chairman Francisco would like to integrate the new driveway regulations and develop a new driveway permit form. Mr. Francisco noted the Planning Board does not have statutory powers over the Fire Chief. Mr. Kurk pointed out that expiration dates should be placed on the new driveway permit, and that the Code Enforcement Officer should make sure requirements in the driveway regulations are followed. Mr. Meany clarified the Road Agent. Mr. Kurk recommended altering the second sentence to "All temporary driveways must be regraded to original conditions and the access obstructed and the Road Agent has to come by at the end of the expiration of the temporary period to make sure that that has happened." Mr. Kurk said in 3 a) that the one year applies to both temporary and permanent driveways. Mr. Fillmore stated he thought there should be a place on the temporary driveway permit that defines the time frame. Mr. Kurk recommended to leave the first sentence as it is, and state the second sentence as, "Permits for temporary access shall expire one year after issuance. Upon expiration, all temporary driveways must be regraded to original conditions and the access obstructed." Mr. VanLoendersloot asked why do you have to obstruct something where there was no obstruction to begin with? Chairman Francisco responded yes and Mr. Meany explained why. Mr. Malette stated for an issue of being reasonable, should we be considering any renewal time for a temporary permit, meaning, can logging projects always be completed in one year, or should they have the opportunity to renew. Mr. Kurk said there is nothing stopping them from making a new application for a driveway application.

Chairman Francisco talked about section 3 becoming Reconstruction and section 4 becoming Specifications. The very last page, 4, that starts, "Lastly, Any existing driveway that may not meet the requirements...." will become section 4, which should be titled Driveway Modifications. Mr. Fillmore said to edit the grammar "as they presently exist" and the word "Lastly" will disappear. Mr. Fillmore suggested adding the word "width" to driveway modifications to address Mr. Kurk's question that asked about changing a gravel driveway's width. Mr. Meany talked about the road agent's concern being

about water runoff, drainage or road flooding caused by changes people make to their driveways. Mr. Kurk commented that maintaining a driveway, such as using a York rake, etc., is not the same as modifying a driveway and modifying is what we are concerned with here. Mr. Meany said the concern is when people pave or repave their driveways, they fill the swale, and once the tar has set, it is too late to change the fact that they have caused flooding by modifying the swale. Mr. Kurk asked how can we prevent inconveniencing people by requiring permits. A discussion ensued regarding paving contractors and adhering to specifications. Mr. Kurk asked how long would it take to get a driveway permit? Mr. Meany responded a day. Mr. Meany stated that once a driveway permit is given, that owners should not pay and release their contractors until the work is inspected, in order to prevent a result of a job that was completed that is not up to code. Mr. Kurk stated this really only works if people are aware of it. Mr. Kurk asked if there was something the Planning Board could do to make it easier for the townspeople, because the idea that someone needs a permit to repave their driveway seems burdensome. Mr. Meany responded that that is when the swale gets filled. Mr. Meany said it heads south is when you pay the contractor, and then get the inspection, and the inspection fails. He stated he can't make people not pay their contractors. Mr. Kurk asked about a two step process, similar to a building permit followed by a certificate of occupancy. Chairman Francisco pointed out that it is already in section P. Chairman Francisco proposed placing section P right on the Permit Application that states a pre-paving inspection is required to be completed to verify compliance.

Section B was mentioned that Chairman Francisco will rework that sentence regarding flares.

Mr. Fillmore stated in Section E, perhaps the 200 feet in each direction was too long of a requirement on smaller, less traveled roads. Mr. Kurk stated that is why you have the "unless" clause and it is at the discretion of the road agent. Mr. Fillmore thought perhaps some guidance should be given. A discussion ensued and it was agreed Section E was sufficient.

Mr. Kurk asked about Section F and why the driveway angle had to be less than 60 degrees. Chairman Francisco said because you can't look left. Country 3 Corners angle was given as an example. Mr. Malette stated it was a safety issue.

Chairman Francisco brought up Section G, the return radii, the curve of the driveway which shall not exceed 25 feet. Mr. Fillmore explained the driveway can only have up to a 25 foot radius, otherwise the curb becomes too large. Mr. Kurk asked if we should clarify "return radii for driveway flares shall not exceed 25 feet". Mr. Kurk thought that was clearer. It was agreed.

Chairman Francisco brought up Section H, regarding the centerline. Mr. Kurk edited less to a lesser.

Chairman Francisco reviewed Section I. Widths and winding driveways were discussed, and the maximum width shall be 30 feet and minimum shall be 16 feet. Mr. Fillmore noted that a 30 foot width is required for when driveways curve to allow for fire and delivery trucks. Mr. Kurk proposed the following edit: "The minimum allowable unobstructed width shall be 16 feet, consisting of a 12 foot travel way with a 2 foot shoulder on each side."

Chairman Francisco opened a discussion on Section J, the maximum allowable grade of a driveway shall be 10%. Mr. Kurk clarified that if the Fire Chief states it, the Planning Board may waive it, but they are not required to. He furthered that if we waive it, we cannot waive it without a positive recommendation from the Fire Chief. He added we are deleting "or other authority". Chairman Francisco agreed. Mr. Meany explained he received a clarification, and it is that we cannot make anyone sprinkle their house. He furthered that if the Fire Chief said "we'll approve your driveway if you sprinkle your house", that then becomes illegal because an agreement was made. Homeowners have to come up with the idea on their own and the Fire Dept. may or may not accept that. Mr. Kurk recommended deleting the sentence beginning "Additionally...". Chairman Francisco recommended ending the statement to read as: "Additionally, any such permit shall incorporate into it any recommendations contained in the favorable recommendation from the Fire Chief." Mr. Fillmore recommended "...may waive this requirement subject to the conditional use permit". Chairman Francisco simplified it by recommending, "All driveways shall be 10% unless a conditional use permit is

issued.” Mr. Kurk asked what was the consequence of using the phrase Conditional Use Permit. Chairman Francisco presented a Conditional Use Permit for the board to review. Mr. Fillmore added it may be an interim application that may change. Mr. Kurk said the application only requires information, it does not give criteria. Chairman Francisco replied that you can’t give criteria, that each application is unique. Mr. Fillmore said it all depends what the site looks like. Chairman Francisco says we need a Conditional Use Permit so we have the information and something with which to waive. Mr. Malette pointed out it doesn’t say anything about the Fire Chief. Mr. Fillmore suggested referring to the Ordinance number when mentioning Conditional Use. It was agreed that the concept of referring to Conditional Use rather than describing an entire paragraph was a good idea. Vice Chairman Bolton said the Police Chief may need to get involved. Chairman Francisco finalized Section J as: “All driveways shall be at a 10% grade unless a Conditional Use Permit is approved by the Planning Board.” Mr. Kurk read the entire J, mentioning to take out “for the waiver” after the applicant, and again “or such waiver” after recommendation: “Maximum allowable grade of a driveway, positive or negative, shall be 10% provided, however that the Planning Board may grant a Conditional Use Permit in accordance with Weare Zoning Ordinance Section X, but only if the applicant has secured a favorable recommendation from the Fire Chief.”

Section K was discussed. Chairman Francisco pointed out that this was directly out of the Ordinance.

Section L was reviewed. Chairman Francisco stated again this was directly out of the Ordinance. Mr. Fillmore recommended “any non-temporary driveway”. Mr. Kurk recommended “Specifications for Permanent Driveways” as a title before section A, which resulted from a discussion on Section L and differentiating between temporary and permanent driveways.

Section M was reviewed regarding mailbox locations. Mr. Fillmore stated on a new house, the post office hands new homeowners a sheet in terms of where they want the mailbox. Mr. Malette asked why our numbers don’t match the post office numbers. Mr. VanLoendersloot said he was told it was three feet. Mr. Meany stated Mr. Redmond likes four feet, and that if you are placing it three feet from the road, you are putting a bullseye on it. Chairman Francisco recommended striking Section M from the document. He said it would still be in the Zoning Ordinance. Mr. VanLoendersloot stated that Mr. Redmond said if the plow does damage to a mailbox that is four feet back, he will do something about it, but if it less than that, the Road Agent will not repair it. Mr. Kurk thought it should stay in there as a method of informing residents of the mailbox requirements. Chairman Francisco and Mr. Kurk thought it should be left in.

Section N was reviewed without comment.

Section O was reviewed. Mr. Fillmore clarified a Licensed Land Survey is required because others don’t have the equipment to measure the grade. Mr. Fillmore asked what about requiring a letter instead of a plan which is more cost effective for townspeople. Mr. Kurk asked about enforcement issues, and what is the action that can be taken by the Code Enforcement Officer. Mr. Meany said he can issue a cease & desist order. Mr. Kurk asked for it to be clarified in the pre-paving section.

Mr. Fillmore asked about putting S near another letter – he asked if we could group all of the similar dimensions together so same requirements were near each other. Mr. VanLoendersloot said move Item P further up the list. Mr. Kurk said P and O should be in a separate section that says “Inspection Required” or “Documents Required” because we are going to add a section T, that talks about cease and desist orders that are related to not satisfying P and O.

Mr. Meany mentioned that the EPA has come out with some new stormwater management requirements that involve erosion control. A discussion ensued regarding the developable land in Weare that remains does have steep grades and it is more likely than not that a higher number of driveway permits will fall into the realm of grades, Section O requirements.

Section Q – Mr. Kurk recommend, “and at its discretion, the Fire Chief...” Mr. Malette said the Fire Chief may not need to inspect every one. Mr. Meany said he could just waive it, and Mr. Fillmore

added the Fire Chief is there anyway. Mr. Kurk said if Q only applies to new homes, than we should state that.

Section R was reviewed without comment.

Section S was approved as amended on the paper draft.

Section T was discussed. Mr. Kurk clarified we were talking about permanent driveways. Mr. Meany stated it was right out of NFPA1.

Section U, V and W were discussed with all of the lengths discussed at different intervals. Mr. Meany staetd on the driveway application, the 150 feet declaration needs to be changed to 400.

Mr. Malette mentioned on Section X, the minimum length is not mentioned and is this language clear enough. Mr. Fillmore suggested "Any gate opening shall have a net opening of 16 feet". Mr. Malette said it should match our other language, and "at least 2 ft wider" confuses the issue. Mr. Fillmore changed it to "All gate entrances and similar structures shall have a net clear opening of 16 feet".

Section 1 on the last page was reviewed. Mr. Kurk asked if we could accommodate Mr. Redmond and his bonding requirement, by not requiring a bond, but requiring a Certificate of Driveway Completion. Mr. Meany recommended a driveway permit refund. Mr. Kurk asked about requiring a certificate of completion. Mr. Meany said we have that mechanism now as there is a form that is filled out similar to an Occupancy Permit, and you are still stuck in the same situation where if the driveway does not pass the people just walk away. Mr. Kurk mentioned the refundable idea. Mr. Meany mentioned taking money from the contractor up front, that you get back if you do the driveway right, might not be fair to the contractor. Chairman Francisco stated the administration may be too burdensome to the town, holding money in escrow, etc. Mr. Kurk recommended putting Section 1 through the way we have it now and revisiting it in a year or two.

Vice Chairman Bolton exited the meeting at 9:00 pm.

## II. **OTHER BUSINESS**

Chairman Francisco made a motion to elect the same slate of officers. Mr. Kurk seconded the motion. The vote was unanimous.

## III. **ADJOURNMENT**

Mr. Malette made a motion to adjourn at 9:30 pm. Chairman Francisco seconded. The meeting was adjourned.

A true record,

*Wendy J. Stevens*