



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 – MAY 8, 2014 FINAL MEETING MINUTES

Present: Craig Francisco, Chuck Bolton, Keith Lacasse, Neal Kurk, George Malette, Bruce Fillmore, Jr., John VanLoendersloot, Chip Meany, Code Enforcement Officer and Recording Secretary Wendy Stevens

Guests: None.

I. CALL TO ORDER

The meeting was called to order at 7:00 pm by Chairman Craig Francisco. Chairman Francisco acknowledged Mr. VanLoendersloot as a voting member.

II. DRIVEWAY PERMIT REVIEW

Mr. Kurk mentioned he made grammatical corrections but did not make any language changes. Under geometric standards 2c, that the language that was agreed on he inserted. Mr. Kurk stated on page four there was supposed to be a second diagram. Chairman Francisco stated he would add in the diagram that illustrates the turnaround. He asked Mr. Kurk asked about the insertion of Class VI road in section 1. Mr. Kurk stated with several cases in town, since the road was a Class VI road, they treated it as if it were a driveway and proceeded to make their entry. The problem with that is should the town ever want to reopen the road and change the road into Class V, the town would be faced with a lot of grandfathered entry ways that could pose problems for the public works dept. in maintaining those roads. He thinks we would want to preserve the ability for the town to reopen a Class VI road in the future so that folks who are putting driveways on a Class VI road have to do a decent job. Mr. Kurk added that the Zoning Board is allowing houses to be put on Class VI roads. Mr. Meany confirmed this. Mr. Kurk stated that private roads ought to be added to Section 1 also. Chairman Francisco wondered if we had the authority. Mr. Kurk said certainly we would with respect to Class VI roads. Chairman Francisco said certainly not if it were a private road. Mr. Fillmore stated he thought the idea was on thin ice as the town doesn't own the road and has no liability over the road, and has no maintenance responsibility. Chairman Francisco stated at the time the Zoning Board issues a building permit, part of the requirement should be that the driveway meets driveway regulations. Chairman Francisco asked Mr. Meany who issues driveway permits? Mr. Meany said I do. Mr. Meany stated private and Class VI are treated the exact same way. Mr. Kurk said neither private roads nor Class VI roads are maintained by the town. Mr. Meany said you cannot get a permit for either. Chairman Francisco asked if public works gives out permits for a Class VI road? Mr. Meany said no. He said he requires a permit on a Class VI road so grades meet the fire department requirements, width for safety vehicles and that erosion problems, percentage of grade – basically you have to comply with the same regulations as if it were a town road. Mr. Meany added that this piece of paper is what triggers 911 services and the creation of an address.

Mr. Kurk stated at the very least he thinks we should keep Class VI in section 1, and private roads are already handled appropriately. Mr. Fillmore stated he agreed with Mr. Kurk as a Class VI road is not maintained by the town. Mr. VanLoendersloot stated he thought there was a provision for firetrucks, that the town must maintain any road so a firetruck can get through. RSA 229:5 was reviewed. Chairman Francisco deduced that the law states the town cannot maintain a Class VI road.

Mr. Kurk moved to amend that the driveway section of the Subdivision Regulations 8.7 as presented to the board this evening be added to the Subdivision Regulations as an amendment with the understanding that the Chairman will add the second turnaround diagram. Mr. Malette seconded. Mr. Lacasse was opposed. The motion passed 4-1-0.

Chairman Francisco stated on a related note, Mr. Meany and himself have met with Attorney Drescher. He stated to make the Subdivision Regulations apply to all lots, we need to amend the building code or the health code. Mr. Kurk asked why wouldn't we amend the zoning regulations? Chairman Francisco said he thinks it is an October decision.

He added we sent a letter to Michelle Boutin basically saying that tolling did not have any effect on her, she had to pave basecoat full length, and that she is under the new ordinances; zoning and subdivision. She has a wetland buffer, she has the new phasing, and she has a variance.

- III. Mr. Kurk asked about the Conceptual Review applicant and Mr. Meany stated the application has been withdrawn.

IV. **OTHER BUSINESS**

Chairman Francisco reviewed the April 24th Site Walk minutes. Mr. Fillmore would like to add a sentence that we had looked at the wetland area on the log crossing and we thought it needed to be addressed in some way, whether it be restored because the loggers never cleaned it up. Chairman Francisco made a motion to approve the April 24th site walk minutes as amended. Mr. Malette seconded. Mr. Lacasse and Mr. Bolton abstained. The motion passed 3-2-0.

Chairman Francisco reviewed the April 24th draft minutes. He stated on the second page Innovate Lands, 2nd paragraph third line down, fire wards should be two words. Same paragraph, 7 lines down, Dawn Bucher of DES is a she, correct spelling of first name. Third page, second paragraph, 4 lines, Mr. Fillmore noted areas... "funnel down with a lot of runoff due to grade". Fourth paragraph 3rd line. Mr. Meany SWPPP, Stormwater Pollution Prevention Program (instead of slip). Next to last page, second paragraph, third line down burn should be burm. Mr. Malette made a motion to approve the minutes of April 24th as amended. Mr. Kurk seconded. Mr. Lacasse and Mr. Bolton abstained. The motion passed 3-0-2.

Chairman Francisco stated he got a call from David Preece and he said they were applying for a grant and they were hoping to put in \$5,000 for several towns within the SNHPC region that do not have a planning staff to help them with any amendments. Chairman Francisco stated they want us to come with ideas so they can apply for the grant.

Mr. Bolton stated he has Cost of Community Services Study quote from Charles Leveck for \$9,000. This came out of Bradford, almost all of the costs of services studies that have been done were all free via the American Farmland Trust. Mr. Bolton had hoped to have this done for free. He stated \$5,000 is not \$9,000 which is the first problem regarding SNHPC. Mr. Bolton thought that was one thing he thought we could ask about.

Mr. Malette stated you cannot move forward with impact fees unless you have done a Cost of Services Study.

Chairman Francisco mentioned updating the Master Plan. Mr. Kurk stated that was not a bad idea. Mr. Malette said to choose an area where changes have occurred the greatest over the last ten years. If you have changes that have already been made, you can update those sections of the Master Plan.

Mr. Fillmore suggested Transfer of Development Rights. Mr. Kurk stated we had discussed that a few years ago. Chairman Francisco stated he talked with Andy Fulton of the Conservation Commission two months ago. Basically you do a cluster development to get your permitted density. He summarized he thinks it will work great for Weare, and that they have been trying to do it for a few years in Bow. The upper Bow Bog Brook is designated as a prime habitat they are trying to preserve. They are doing a

development, a yield plan, 10 lots, subdivision, town says we'll allow you to do 13 lots, except you have to donate 3 times X dollars to the Conservation Commission. So you lose open space with the subdivision, but you gain open space in the prime habitat. Mr. Fillmore stated his idea was essentially the same, that you would want to target areas that you would like to preserve. You could transfer development rights without the town or Conservation Commission having to buy it, it wouldn't cost a thing. Mr. Kurk stated so, instead of having a whole series of unconnected parcels, the town would be able to have larger contiguous tracts of open space. Mr. Fillmore stated right. Mr. Malette stated the problem with the towns is deciding which areas are important, and where they want the congestion. Mr. Kurk says so if the developer donate the money, but if the owner doesn't want to sell, then it doesn't work. Mr. Fillmore stated consider Charlie Browns' on East Rd. They were purchased by the Conservation Commission, but it's still under private ownership. Mr. Fillmore stated that same thing could have been accomplished completely privately. Mr. Bolton said it is easy to find open space land, and not so easy to find land to develop. If you added density to the developed parcel, with the lots reducing in size down to 1.5 acres is not a horrible thing. Mr. Bolton said in the event of a cluster, to keep in mind the 5 acre 20% rule.

Mr. Kurk said it seems like we are not really ready to go there yet in terms of this grant, and we might want to see what happens in Bow. Mr. Malette asked when was the deadline for the grant? Next week.

The Master Plan update, Cost of Services Study, and Transfer of Development rights were considered. Mr. Malette mentioned the Natural Resource section, and also the Natural Resources Inventory. He furthered that a lot of new land has gone under conservation. He added the river protection plan has also been added since the Master Plan. Chairman Francisco asked Mr. Malette to email him his opinion on the parts of the Master Plan that had changed the most.

Mr. Bolton asked if it was possible to amend final minutes. Mr. Bolton asked if he could amend the April 10th minutes second page, to change the sentence from "Mr. Bolton agreed." to "Mr. Bolton agreed that Old Francestown Rd. is a two rod road." Mr. Lacasse suggested noting this in these minutes to acknowledge the changes desired.

Mr. Meany stated the new web site is up and running. He added that the new Zoning Ordinance is now on the web site. Mr. Meany stated he will provide a hard copy of the Zoning Ordinance. Mr. Malette asked about forms. Mr. Meany stated the Conditional Use Permit has not yet been added, and that is being worked on.

V. **ADJOURNMENT**

Mr. Malette made a motion to adjourn at 7:49 pm. Chairman Francisco seconded. The meeting was adjourned.

A true record,

Wendy J. Stevens