



# *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 22, 2014 FINAL MEETING MINUTES**

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

**Guests:** Art Siciliano, Krista Edmands, Deborah Brown, Michael Dahlberg, Jan Brown, Burt Brown and Chris Rand.

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

The meeting was called to order at 7:01 pm by Chairman Craig Francisco.

### **II. PUBLIC HEARING ON CONTINUANCE FOR INNOVATIVE LAND SOLUTIONS**

Mr. Siciliano presented the board with a new plan with latest revisions dated 5/21/14. Mr. Siciliano stated the dredge & fill is being amended for the Board of Firewards who didn't have a meeting last month, however he did meet with the fire chief and reviewed the plan with he plans to attend the June Firewards meeting. The town driveway permit is not a problem. He met with Scoot Looney of DOT regarding the driveway on Rte. 114 because they have a new driveway location. Mr. Looney did not have a problem with site distance and he is going to rewrite a permit when he gives him this new plan. The new grade is 12%. Mr. Kurk asked throughout the entire driveway? Mr. Siciliano confirmed that no places exceeds 12%. He stated the engineer is still fine tuning the drainage. Regarding the Conditional Use Permit, he will prepare that for next month as they have had to fine tune the driveway grades first. Easement details are on the new plan include driveways. He did inform Bill Boisvert about cleaning up the area below the culvert. He is also showing new areas for septic on the plan. Mr. Kurk asked what if somebody who buys the lot wants to put the house in a different spot? Mr. Siciliano responded they will have to come to the Planning Board with another driveway plan. Mr. Kurk asked from 448 to the house, which is 458, that is a ten foot rise? Mr. Siciliano stated he was pretty limited on where they can build. Mr. Kurk asked for a visual for what he thinks is a pretty significant cut into the side. He recalled when Cold Springs put storage into their hillside, they did a number of things. He asked if there was any side perspective because it looks as though the difference between the terraces is significant, perhaps 10 or 20 feet. Mr. Siciliano stated they would be sloping terraces. Mr. Kurk asked what is the slope on the bank? Mr. Siciliano did not know. Chairman Francisco asked on Lot 4 he is still showing the garage at roughly 454? With a 470 contour midway through the house? Mr. Kurk asked if the houses are being sunk into the hillside? Mr. Siciliano said yes. Mr. Kurk stated he really thinks we would like to see a visual of the houses and the driveway. Lot 5, the garage is at 451 and the back of the house is at 460, which is not too bad, assuming it is a drive under. Chairman Francisco stated he would like to see grading on the two houses. Mr. Siciliano stated he will take some pictures. Chairman Francisco asked for some topo information behind the houses. Mr. Siciliano stated there will be a retaining wall back there. Chairman Francisco summarized that there is going to be a lot of excess material on this site. Mr. Siciliano said yes. Mr. Kurk asked if he may have to pump sewage to a more suitable place up the hill? Mr. Fillmore said definitely yes. Mr. Siciliano said there may be some room around the house. Mr. Kurk asked if each house will have its own well and septic? Mr. Siciliano replied yes. Mr. Fillmore clarified the locations of the well and septic are proposed. Mr. Kurk agreed, saying test pits had not been done yet and may deem a change in location. Mr. Fillmore asked for some detail on the wall, that the plan is showing it vertical and he really doesn't think its going to end up being vertical. Chairman Francisco added they are about three feet apart. Mr. Kurk asked what

about the wall behind the house? Mr. Fillmore stated that is a problem they are going to have to face when they get there. Chairman Francisco said from a safety standpoint we can talk about the driveway, and the wall should be stable enough to hold the 12 feet of material behind it (or higher). Mr. Siciliano stated he had it graded at one point all the way to the house, and they can't do that as it is a lot of material, and it would be nice to keep some tree growth with retaining walls rather than clearing and grading. Mr. Kurk asked if there would then be no front lawn? Chairman Francisco stated it would be very steep.

Chairman Francisco asked about the Board of Firewards. Mr. Siciliano stated he will meet with them on June 9<sup>th</sup>, and they are going through the Conditional Use Permit right now. Mr. Meany stated that application may not be correct and some things may need to be altered, and he hopes to have the corrections in a few days.

Chairman Francisco invited the public to speak. There was no one. He closed the public hearing.

Chairman Francisco stated Ms. Stevens had sent him the Conservation Commission's comments regarding this application. Basically, this board mentioned cluster quickly at the last meeting, and the consensus was that putting a road in was defeating the purpose. However if you look at the cluster regulations, you can have lots on existing town roads as long as they have the same frontage as the zoning district. So you could certainly do a cluster, create five lots, and put a conservation easement over the back of the land. Mr. Malette stated he thought they had the lesser frontage because they were greater than ten acres. Chairman Francisco stated you still have zoning. Leave the lines where they are and just put an imaginary line that says, this land is conservation. He furthered that Mr. Fulton, the Chair of the Conservation Commission observed vernal pools, a den site, and he noted several vernal pools. Mr. Fillmore stated the doesn't think they are in danger of being impinged on in terms of the lot size. Mr. Malette stated regarding the vernal pools, it would be nice if that during construction, they were avoided. Mr. Malette stated the other mention was that virtually all Evergreen have been removed which made for an interesting habitat similar to a western forest. Chairman Francisco stated he is going to assume most of the vernal pools are in Lot 3, maybe Lot 4. Mr. Malette responded that the vernal pools are not near the house sites. Mr. Kurk asked why he was mentioning a cluster? Chairman Francisco stated because it was brought to his attention by the Conservation Commission. Mr. Kurk asked if it would require a road? Chairman Francisco responded no – just leave everything the way it is, and create a cluster. He referred to page 36. Lots fronting on an existing town street shall have the same frontage as the zoning district, except back lots with the buildable area 150 feet from the right-of-way may reduce the frontage to twenty-five (25) feet; but back lots cannot have adjacent frontages. One back lot for each front lot. (27.3.6 #4 in the Zoning Ordinance). Mr. Siciliano asked if the Planning Board was going to call this a cluster and take an easement? Chairman Francisco stated this is an option. Mr. Kurk clarified that this would still be a development with the same lots? Chairman Francisco said yes. Mr. Malette said nothing about the house lots would change, just that 50% or greater of land in the center will go under easement. Mr. Fillmore asked do you really think there is a need for that? Mr. Meany asked if there could be a density bonus and create a sixth lot. Chairman Francisco didn't see how. He reminded the board that there are conservation easements that abut it, and he wasn't for or against it he was just bringing it to the board's attention. Mr. Kurk asked what is the virtue to the applicant? Mr. Bolton replied making a contribution that enhances an already existing acreage. Mr. Kurk said that is to the town's benefit, but what about the applicant? Chairman Francisco stated all the owners would have rights to it, all five owners have rights to walk around and hike, etc. Mr. Kurk asked about a charitable tax donation if the applicant donated the land to the town? Chairman Francisco asked the board to review 27.3.1. Mr. Kurk asked again what the applicant would receive for donating the land. Mr. Bolton stated the town wouldn't be the one to give any tax break. Mr. Fillmore stated given the grade to get to the back acreage of these parcels, and the lack of ability to develop it, he really doesn't see any kind of need for a cluster. Mr. Kurk responded in 20 or 25 years, the town may be very different and this parcel could be very valuable, but regardless, the virtue from the town's point of view of an easement is that it supercedes zoning. Mr. Fillmore stated that is not the purpose of an easement. Chairman Francisco stated he could see the owners of Lots 2 and 3 getting together and subdividing their land and putting a road in. Chairman Francisco summarized that this

was something for Mr. Siciliano and the board to think about. Mr. Siciliano asked to tell him what they were thinking so he can speak to his client. Mr. Bolton stated he could not imagine Mr. Siciliano is not going to do it. Chairman Francisco stated the back of Lot 4 is abutting existing conservation land, and he knows that we are always trying to connect existing conservation land. Mr. Kurk brought up the 12% driveway slope. Mr. Malette clarified that they cannot allow grades over 10% without approval from the Board of Firewards. Chairman Francisco stated they have had some issues with steep driveways. Mr. Malette repeated that they cannot give an OK for a grade over 10% without permission from the Board of Firewards. Both the Board of Firewards and Planning Board have to give approval. Mr. Fillmore stated if we make this a cluster, we are going to restrict the building of Lot 1 and require a 50 foot side setback perimeter buffer (27.3.9). Chairman Francisco clarified a cluster has a 50 foot buffer. Mr. Malette requested the new map be forwarded to the Conservation Commission. Chairman Francisco agreed with Mr. Fillmore that that 50 foot buffer makes it difficult. Chairman Francisco asked if Mr. Siciliano gave us an extension. Mr. Siciliano said he would.

Mr. Kurk motioned to continue the hearing of this case until June 26<sup>th</sup>, 2014. Mr. Malette seconded. All were in favor.

### III. **Review of Site Plan for Day Care Center, 425 S. Stark Hwy Lanctot's Plaza**

Mr. Meany presented the original Site Plan for Lanctot's Plaza for the board to review. Mr. Kurk moved to grant the request for a waiver for Items #2, #5 and #18. Chairman Francisco stated she does not need waivers from 22 on, only #2, #5 and #18 because we are not changing dimensions on the building. Mr. Malette seconded the motion. All were in favor. The motion passed unanimously.

Mr. Kurk moved we accept the application as complete. Mr. Malette seconded. All were in favor. The motion passed unanimously.

Ms. Edmands stated she is back to request the Change of Use to put a Day Care Center at 425 South Stark Hwy. Mr. Kurk stated he noticed there is a 300 sf area of play area, what type of fencing are you going to use and how high will it be? She stated it will be white laminate fencing. She stated it was designed so that the children cannot climb over it, and that you cannot see over it from the outside. She stated it is required as part of her licensing and they have come out to do a consultation. Mr. Kurk asked how will the children cross the road to the play area? She stated for the state she has a written safety plan. They will have to have an adult go across with them. She has a walking rope with a ring for each child to hold onto. She can have the staff wear a vest that is bright. Mr. Kurk stated the point is that it is well taken care of as far as the state is concerned. She stated yes.

Mr. Kurk asked about the removable window signage. She stated her sign is just going to be in the directory. He asked she will not have a sign in the window? She stated there is a flag and she can make a flag sign right in front of the door. She presented a picture to the board with the flag being right next to the window. Mr. Kurk asked on the page of her application on the backside, it says describe proposed signage. "Removable window signage, centered on both sides with no illumination." Mr. Kurk asked is she withdrawing that? She stated yes. He asked it is not part of the application anymore? She stated no. Mr. Bolton stated it must be minimal traffic in that area. Ms. Edmands stated yes, it is just a service road that goes behind the building. Mr. Kurk stated previous owners had complained about visibility, does she think visibility will be a problem for her business? She stated no.

Chairman Francisco asked if we had an idea of how much of the well everybody is using right now? Mr. Rand stated the building has a capacity of a little over 2,400 gallons per day and we have a potential other lease client who has asked for 300 gallons per day which leaves his building with about 2,100 gallons. Chairman Francisco asked where is this tenant going? He stated Unit #1, the large building towards the back. Mr. Malette asked if the state looks at the septic and well capacities? Chairman Francisco was not sure the state (subsurface) was going to look at this. Mr. Meany stated subsurface won't, but her licensing board will make a determination as to whether there is sufficient well and septic. She added for 20 children the state requires one bathroom, and she is not planning on a second bathroom, as there is not enough capacity for more than 20 children. Chairman Francisco

assumed everybody is on the same well. Mr. Rand stated yes. For the entire complex, Mr. Rand stated the water is 4,275 gallons which is approximately 900 for each building. Chairman Francisco asked if it was all one leach field for the entire building? Mr. Rand replied yes.

Chairman Francisco asked if the public had any comment. There was none. He closed the public hearing.

Chairman Francisco is somewhat concerned about the well and the septic, given Dunkin' Donuts usage. Since we know we have an application coming next month, he would ask the owner for a breakdown of water and sewage use for everybody including the new use. Mr. Fillmore asked if there was a water meter? Mr. Rand stated yes, they monitor their water meter every week and manage any problems that occur. He stated everything is keyed off the septic system, and the well operates in tandem with that. Mr. Meany stated when the development first went in, he assumed that the well and septic were built to handle the existing footprint. Mr. Fillmore responded that was when there was a bank there, not a Dunkin' Donuts. Mr. Kurk asked will there be anything leftover? Mr. Rand said yes, they are left with approximately 2,000 gallons.

Mr. Kurk moved the application be approved subject to the change in the signage section where the applicant has withdrawn the removable window signage and substituted a flag signage. Mr. Malette seconded. All were in favor. The motion passed unanimously.

Mr. VanLoendersloot entered the meeting at 8:08 pm.

**IV. Site Plan Change of Use, Deborah Brown, Moody Pond Marketplace, 3 George Moody Rd.**

Chairman Francisco stated it seems like everything on the checklist is there. Mr. Bolton stated Item #25 provision for future expansion for storage of water, it says not available, but on the Plan it actually does show it. Mr. Dahlberg stated that just got frozen on the colored map, you can see it on the original non-color submission.

Mr. Malette asked the Chair about checklist item #7, an elevation view or photograph. He stated it is checked off, and there is one sketch of the farm stand, but an elevation view of all buildings is required. Ms. Brown provided the elevation view photograph.

Chairman Francisco noted the construction schedule. Mr. Malette made a motion to accept the application as complete. Mr. Kurk seconded. All were in favor, the motion passed unanimously.

Mr. Dahlberg noted a typo in Note #6 regarding 19 spaces, they were only providing 14. They did fail to show the existing on-site use of the landscaping. It says there are seven spaces per each service employee and Ms. Brown is the only employee for that part of the business, so that will require 16 spaces, and they have provided 14, however there is a provision in the ordinance. He stated the board can adjust the number of parking spaces and their first request is to consider 2 less parking spaces, and if that is not admissible to the board, they can show two spaces that are hacked in there where they don't really want them.

Mr. Dahlberg stated what we have here is a parcel that was zoned residential, but when the town created zoning they zoned it commercial. The property stayed a mix use for quite a few years, and when the Browns bought it, the residential use discontinued. They did do a 3 bedroom septic design but she decided to convert it to a coffee shop/café business. It is designed and approved for 450 gallons a day which allows for a 17 seat restaurant with 3 employees based on the state's flow calculations. We have a change of use for the existing structure to be a commercial business, we have shown parking, existing landscaping, there also is an increase in the use which is going to be a farm stand. He does not want to get into that minutiae and it is going to be whatever it is – it will have a walk-in cooler/display stand, held in a 28' building with a 5 foot porch with a shell. Minor increase in impervious area, we are way under that 10% threshold. There is no wetlands impacts, they are just utilizing the site that is there now.

Mr. Fillmore asked Note #7 could you put how many gallons per day? Mr. Dahlberg said, yes, he will put 450 on there. Mr. Fillmore said 17 seats is 20 gallons per seat, which is fine, but he is sure there is going to be some use from the farm stand and with what you've got now, you're probably peaked out on that septic system. She stated she can always get a port a pot for the season. Chairman Francisco asked 2,900 sq ft includes the driveways, parking everything? Mr. Dahlberg said it includes that and it is existing. Chairman Francisco stated it is probably impervious. Mr. Dahlberg stated he didn't think gravel was impervious. Chairman Francisco said yes it is. Mr. Malette stated that they have always upheld gravel as an impervious service. Mr. Malette asked are the 17 seats inside the building? Ms. Brown said yes. He asked what about seating on the patio, will you be using that? She stated if she needs it. She said she would start with 17 and would not put any chairs outside. Mr. Dahlberg stated she could put 10 chairs inside and 7 outside. Chairman Francisco looked up the definition of impervious surfaces and confirmed gravel is impervious service. Mr. Dahlberg stated that was all existing. Mr. Malette said you will still be well under the 10%. Chairman Francisco asked if there is any way to move the farm stand outside the wetland buffer? Mr. Dahlberg said no. Mr. Dahlberg stated that the way the Planning Board has always handled this was that once a structure is there and time passes, it is what it is. Mr. Dahlberg said if they pull it out they will be obstructing traffic. They are not proposing any movement into the wetlands at all, and the snowplowing issues that the Conservation Commission raised are fine. He stated that is very logical. Wetland setbacks do not apply on lots that existed before the regulation was created, and this is grandfathered. Mr. Malette stated the wetland setback is a 25 foot buffer zone. Mr. Dahlberg stated the 50 feet does not apply period. The 25 foot wetland buffer does exist for this lot, where there is vegetation, but they are not proposing any new movement into the wetland. Mr. Malette said the Conservation Commission is recommending no buildings or parking should be in the wetlands buffer at all. Mr. Dahlberg stated it is already disturbed, and it pre-dates the zoning. Mr. Malette asked how do we know that it predates the zoning? Mr. Malette stated personally he would like to see when the first permits were for this property and compare those dates to the dates of the ordinance to show that it existed before. Burt Brown said it existed 100 years ago. Mr. Malette asked the gravel was put in 100 years ago? Mr. Brown stated sure. It was there when he bought it back in 1956 and 2007.

Mr. Malette stated a definition of a buffer includes "a vegetation with no ground disturbance", and the Conservation Commission would like to see the wetland buffer zone to be marked out on the site as well as a Site Walk, and again they would like to see nothing in that buffer. Mr. Dahlberg said it is grandfathered, and we are not making it more non-conforming by putting a building in. Mr. Malette stated he is if he is proposing to put a building in the wetland buffer. Also, is it an appropriate condition to have cars parked in the wetland buffer? Mr. Dahlberg stated the wetland buffer came in after the fact. Mr. Fillmore stated there was no parking there. Mr. Malette stated yes there are two parking spaces. The wetland buffer is written so it can work for something that is new, or if something that comes before the Planning Board, simply showing it doesn't serve the intent. Mr. Malette stated it is all about health & safety, and he is informing the board of the Conservation Commission's wishes. Chairman Francisco asked if people are parking there now? Mr. Dahlberg stated yes. Mr. Fillmore asked where it states existing travel, it looks like a sideways E? Mr. Dahlberg said those are display bins for material. Mr. Malette stated the bins are where the bark mulch is, and the plan shows 2 but there are actually 3. Ms. Brown stated those are there just to show people the price and the colors. Mr. Malette stated we have a case where we couldn't allow it in certain areas. Mr. Malette stated again the wishes of the Conservation Commission are that those storage areas not be within the wetland buffer. Ms. Brown stated there is nothing toxic about bark mulch. Chairman Francisco stated yes there is tannic acid. Mr. Malette replied they had issues with another site, and tannins. Ms. Brown stated she would like to get a waiver for that too, and Chairman Francisco stated he didn't think she needed a waiver.

Mr. Bolton stated he has never been down to the farmers market, and at the conceptual review it came to light that when things really get busy, there is an issue with parking. He can't imagine with the parking that she has, that it is only going to make what might have been bad, worse. He stated it seems like commons sense says that parking at times could probably be a problem. He knows the

family has a lot of land down the road and that is the place to divert it. Ms. Brown stated she has had instances where people park out on Rt. 114. Mr. Bolton stated it is like a yard sale. He stated without a person guiding them where to go, it seems as though 17 spaces is not very much. Mr. Dahlberg stated she agrees, that Ms. Brown as the manager, is going to have to manage parking. Mr. Kurk said she could put no parking signs that physically bar people from parking where they shouldn't. As a practical matter, unless there is a physical barrier, there is going to be a lot more cars. Mr. Kurk asked is this eat-in only? No take-out? She said she would do take out. Mr. Kurk recommended she state that on her application. He furthered that adding a take out feature expands the traffic flow and parking issues. Mr. Kurk said this place is pretty much jam packed and crowded during the farmers market. If you are adding a restaurant, and are adding 16 spaces in addition to the many times totally full area you have now, it seems that the gravel pit is ideal. Ms. Brown said they will get a shuttle. Mr. Kurk sees a problem that could spillover onto Rt. 114 and he is concerned about it. Ms. Brown stated she can make sure all the vendors park in the pit. She gets busy making the pizzas and she will better manage the vendors. Mr. Dahlberg said Ms. Brown would really like to get that farm stand up and running, and the restaurant is not going to happen this year. Mr. Malette said there should be a Note that on Market Day, it would be worthwhile to have signage telling people where to park. Mr. Malette wanted to make the board aware pg. 28 of RSAs of the two definitions. We have a definition III a road stand. And then V, definition of a farmers market. Mr. Fillmore said it really is not applicable. Mr. Dahlberg stated we don't know if it is applicable or not, she can call it whatever she wants. If it can't be a farm stand, than she has to call it something different. Mr. Fillmore stated 35% of her products must grown by the stand owner. Mr. Bolton asked why worry about that? Chairman Francisco said he was wondering that. Mr. Malette stated it is written in the Plan, so he is just making the board aware of it. Mr. Dahlberg stated he will change the name to Vegetable Stand, and he will change the Plan. Mr. Malette asked if everyone read the definition of the farmers market, and whatever the state defines it as, the planning board has to abide by that. Ms. Brown stated she doesn't have to be a farmers market, she will just call it Market Days. Chairman Francisco stated whether she calls herself a farmers market or not, she likely still is a farmers market. Mr. Kurk read, "a farmers market means an event or series of events...shall not include any event held upon the premises owned leased or otherwise controlled by any vendor selling therein". Ms. Brown asked what was the problem with that? Chairman Francisco said he sees her holding a farmers market. Ms. Brown said she sells pizza, and there is a definite distinction between her area and the vendors. She has obtained clearance from Gail McWilliam Jellie of the Dept. of Agriculture. Mr. Kurk stated he thinks she is a farmers market and she can use that term legitimately. Mr. Kurk stated he does think there is an issue with the farm stand. Mr. Malette asked what about the vegetable stand? Ms. Brown offered to get the state approval in writing. Chairman Francisco asked how much area does the farmers market take? She replied the whole center green. She stated there are 42 spots around the perimeter without going inside. She has tables and chairs for people to sit. Mr. Kurk asked was that part of the farmers market? Ms. Brown replied that is her own personal gazebo. Ms. Brown stated she doesn't have to be a farmers market, she could just be Market Days. Mr. Malette stated he wanted to make sure that we are abiding by the regulations. Chairman Francisco asked for clarification on which areas on the plan were the farmers market and which were not. Mr. Kurk asked if there is some sort of structure next to the house? She said yes, that is where they sell fish. Mr. Kurk asked over the septic tank? He asked if the structure was physically attached to the ground? Ms. Brown stated they are not physically attached to the ground and they just sit there. Mr. Kurk stated in the Note she is going to reflect the total seating both in and outside will be 17.

Mr. Kurk asked if she was taking down the one side and putting up the other? She stated she will have to split the sign. She is going to take a smaller sign and put it on the gable end of her shop Moody Pond Marketplace, and then for Fieldstone & Fire, the sign would be separate. The existing sign is 30 square feet. Mr. Kurk said weren't you supposed to remove one of the signs that says Brownie's Gravel? She stated that was her Dad's sign and it was grandfathered. Mr. Kurk said he thought one of the three lines was going to go. Chairman Francisco said the board had decided the three part sign was actually one sign even though there are gaps in it. Mr. Malette summarized his understanding that they are going to remove the existing Moody Pond sign and change it with a 2x8 gable end facing the bank and then the other sign will be over by the hydrangea bush (marked on plan). Mr. Malette said it

will be good to have the Note on the Plan. Mr. Malette asked about any new lighting outside should be pointed down. Mr. Dahlberg said Note #11 discusses lighting for the building. Mr. Malette stated this was for the signs. Mr. Kurk asked how far will the lit sign be from any residents? Ms. Brown stated she doesn't have any residents close enough to see the sign.

Mr. Malette asked is there any way to get two more parking spaces closer to the building, especially for elderly people because the parking spaces are far away from the restaurant. Mr. Dahlberg stated on the lawn the designated handicap space, they can put two spaces right there. Mr. Dahlberg said as the site grows, he plans to submit an amended site plan. He can put two spaces in there.

Mr. Kurk had a question on parking, during the farmers market are the vendors tents right next to Moody Rd. or are they on the easterly side of the dark black line? Mr. Kurk asked if cars were parked on that side of the road? Ms. Brown stated they park there to unload. Mr. Kurk stated she was going to make sure the vendors are going to park in the pit. Ms. Brown stated sometimes people do park there. Mr. Kurk asked if she was going to have any vendor's physical tents located in that area? She stated no.

Mr. Malette stated the Conservation Commission recommends that the farm stand should not be in the buffer, #2 delineate the buffer, #3 the buffer predates the storage bins, remove, #4 snow storage should be kept out of the wetlands and the buffer, and away from the well. With the restaurant, like a country sstore, once a certain amount of water goes out to the public, the well becomes a public well. Mr. Dahlberg and Chairman Francisco replied no, a 450 gallon use does not approach the issue. Mr. Dahlberg stated when you approach 600 gallons a day the state starts talking about setbacks, and we are not in that threshold. Mr. Malette pointed out that a store in town that just serves coffee is considered as such. Mr. Dahlberg stated they are not showing snow storage into the wetland buffer, but there is plenty area on site. Mr. Dahlberg stated there will be no salt in the snow as you don't put salt in a gravel parking lot. He thinks use is going to dictate snow in the winter.

Mr. Kurk stated in Zoning Article 34.9.2, it states for farmers porch signs, they have to be within 2 feet of the eave and they can't be more than a foot and half above the roof. Ms. Brown replied it is not on the farmer's porch, it will be on the gable end.

Chairman Francisco stated he agrees with Mr. Malette and snow storage is near the wetland buffer. He asked is there some way to demark where the buffer is so that snow doesn't get pushed into the wetland buffer? Mr. Dahlberg said yes he could do that. He added he has some signs in his office that delineate a buffer. Mr. Bolton asked if it would be much of a chore to make sure that it slopes away from the wetland? Mr. Dahlberg stated no, Ms. Brown could backgrade the slope away from the wetland. Mr. Dahlberg stated he would add a note. Chairman Francisco asked is there any way to get the proposed farm stand and mulch bin areas to drain north, get it off the gravel parking lot and into a plunge pool area? Mr. Dahlberg stated no, he thinks the vegetation will maintain the existing slope. Mr. Dahlberg stated the lot is really flat. Chairman Francisco said a ditch basically behind the farm stand? Chairman Francisco asked for a gutter on the back of the farm stand. He added that just concentrates the water, and Ms. Brown suggested adding a rain barrel. Mr. Dahlberg said when they did Burt Brown's pit, they didn't hit any water table. Mr. Dahlberg said a gutter could be put on the vegetable stand with a rain barrel. He added it is not a very big building. Chairman Francisco asked about putting handicap space closer, Mr. Dahlberg said yes he would reconfigure that. Mr. Malette stated a variance would be a good idea because you're right next to the handicap. Chairman Francisco asked if there was going to be a driveway permit for the widening. Mr. Dahlberg said that should not be on the plan. Chairman Francisco asked how are they going to turn right without widening the driveway? Mr. Dahlberg stated he will do that. Chairman Francisco asked to add a note that vendors for the farmers market are going to park off site, preferably map 405 lot 60? Mr. Kurk asked for something in writing that allows you to put the parking there? Ms. Brown stated she has an agreement that the vendors sign promising that they will park in the pit. Chairman Francisco summarized the list; add two parking spaces, move the handicap space, change Note 6, add 450 gallons to Note 7, Note saying vendors to park offsite on map 405 lot 60, driveway permit, show the farmers market area,

reword farm stand to something else, gutter on the farm stand building with a rain barrel, regrade land to slope away from wetlands, overflow parking letter/parking agreement (Ms. Brown submitted to Mr. Meany), Note 12 changed to reflect the three changes of the signage (removal of on 3 x 10 sign, move the marketplace sign, replace it by one sign on the eastern side of the existing shed to the western side of the existing shed which is going to be 2 x 8 and can't be higher than 12 feet above ground, then the second sign, the stand alone new sign, in the location indicated, and the dimensions are on the application but they need to be on the Note), lot coverage calculations add gravel, parking calculations add the 17 to 14, and a letter from the state regarding the legitimacy of the farmers market.

Mr. Malette stated in the site plan regulations, you need 7 spaces for each employee. Mr. Kurk stated he still thinks there is a parking issue, because the 17 spaces don't take into account the existing building. Mr. Dahlberg stated he needs 9 spaces for restaurant, 7 for the stand. Mr. Kurk asked how did he determine that? Mr. Dahlberg said Ms. Brown is only one employee. Mr. Kurk asked what about the farmers market? Mr. Dahlberg stated for the farmers market, parking is offsite. The overflow parking that happens on George Moody Rd. happens in any business. Chairman Francisco stated just because it is not illegal doesn't mean it's recommended. Mr. Malette stated as long as there is signage, you are covered.

Mr. Kurk said we have a problem now that we know about. Now Ms. Brown is proposing to do something else, and the area is going to be even more crowded. We are setting up a situation that creates a problem. And people may say why isn't the Planning Board doing their job? Mr. Dahlberg stated they are following the site plan regulations. Mr. Kurk asked if she had thought about putting the restaurant in the gravel pit? Mr. Dahlberg said that wouldn't be very pretty. He stated that parking comes down to on-site management and if Ms. Brown doesn't do that, than this board has the authority to pursue that.

Mr. Bolton said here is a lot with one, two, at least three businesses on it. Is that still confined to 32 feet of signage? Mr. Bolton asked what are you aiming for, 32 total feet? Ms. Brown said yes, she is going to split it and they only have to be one sided. Mr. Malette stated if there are 2 or more independent businesses, she would be allowed a sign not to exceed 16 sq feet for each additional. Ms. Brown stated she has Moody Pond Marketplace, LLC, and Fieldstone and Fire LLC. Mr. Malette stated he believes she is allowed 16 sf for each and she is within that. Mr. Fillmore said he interpreted that she can have a 32 sf sign as well as an additional 16 feet for each additional business. Mr. Kurk clarified those additional signs would have to be on the building, but he thinks her plan is better. He stated she should keep her existing plan and he thinks from her visibility standpoint she's got it just right.

Mr. Kurk moved to continue the application to June 12th. Mr. Bolton seconded.

Mr. Kurk asked for clarification was the driveway permit required for both entrances or just the southern entrance? Mr. Dahlberg is going to get a driveway permit. Mr. Kurk asked is there any change for the northerly entrance to Moody Pond Rd.? Mr. Dahlberg stated no, it is 32 feet wide. All were in favor of the motion. The motion passed unanimously.

- V. Mr. Meany circulated a letter from Tim Redmond regarding the removal of a stone wall. Mr. Meany stated that the people feel they aren't affected by our regulations because they are loggers. Mr. Kurk asked what is the reason they think they have an exemption? Mr. Kurk read HB660. 472 6 H, Mr. Kurk noted that the bill was amended in 2011 and Section H is not there any longer. The board seemed to think stone wall removal and timber activity were two separate issues. The logger was claiming that the town has no authority to stop him. Mr. Meany stated there is a public safety issue as well as the stone removal. Mr. Kurk asked what about a cease & desist for site distance. Mr. Kurk stated we have a town ordinance on removing stone walls. Mr. Bolton stated he thinks that loggers bring signs out and it is common sense to implement safety activity. Mr. Meany stated Mr. Redmond is on vacation until Wednesday. The BOS has not yet signed the intent to cut which gives times to address it.



**VI. OTHER BUSINESS**

Chairman Francisco brought up the General John Stark Scenic Byway and the council is represented by four different towns. They typically like to have four members from each town, and they are seeking new members.

The May 8<sup>th</sup> minutes were reviewed. Add in Mr. Bolton as being present. Second page, third paragraph "Cost of Services Study" is missing. Mr. Kurk said 7 lines up from bottom of first paragraph 2, Driveway Permit 2... "Mr. Kurk said neither private roads nor Class VI roads are maintained by the town. Two lines down, Class is misspelled. Bottom of page 1, top of page 2. Third paragraph, last line third page, Mr. Kurk moved (strike sentence) I move from next sentence so it will read "Mr. Kurk moved to amend etc." Chairman Francisco said first page 2<sup>nd</sup> p under driveway review "maintained by the town". Correct motion to 3-2-0, not 3-0-2. Last page, 3<sup>rd</sup> line, transfer of dev rights instead of saying so you lose open space but you gain instead of wetlands change it to prime habitat. Mr. Kurk moved to approve the minutes as corrected. Mr. Bolton seconded. The vote was unanimous.

Chairman Francisco stated he sent some information to David Preece regarding Master Plan updates, and that he thinks they will be able to obtain grant funds for Master Plan updates, but not the Cost of Services Study. Mr. Malette recommends changing the Master Plan specifically in the Natural Resources section, and secondly in the land use section so they would update it to the current status and they could look at it and with the updated knowledge is there anything else we should be working on while the update is being worked on.

Mr. Malette stated in the fall of 2008 they handed out Innovative Land Use Techniques. Mr. Malette stated Density Transfer Credit is the new term for the Transfer of Development Rights. Mr. Malette said we do have a budget, and the Planning Board does have a handbook called Everything You Wanted to Know about a Planning Board But Were Afraid to Ask. He stated every member of the board should have it. Mr. VanLoendersloot asked if it was available electronically.

**VII. ADJOURNMENT**

Mr. Kurk made a motion to adjourn at 9:54 pm. Mr. Bolton seconded. The meeting was adjourned.

A true record,

*Wendy J. Stevens*