



Town of Weare Planning Board

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Planning Board

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

PLANNING BOARD – JULY 24, 2014 FINAL MEETING MINUTES

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

Guests: Travis Wampler, Art Siciliano and Michael Zienkiewicz.

I. CALL TO ORDER

The meeting was called to order at 7:05 pm by Chairman Craig Francisco. Chairman Francisco appointed Mr. VanLoendersloot and Mr. Fillmore as voting members.

II. PUBLIC HEARING ON CONCEPTUAL DESIGN REVIEW

Travis Wampler

Map #108 Lot #43 Pond View Rd.

Mr. Meany stated he and Chief Vezina have been out to the site. Mr. Kurk asked if it would be possible to change the grade by adding fill. Mr. Wampler stated he added 8 feet of fill so far at its' highest point. He stated it was a 15 to 20 foot drop off at the edge at Pond View Rd. and so he added fill at the least steepest area. Mr. Meany clarified his original grade was 19 to 20% and they have been negotiating and Mr. Wampler has gotten it down to 15%. Mr. Kurk asked if he could add more fill to get it down to 10%? Mr. Meany stated the other consideration of back fill is that it could become dangerous.

Mr. Kurk recommended a site walk and Chairman Francisco agreed. A site walk was scheduled for Thursday August 14th at 6:15pm. Chairman Francisco informed Mr. Wampler that he needed to file a Conditional Use Permit. Mr. Wampler was informed he had to have the application in by August 7th or he would need a Request for a Waiver at the meeting on the 28th.

PUBLIC HEARING ON CONCEPTUAL DESIGN REVIEW

Beverly George, Map & Lot #281, 257 Dustin Tavern Rd.

This item was not discussed as the applicant was not present.

CONTINUATION OF SUBDIVISION APPLICATION FOR APPLICATION FOR APPLICANT:

Daniel Scolardi for Innovative Land Solutions, LLC

Presented by: Arthur Siciliano, Surveyor

Tax Map # 412/168

Owner: Daniel Scolardi Trust

Colby Road and South Stark Hwy

Mr. Siciliano presented correspondence from DES and a driveway permit from DOT and stated it was permitted for a single dwelling crossing, and they had no objection to a shared driveway. Chairman Francisco stated he wanted the condition #9 removed from the permit. He asked how can Mr. Siciliano adhere to all the original requirements of the original permit? Mr. Siciliano stated he can't.

Chairman Francisco asked if he had cleaned up the wetland? Mr. Siciliano stated no, he was waiting until he had an excavator on site. Mr. Lacasse read the last sentence on the letter from DOT and asked what it was referring to? No additional surface drainage will enter upon the highway. Mr. Lacasse asked will it enter on the highway or the ditch? Chairman Francisco stated the highway is the whole right-of-way. Mr. Fillmore asked about the flow of water. Chairman Francisco stated he had

several different plans and asked for the current one. Mr. Siciliano stated he does not have the current plan.

Chairman Francisco closed the public hearing.

Mr. Fillmore voiced that he is concerned with the retaining wall, he stated on the plan it looks like it is terraced, but if you scale it off, it really is not that far. The plan shows a rock wall perfectly straight up and down which is next to impossible to do. He has a concern that there is going to be some hydraulic pressure. He thinks an engineer's opinion should be required. Mr. Fillmore stated if it collapses there is a potential for bodily and property damage, adding with the clearing and site work, the retaining wall is going to be very unstable for a while. Mr. Lacasse stated he thinks it is a concept and not an exact plan. Mr. Fillmore stated before any building is allowed to begin, it should be stamped by an engineer that it is going to be safe. He added it might not need to be done now, but would need to be done before construction begins. Mr. Meany said that means in essence it needs to be done now. Chairman Francisco stated it probably should be done now via a Conditional Use Permit. He furthered looking closer at the plan, some things are not making sense. He stated the cross sections are very difficult to read, station 2 + zero zero does not match, stating it should be showing the wall on the left. Chairman Francisco stated he does not feel comfortable approving a subdivision and driveway permit for a plan that we do not have a copy of. Mr. Kurk stated he agreed with Mr. Fillmore and would like to see details on the retaining wall before moving forward. He added if that wall collapses because of the issues that Mr. Fillmore raised than he thinks they are remiss in their duties and the driveway needs to be safe. Mr. Fillmore added fixing a collapsed wall would be difficult after the houses are built. Chairman Francisco stated if the wall was going to be a 2 to 1 slope, the wall will be right next to the house. He added he cannot approve a plan, even if Mr. Siciliano is stating they will do a 2 to 1 slope, that does not notate that in the plan. Mr. Kurk stated we have two issues, water going onto the highway and the wall. Chairman Francisco stated he could have Jim Donnison review the construction. He added there are always field changes in every construction job. Mr. Fillmore stated unless you give Mr. Donnison guidance in the form of a plan, he will be hamstrung to do anything out on the site. Mr. Meany stated that could force Mr. Donnison to design a wall on site which could prove difficult. Chairman Francisco stated at station 1+00, the wall is about 17 to 18 feet high. Mr. Meany stated it will need some type of drainage. Mr. Fillmore stated there will have to be test pits and flow of water studies with a wall of that size. Mr. Meany stated hypothetically the applicant would build the wall before putting in foundations, so no building permit can be issued until that is done.

Chairman Francisco stated the question is do we need the details now or later. Mr. Lacasse shared his opinion that we do need a design before the plan can be approved. Mr. Meany stated he does not feel comfortable approving or disapproving the retaining wall and though an engineer's approval would be best.

A discussion ensued regarding potential water runoff onto the state highway, drainage ditch issues, and who is responsible if there is water runoff onto the state highway or if water backs up neighbor's culverts. Mr. Kurk noted a 1.5 to 1.9 increase in a 10 year storm, almost a 20% increase in the flow. Mr. Lacasse stated it seems to him that the state has looked at it and approved it. Mr. Kurk asked does DOT seem to accept that or did they look at Note #9 and then approve it? Mr. Kurk clarified this is a foot and a half of water per second. Mr. Fillmore calculated the water runoff at 11 and a half gallons per second, and that is a lot of water. Mr. Lacasse stated in his opinion the letter from DOT addresses the concerns in Note #9, and also says all other regulations of the original application shall be adhered to, and he sees the issue as being addressed. He added that the original permit stated no water on the highway, and then the report was generated showing water on the highway, and he reads it they are willing to allow the additional flowage, otherwise they would have said it was unacceptable. Chairman Francisco stated he thought the letter would have said to review the Plans dated such and such and the drainage reported dated such and such in the plan, and that most DOT letters reference those in that manner.

Chairman Francisco stated he thinks we should continue the application until they can see the most

updated Plan which Mr. Siciliano did not bring. Chairman Francisco added that he would like to see the note, "Retaining wall to be designed by a Professional Engineer prior to receiving any driveway permits or building permits from the Town of Weare."

The 5/12 Subdivision Plan was reviewed. Chairman Francisco asked if there was a Shared Driveway Agreement? Mr. Meany stated no, he would have to try and find one. Mr. Fillmore stated Chairman Francisco had asked for one. Mr. Siciliano asked why would he need that? Chairman Francisco stated he has been informed by legal counsel that Shared Driveway Agreements need to be obtained.

Chairman Francisco asked Mr. Zienkiewicz how large was his culvert? Mr. Zienkiewicz replied fairly small not bigger than 15". He added it is a common driveway that serves two houses. Mr. Kurk asked with whom does he share his driveway with? He replied Mr. Kulgin.

Chairman Francisco stated Mr. Siciliano was going to add a Note on the plan "shared driveway plan would be adhered to" and he did not see that. Chairman Francisco stated he assumed he accidentally left the houses on Lots 4 and 5 with specific driveway locations. Mr. Fillmore suggested a Note 8 to be added to the Plan: "The wall is to be designed, approved and inspected by an engineer prior to a Certificate of Occupancy being issued." Chairman Francisco stated this Note should be on Sheet 2 where Lots 4 and 5 appear.

Chairman Francisco stated we talked about changing Note #6 because all driveways are not going to conform to the 10% grade. He added the Conditional Use Permit should be referenced for Lots 4 and 5. Chairman Francisco stated he would like to see a Note on sheet 2 stating "Driveway for lots 4 and 5 must be constructed according to the driveway plan titled Tax Map 109, lots 4 and 5 last revised whenever available at the Town of Weare." Mr. Lacasse thought that the 7/7 plan would be everything except for that driveway note.

The requested notes were reviewed. Chairman Francisco proposed a general note on the driveway plan: "The construction of the retaining wall will be inspected and approved by the Design Engineer prior to receiving a Certificate of Occupancy." Also, "The retaining wall to be designed by a Professional Engineer prior to receiving the driveway permit or building permit from the Town of Weare."

Mr. Kurk asked will we continue this to the next meeting? Chairman Francisco stated he wanted to see the Plan and hear from DOT prior to any conditional approvals. He wants to make sure DOT knows what the drainage calculations show.

Mr. Kurk made a motion that we continue the application for Innovative Land Solutions and the Conditional Use Permit associated with that until August 14th. Mr. Lacasse seconded. The vote was unanimous.

III. **OTHER BUSINESS.**

The review of the July 10th minutes was tabled until next month.

IV. **ADJOURNMENT**

Mr. Kurk made a motion to adjourn at 8:37 pm. Mr. Lacasse seconded. The meeting was adjourned.

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A true record,

Wendy J. Stevens