



# *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  
Bruce Fillmore, Jr., Alternate  
John VanLoendersloot,  
Alternate

## **PLANNING BOARD – MARCH 27, 2014 FINAL MEETING MINUTES**

Present: Craig Francisco, Neal Kurk, George Malette, John VanLoendersloot, Chip Meany, Code Enforcement Officer and Wendy Stevens, Recording Secretary

Guests: Michael Dahlberg, Scott Foote, Michelle Foote, James Wilcoxon, and Kelley Wilcoxon.

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

The meeting was called to order at 7:02 pm by Chairman Craig Francisco.

Chairman Francisco acknowledged Mr. VanLoendersloot as a full member.

### **II. PUBLIC HEARING**

Subdivision Application      Scott & Michelle Foote  
Tax Map #411, Lot #351, Rural-Agr.  
Old Franchestown Rd.

Mr. Malette made a motion to approve the application as complete. Mr. Van Loendersloot seconded. The vote was unanimous.

Mike Dahlberg stated he was a surveyor representing Scott & Michelle Foote. They wish to subdivide their lot into three lots. He mentioned test pits were done in the wetlands areas. He has met with Mr. Redmond and Mr. Redmond would like to see where the driveways are going. Lot 351-2, they are going to bar gap in the middle of the lot. His client has met with Tim Redmond regarding the driveway and the stone wall will be rebuilt on the east side of the driveway. For lot 351 on the east side, where Franchestown Rd. heads north again, there is a historical bar gap circa 1760 or so, it was relaid out in 1788 as two rod road, and that gap is the only access because of the wetlands that bisects the lot from north to south. Mr. Redmond wants to see how big that gap is and Mr. Dahlberg is coming before the planning board regarding this issue. Mr. Kurk asked how wide is it now and Mr. Dahlberg responded 9 or 10 feet. Mr. Kurk said 16 feet is required.

Chairman Francisco said he drove by the area today and regarding the bar gap for 351, he noted it did not look wide enough for a driveway and the pole is close. Mr. Dahlberg agreed.

Mr. Dahlberg stated he believes there is a rangeway and he believes every lot has a two rod extension along the lot lines for travel. It wasn't laid out on the ground that way, but the provision is there. He stated that was the provision made for access and he believes he has legal right. He stated they created the lot lines to include the bar gap for this purpose. Chairman Francisco stated his concern regarding 351-1 is site distance. Mr. Dahlberg said you could come down the hill, and it is why they pushed the lot line so far to the east. Mr. Foote stated he walked the top lot with Mr. Redmond and Mr. Redmond said where the hill comes out, to come back 200 feet and it should not be a problem.

Mr. Kurk asked if there will be enough space without cutting into the wetland? Mr. Dahlberg responded yes. Mr. Kurk asked if they were going to cut into the hillside. Mr. Dahlberg responded yes, it is doable.

Chairman Francisco asked if we had received comments from the Conservation Commission. Mr. Meany said no, but he does have a letter from the Mr. Redmond notating requirements for driveways in excess of 150 feet per our driveway regulations. Mr. Meany added that he has not heard from the Police Department, and that the Board of Firewards has not yet seen this. Chairman Francisco paraphrased Mr. Redmond's letter stating "he breaks it down into three lots, lot 351-1 he says the lot is up the hill from the road edge and any driveway will be required to meet the 2% slope requirement for drainage purposes and lastly the applicant will need planning board permission to break the stone wall, and he says he would suggest that the applicant provide proposed driveway location and details prior to approval. He is also worried about site lines in 351-2, and notated a logger breaking the wall." Mr. Dahlberg added this was done by a previous owner, not by his client. Chairman Francisco further discussed the letter, reading, "on lot 351 he says it has a historical bar gap access that the plan provided, however the distance to walls as shown are secondary."

Chairman Francisco again asked if the Conservation Commission had reviewed the plan. Mrs. Stevens said the plan was reviewed by the Conservation Commission in March, and there was no comment except to meet with Chairman Francisco for general purposes at the next conservation meeting. Mr. Meany added that the Historical Society also had no comment.

Chairman Francisco invited comments from the public. There were none.

Mr. Meany brought up a small piece of land that Scott Foote would like to donate to the town and the area was reviewed on the map in the upper left corner. Mr. Meany and Mr. Redmond requested a small change in the shape of the potential donated piece. Mr. Dahlberg said he will coordinate that with Mr. Redmond, that it is just drawing a straight line and adding a note to the plan.

Mr. Dahlberg asked if the driveway is something we do before the plan gets approved? Chairman Francisco stated that there have been issues with driveways and we are in the process of new driveway regulations. He added that subdivision approvals, zoning ordinances, and driveway permits require different things and they are trying to make it more cohesive. In light of this, he would like to look at Lot 351-1, the other two lots he does not see a problem with site distance or grading. Mr. Dahlberg said he doesn't think 351-1 poses a significant problem, but basically they are going to come in 90 degrees to the road and go right along one of those contours. Chairman Francisco said as far as he is concerned, he wants 200 feet of site distance, and he would like it shown on the plan. Chairman Francisco continued that he assumed the driveway will come off 108.83 at 655 elevation, maybe a hair down. Mr. Dahlberg said yes, roughly, and from there, the driveway will head left, then curve back to the right. Mr. Dahlberg said they can certainly get in and not impose on the 25 foot wetlands setback.

Mr. Kurk stated the new regulations, an all season site safe distance of 200 feet in each direction is required, unless public works determines a lesser distance is satisfactory. Mr. Dahlberg said he will meet with Mr. Redmond on site, pick a spot, and come back to the board with an 8 ½ x 11 plan that will show the driveway. Chairman Francisco asked to receive notification once the driveway is staked off. Mr. Dahlberg asked if he could return in two weeks.

Mr. Kurk made a motion to table the item until the April 10<sup>th</sup> meeting. Mr. Malette seconded. The vote was unanimous.

- III. Mr. Kurk asked if there was some way to let people know that the driveway regulations do not apply to subdivisions only, that they apply to all new driveways. Chairman Francisco said that is what the RSA is for. Mr. Kurk asked to review RSA 236:13. Chairman Francisco referred to section roman numeral five. Mr. Kurk then asked if we would need two sets of regulations that were identical, furthering that if we don't do that it only looks like we are exercising the power for subdivisions. Chairman Francisco said he will ask town counsel. Chairman Francisco said he assumed the new web site will have subdivision and zoning ordinances, and asked if driveway ordinances be added to the web site. Mr. Kurk asked if we could make changes to the web site after it went live. Mrs. Stevens responded yes. Mr. Malette asked if a driveway permit will be on the site. Mr. Meany responded yes. Mr. Malette asked if there was a poster that could say, "in the town of Weare, permits are required for X". Mr. Kurk

said the idea was interesting and thought it would be helpful also.

IV. **OTHER BUSINESS**

Chairman Francisco opened up the review of minutes for February 17<sup>th</sup> and March 13<sup>th</sup>. Mr. Malette asked to postpone approval of the minutes until the next meeting.

Chairman Francisco stated he had a letter from NH DES which was a general advisory that all municipalities adopt to recommend groundwater Aquifer Protection areas. He added we had a long discussion on this, and it had already been decided not to adopt what was recommended.

Mr. Kurk said all driveways exceeding 800 feet shall have a turnaround at the midpoint. Above that, in Section 5i, it says all driveways exceeding 850 feet shall have a turnaround constructed. If a turnaround is required, it has to be 150 feet of a dwelling. If he has a 150 foot driveway, he has to have the turnaround six feet from the road. He seems to think there are some confusing provisions and he would hope the fire department would help to clarify. Chairman Francisco clarified a turnout vs. a turnaround. Mr. Kurk said if your driveway is 175 feet long, you need a turnaround arbitrarily at the 80 feet. Chairman Francisco said this is for the fire department. If your driveway is 2,000 feet long, every 400 feet you need a bypass. 150 feet from the house, you need a turnaround. Mr. Meany clarified about hose length and pressure as well as the fire truck needing to be a certain amount away from the house to avoid damage.

V. **ADJOURNMENT**

Mr. Kurk made a motion to adjourn at 7:48 pm. Mr. Malette seconded. The meeting was adjourned.

A true record,

*Wendy J. Stevens*