



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.,
John VanLoendersloot,
Alternate

PLANNING BOARD – SEPTEMBER 25, 2014 MEETING MINUTES

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

Guests: Bill Stafford, Allan Clark, Tom Tremblay, Eric Giovanoli, Tom Giovagnoli, Kelly Spaulding, Robert Searles, Elizabeth Searles, Janis Trudo, David Trudo, Mark Flint, Denise Flint, Alan Lamper, Denise Lamper, Kayla Lamper, Jane Munro, Roger Welch, David Munro, Alexander Buchanan, Attorney At Law, and Ken Clinton of Meridien Land Services.

I. CALL TO ORDER

The meeting was called to order at 7:00 pm by Chairman Craig Francisco.

II. PUBLIC HEARING, TOM TREMBLAY, LINWOOD REAL ESTATE, SITE PLAN 445 S. STARK HWY

Chairman Francisco stated the Heritage Commission had no comment. He stated a site walk was completed. Mr. Tremblay stated he had revised the parking plan and presented a second parking sketch. Chairman Francisco asked about the abutter's list not showing Scott Silva and he was not notified. Mr. Meany stated he did send them the notice, and they were notified. Chairman Francisco noted he is not proposing a new building,

Mr. Fillmore made a motion to waive checklist items #18, 23-27. Vice Chair Bolton seconded the motion. All were in favor.

Chairman Francisco made a motion to accept the application as complete. Mr. Fillmore seconded. 3-0-1 with Vice Chair Bolton abstaining.

Chairman Francisco asked Mr. Tremblay to confirm the new parking plan layout. Mr. Kurk asked why he states he needs 11 spaces, but he only shows 8. Mr. Tremblay stated he had first discussed a second business in the barn, but right now they aren't planning anything in the barn. So for a 2,100 sq. ft building, they only need 7 spaces (1 per 300 sf). Mr. Tremblay stated they did not know what was going to happen with the barn. Mr. Kurk asked were there going to be 10-15 people in the building as stated in the application? He asked wouldn't that be a problem with parking? Mr. Tremblay stated there won't be that many people there at one time. Mr. Fillmore stated it is confusing stating 10 – 15 people on the premise, but in the real estate business there may be only three in the office at a time. Mr. Tremblay agreed and said it is rare that there are a lot of cars in the parking lot at one time. Mr. Fillmore stated he is meeting the parking requirements per square feet. Chairman Francisco stated the plan shows 8 parking spaces? He asked how is the one parking space going to be built around the well/access road? Mr. Tremblay stated it was a matter of excavating and they haven't looked into it. He stated Mr. Siciliano shows it not touching the existing road and they may have to put a retaining wall in there. Chairman Francisco asked will the road be 6 or 8 feet higher? Mr. Tremblay stated there is a berm there that makes the elevation look higher than it is.

Mr. Fillmore asked for a note stating no parking on the south side of the driveway because it is in the

setback. Vice Chair Bolton stated you could build a driveway in the setback. Mr. Fillmore replied that you can build a driveway, but you can't park in it.

Mr. Kurk asked about the sign lighting in the picture and it shows upward lighting. Mr. Tremblay stated he understands and it is a picture of the existing sign and the lighting will be pointing downward. Mr. Kurk stated the sign is slightly under 32 square feet. He stated if you start a second business, you could not use that sign for that purpose. Mr. Kurk stated he would have to append a sign to the barn in that case. Mr. Tremblay questioned the sign ordinance's clarity, and Mr. Kurk read the commercial portion of the sign ordinance, stating it is clear that the sign for the barn business cannot go on his proposed sign, unless it is within that 32 square feet. You cannot add signage to that structure. He summarized that by maxing out the 32 square feet for the one business, there is no further room. Mr. Tremblay agreed.

Chairman Francisco invited the public to speak.

Allan Clark stated he represents the Lanctot's Center of Weare Association, and the association welcomes Mr. Tremblay and his business as his abutter. He does have a concern regarding the well easement, their concern is based upon the 10-15 people, whether or not the septic is adequate. They are also concerned about the parking, the plan that he received doesn't have any topography and they're not sure how the drainage is going to work and there is some concern there. He stated the well easement restricts any septic systems within the boundary, but they are concerned about the existing septic system and the drainage. He stated he believes the association members welcome Mr. Tremblay but he is concerned that the members were not notified, although CAK Realty was notified. He stated the other two unit owners in the association had not been legally notified. He stated they would be interested in waiving notification if their concerns are addressed.

Chairman Francisco stated his understanding is that there is a leachfield in front of the house, and Mr. Clark confirmed it is not connected to Lanctot's leachfield at all. Mr. Clark stated he thought this was a more extensive use and was concerned. Chairman Francisco stated this was reviewed at the Conceptual Design meeting. Mr. Fillmore stated for a four bedroom house, it would be 600 gallons per day. For office space, 15 gallons per day per 100 sf, which is 315 gallons per day. Mr. Clark stated he was unsure that the leachfield could handle the 600 gallons per day. Chairman Francisco asked Mr. Meany if he has a septic design on file. Mr. Meany was not sure. Chairman Francisco stated we could ask the applicant to provide that information and it is not hard to locate. Mr. Meany and Mr. Fillmore stated it could be a stipulation of the approval.

Chairman Francisco discussed run-off. He stated the well access road is likely going to prevent runoff, because of its' elevation and water can't flow to the south, it is going to have to flow to the east, basically down the driveway. Mr. Clark stated without topography, he has no assurances that it will be handled. He added there is an old driveway that connects to Lanctot's, and the water could very easily run down the driveway, and there is no berm there.

Mr. Tremblay stated they had the septic system pumped, it is a 1,000 gallon concrete tank and the inspector told them that the leachfield is an excellent condition. They have also taken out the washer/dryer hookup, a sink in the basement, and a tub and a shower. So two full baths are turning into two half baths, therefore the water usage is going to be significantly less. He added with respect to the runoff, if you walk up the access road, you will find deep ruts from runoff coming down that road already. He stated 90% of the parking that they are using is already existing, and gravel is an impervious surface and he is not planning on paving it. He does not anticipate a lot of changes in the topography. The only thing they are going to have to do is carve the berm back a little and he does not see the drainage changes. Chairman Francisco asked if there is an easement allowing Lanctot's access to that well road? Mr. Tremblay did not know. Mr. Clark stated it is undesignated, and they could drive anywhere to access the well as it is not a defined easement.

Chairman Francisco stated he wondered if they should berm up the road? Mr. Tremblay stated it would

be to Lanctot's advantage to leave it the way it is.

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

Mr. Fillmore stated he would like a copy of the septic design on file. Chairman Francisco stated if the concerns are addressed, he was thinking of adding a note that all runoff of the proposed parking areas during and after construction must be directed to the north, away from the south. No parking south of the existing driveway, and a conditional approval to make sure the septic design is on file and a three bedroom septic design would be adequate. Mr. Kurk thought it should say what is put on file be of a certain volume? Mr. Meany stated DES determines that. Chairman Francisco is seeking an existing design approved for at least 450 gallons. Mr. Meany stated the gallon rate is determined by DES. He suggested requiring a legally approved septic system. Mr. Fillmore looked up the septic on the computer and stated it is there for 600 gallons. Mr. Clark stated their only concern is that it meets DES requirements, whatever that number is, and they know of no issue and just want to make sure it meets the requirements.

Chairman Francisco asked Mr. Clark if he would object to those two notes on the plan? Mr. Fillmore stated he wanted to be clear about the driveway easement and that it needs to be passable. Chairman Francisco stated he did point that out to Mr. Tremblay, and Mr. Tremblay was going to build some sort of retaining wall. Chairman Francisco stated it is up to Mr. Tremblay and Lanctots Plaza to make sure any retaining wall, etc., works. Mr. Tremblay stated he will just leave it the way it is.

Mr. Kurk stated he thinks sign issues need to be addressed, in respect to the uplights and additional signage on the sign structure. Chairman Francisco asked why aren't the three panels part of the sign? Mr. Kurk stated they are not communicating anything, and read the definition of a sign, in section 34.2 or the Sign Ordinance.

Chairman Francisco stated there is a 30 day appeal time frame which includes the abutters. Mr. Tremblay stated the association was notified, and that he didn't think they were required to notify each individual condo inhabitant. Mr. Clark stated he agreed with Mr. Tremblay, however the association itself was not notified, CAK Realty is not the association. Mr. Clark stated it is Lanctot's Center. Mr. Meany advised Mr. Clark to change the tax card as that is the only information that these offices have to go by. Mr. Meany asked Mr. Clark for his correct address and information, and he will take care of it as soon as possible. Chairman Francisco stated all the officers of the association should also be notified.

Mr. VanLoendersloot asked about Sign Ordinance section 34.10.3.2 "the height of any freestanding sign (pg. 76) shall not exceed 8 feet from the ground level to the top of the sign..." he stated the picture specifies the top of the actual sign itself at 8 feet but there is a roof structure that exceeds it. Mr. Tremblay stated it is on the existing grade, and it is still several feet below the center of the road.

Chairman Francisco made a motion approve the Site Plan Tax Lot 412/247 Thomas Tremblay dated August 2014 with the following conditions: A note be added to the plan stating no parking south of existing driveway, a note be added to the plan stating all runoff in the proposed parking area during and after construction must be directed to the north, and an existing approved septic system design with a minimum of 450 gallons per day must be given to the land use department, or a new approval for the appropriate capacity. The sign must show downward lighting rather than upward as shown, and the three panels on the bottom are not for future businesses, and the height shall not exceed 8 feet above the center line of the road, and a waiver for the abutter notification from Lanctots Condo Association must be received within 27 days because if we do not get a waiver for notification, the board has the power to reconsider this motion. Mr. Kurk seconded the motion. The motion passed unanimously.

III. PUBLIC HEARING SITE PLAN GIOVAGNOLI / FOTTLER, POULTRY BARN FOR A COMMERCIAL CHICKEN FARM AT 332 SOUTH SUGAR HILL, MAP 406-28 IN A RURAL / AG ZONE

Chairman Francisco clarified that this is a formal Site Plan Review, even though the checklist submitted includes items up to #27. Mr. Fillmore thought we should request a formal application checklist at the next meeting, and he didn't think approval would be given tonight. Mr. Kurk suggesting dealing with the request for waivers. Chairman Francisco stated he is asking for a waiver for #14, waste disposal systems, #16, solid waste disposal, #18, soil survey, and #22, survey showing boundaries, monuments, trees, wetlands, vegetation etc. Mr. Kurk asked what happens to the runoff of the chicken manure when you spread it on the site? He stated he would think they would need #18 survey data/soil conservation service and #22, survey of site showing boundaries, water boundaries, etc. Chairman Francisco stated it is a 140 acre site and he doesn't think he needs to survey the entire 140 acres. Mr. Kurk responded that we don't know how many acres are required for manure management. Mr. Giovagnoli showed Section 7 in the book, the Conservation Plan from NRCS, and he did not have it done for the farm, but NRCS came and took samples of the soils and it shows the soil mapping and part of the conversation plan is to protect the environment and prevent soil contamination, and the plan was written by Kim McCabe who is a soil conservationist who works for NRCS. They map the soils and then they monitor the soils. He added part of their conservation plan contains a nutrient management plan. First, they look at the site, do a testing of all the soils on the property, and wherever manure hits the ground, all the nutrients are managed. They test the soils and they give him a sheet in terms of how much manure is needed on the fields to protect it. He finalized that these things cannot be done until he owns the property. He stated once he owns the property, he can have all of these plans done, but NRCS will not work with him until he owns it and so he assumes the approval would be conditional. He added the farm is going to be certified organic. He showed a letter from UNH where John Porter has already looked at the site, and wrote a letter, and he has a USDA certified organic checklist. Mr. Giovagnoli read a portion of the NRCS book, "...must comply with the applicable provisions of the production practices implemented in accordance plus maintain or prove the natural resources of the operation including soil and water quality." He summarized that not only is he going to have NRCS sampling the soils and overseeing this, the certified organic people are also going to be overseeing his operations, and NRCS will be present to correct any problems. Chairman Francisco asked the current owner can't authorize the NRCS plan? Mr. Giovagnoli said it is NRCS not wanting to waste their resources. Mr. Kurk asked if he has to pay for this? Mr. Giovagnoli said yes he does have to pay for the nutrient management plan and the organic certification.

Mr. Fillmore stated during his conceptual meeting, he had said a percentage of his manure was going to be hauled off with some being used on-site. Did he have any idea about the percentages? Mr. Giovagnoli stated yes, the nutrient management plan will come into play and tell him how much once the soil tests are complete, and that you can't give a specific number before tests are done, but on average it is around 10 tons per acre. He stated the field behind the house is 30 acres, so it is about 300 tons. Mr. Fillmore asked per year? He stated he would generate about 800 tons per year. Mr. Kurk asked so you are going to take 300 and spread it on the land, and 500 will be hauled away? Mr. Giovagnoli stated yes. And what time of year will that be? Mr. Giovagnoli stated he will only haul manure away every three or four months, he can go five months as there is enough storage in the barn so that he only needs to haul every 5 months.

Chairman Francisco stated the waivers need to be resolved, and he stated the Planning Board asked for an erosion sedimentation control plan, with runoff calculations for this project. He believes he asked for the Hillsborough County soils map, they can be downloaded on the computer, and he thinks they can waive the requirement now and have it be part of the erosion control plan later. Mr. Kurk stated he cannot generate that plan until he works with NRCS. Mr. Giovagnoli stated he will have an erosion control plan once he gets it from NRCS. There were some questions regarding this plan being worked on by Meridien Land Services.

Mr. Kurk asked if this operation is along the lines of Purdue? Mr. Giovagnoli stated no they are organic laying hens. He stated it is basically an organic layer barn and he can contract with entities. Mr. Kurk asked if there were similar operations that the Planning Board could visit, and Mr. Giovagnoli stated yes.

Mr. Fillmore asked for an overview of the project. Mr. Giovagnoli stated the operation is 4 hours a day of labor, you watch over the flock, collect the eggs, and the eggs go to the packing room in the front of the barn, where they are packed and put in a cooler, and once a week the truck comes and picks up the eggs. The birds feed and water is all automated, and the birds set a foot off the floor on a grated floor and under the grated floor are scrapers so the manure is pulled out of the barn four times a day to keep the barn clean. The manure is pulled to a pit with a concrete floor, concrete walls, and a roof over it, so that everything stays in the barn. The reason the barn is so big, (588 feet long) is because the birds are certified organic, certified humane which means none of the birds can be in cages. They roam free in the barn and each bird has 1.2 sf of its' own personal space. He stated for a flock of 20,000 birds, he needs 25,000 square feet. Compared to a conventional operation, cages of 10 birds are stacked and all they need is 3,000 square feet. He stated the barn on the Fottler's property is big enough to place 40,000 birds in a conventional format, but he does not want to do that. He stated the proposed barn is one level, it is 8 foot high with a truss roof, and the birds can go outside if they want to depending on the weather. Mr. Kurk asked how are the birds caged outside? Mr. Giovagnoli stated with a simple fence. Vice Chair Bolton asked how do you clean up where there is waste outside? Mr. Giovagnoli stated that is where the nutrient management plan comes into play. Mr. VanLoendersloot asked how large is the area? Mr. Giovagnoli stated there is a minimum of 30 feet out, but he is going to do more than that. Chairman Francisco asked how often do they monitor the soils? Mr. Giovagnoli was not sure. Mr. Kurk asked what if a neighbor has a problem with odor or runoff despite the fact that you are following the plan? Mr. Giovagnoli stated if he has a problem with runoff, he will lose his certification. He stated as far as odor goes, the way manure is managed, the odor is minimal. If he spreads it on the fields, you are going to smell it, but he spreads late in the fall and into December. Mr. Kurk stated but the ground is frozen. Mr. Giovagnoli stated if you are going to grow vegetables, you have to do it four months before planting. Mr. Giovagnoli stated he spreads once a year, in December. Mr. Kurk asked if he did any type of tillage? Mr. Giovagnoli stated no, he just lays it on the surface. Mr. Kurk asked if he is going to spread in the spring? Mr. Giovagnoli stated no, with 30 acres, he normally only needs to do it once a year. Mr. Kurk asked 300 tons, on 30 acres once a year, in December? Mr. Giovagnoli stated yes. Mr. Kurk asked what happens when the layers are done? Mr. Giovagnoli stated he has buyers for birds that are past prime. Mr. Kurk asked are they slaughtered in any way at his place? Mr. Giovagnoli stated no, he would not be doing any slaughtering, and there would only be mortalities. Mr. VanLoendersloot asked what happens with that dead loss? Mr. Giovagnoli stated in the plan there is a composting plan. Mr. VanLoendersloot asked what percent dies off? Mr. Giovagnoli said 1 to 2%. He stated birds generally lay for 60 weeks.

Mr. Kurk stated one of the concerns is traffic, and what will be the frequency? Mr. Giovagnoli said once a week, you'll have a single axle truck pick up the eggs, and then every one to two weeks a truck will come in and fill the silo. Every three to four months they will truck out the manure. Mr. Giovagnoli estimated a manure truck can haul roughly 15 tons. Mr. Kurk stated that is 33 trucks during the course of a year, less than one a week. Mr. VanLoendersloot asked about spring months? Mr. Giovagnoli stated he has enough storage in the barn for 3 to 4 months and he can work around that. Mr. Kurk asked aren't the roads posted for 5 months? Chairman Francisco stated no, two weeks, during mud season.

Mr. Kurk asked if we do not grant all four waivers, can they still take jurisdiction of the application? Chairman Francisco stated no. The application was reviewed again. Mr. Kurk stated his concern is that he doesn't understand the criteria used by NRCS. The applicant is telling them to put their faith in NRCS and he will comply with NRCS, so if they don't know the criteria they use, then approving the application means that they cannot determine that the information is valid? Mr. Kurk stated NRCS being the authority here, the Planning Board is placed in a catch 22, being asked to approve something without knowing what they are approving. Mr. VanLoendersloot pointed out NRCS won't know anything either until they begin investigating the site. Mr. VanLoendersloot asked what happens if he fails to follow the guidelines? What if his needs change and the structure has been approved and is in place? Chairman Francisco shared a concern of the use of the structure changing from organic practices after the fact. Mr. Meany stated they will be taken to court. If he applies to raise organic chickens, and changes to pheasant, that is changing his site plan and he would be in violation and penalized. Mr.

Meany stated if you had an automotive garage, and you wanted to change it into a beauty parlor, you would have to come back for a Change of Use. Mr. Kurk asked what if you were an automotive facility and you wanted to deal just with trucks. Mr. Meany replied if you had an inspection station, certified to inspect automobiles, if you want to inspect trucks, you have to get permission from the state, which involves them coming to see him to make sure they are not in violation of local ordinances.

Chairman Francisco summarized since there seems to be issue accepting the application as complete, he will invite the public to speak.

Dave Trudo, 314 S. Sugar Hill Rd., on the corner of Dunbar Rd. and they have lived on that corner for 33 years. He stated it used to be a dirt bike trail. He is here to speak on behalf of five other families who live in the neighborhood. He stated he is there to speak for Dave Munro, his mother Mrs. Munro, Roger Welsh, Jan Trudo, Mark and Denise Flint and Allan, Denise and Kayla Lamper, and they have also retained an attorney, Alexander Buchanan, and they have also retained Ken Clinton, President of Meridien Land Services. They have general agreement among the families, this road was built as a dirt bike trail, and it became a Class VI Rd. when the Munros moved in, and he also built the road. He maintains the road on their behalf. Dave is a site manager for Dumaris Construction in Amherst and he does a very good job maintaining the road, and it is difficult to maintain, and in the spring it falls apart. They have to put markers where the sinkholes are. He considers tractor trailers or single axle trucks to be a problem. He stated the road is one of the major issues, and he stated the road is very narrow.

Mr. Kurk asked if instead of using that road, the driveway went towards Sugar Hill, would that solve the problem? Mr. Trudo stated he would still be opposed. He added as far as the environmental issues, he is concerned there and he doesn't see any enforcement mechanism if he doesn't adhere to the plan. Mr. Trudo stated making a substantial investment improving the road, etc., that investment has to be recouped. If one building, why not another? He stated they are close to this building, it is on the top of a ridge that runs down both sides, and it flows down into Peaslee Marsh which flows right into the Piscataquog River. He stated you can run a kayak down the road in the spring. He stated there are plenty of chickens on Sugar Hill Rd., but 20,000 birds is another story, with a building the size of two football fields. He asked about their property values? He stated his wife is a veteran realtor and there is no question about that.

Mr. Trudo would like to ask, seeing this enormous impact on six families, he would like to ask the applicant for 3 studies, a study on Dunbar Road, who is going to pay for the care of the road, how will it be taken care of? 2, an environmental impact study from some authoritative source, and 3, property values; an assessment study. He stated his wife drove to Belmont where there were similar facilities.

Vice Chair Bolton stated it is highly likely the board will visit one of these facilities as part of their process. Chairman Francisco added they would be doing a site walk in addition. Mr. VanLoendersloot asked how many families lived on Dunbar Rd.? Mr. Trudo stated six, all within 1/3rd of a mile of the proposed site. Mr. Trudo stated he could see other places that would be more ideal, Mr. Kurk asked on the Fottler property? Mr. Trudo stated no. Mr. Trudo referenced Sue Ringo also being an opposed abutter and Mr. Kurk stated they have a letter from her. Mr. Trudo stated this building is very close to the chicken building. Mr. Kurk stated the building is 500 feet away from Dunbar Rd. Mr. Giovagnoli confirmed this. Mr. Kurk asked if there were a vegetative visual barrier, and the driveway were set so traffic did not go on Dunbar Rd. but went on S. Sugar Hill Rd., would he no longer be opposed? Mr. Trudo stated they would definitely have to reconsider their position in that case. Mr. Trudo stated he knows the property is zoned Rural/Agricultural and he does not oppose farming in any way, but he stated the size of the operation is something to consider. Vice Chair Bolton asked if he was aware that Weare is a Right to Farm Act town. Mr. Trudo stated yes, he was aware of it. He stated you can't sue or towns cannot unreasonably limit a farm because of normal activities, and that he understands.

Ken Clinton of Meridien Land Services came forward. He stated their part in this is to evaluate as to whether this application is compliant with the regulations, they are not looking to prevent anything as

long as it meets the town regulations. In his review of the application, it is incomplete and inadequate in order for the board to invoke action. As he looked at the plans, they are more conceptual sketches and design review material. He thinks NRCS is an excellent government agency, however he does not believe there are any studies on the wetlands yet, and there would have to be wetland permits, and buildings of this size would not be allowed. He also did not see any bathroom facilities, and if there are going to be employees, etc., it would require a bathroom. He stated he also has questions on grading, slopes, truck traffic, lighting, noise, fumes, chemicals, cleaning solutions, aren't there sanitizers utilized in the manure scraping process? He stated he has endless questions, and this is certainly not a point where the board can invoke jurisdiction. From a technical standpoint, the application is incomplete.

Chairman Francisco asked Mr. Clinton who does he represent? Mr. Clinton stated he is working for two abutters. Alexander Buchanan stated he represents the Trudos and the Munros. He is concerned about accepting an application where the applicant is going to comply with it after there is an approval. He asked what happens when NRCS goes in and finds out he can't put as much manure on the site as he wants? It will create more trips, etc. He thinks the board needs more data before making decisions.

Mr. Giovagnoli stated as far as septic design, there are no employees. It will only be him and his son, no traffic from employees, and he does not need a bathroom at the site and can utilize the Fottler's facilities. He stated regarding the width of the road, he has had his pick up truck parked on the road in the past, and dump trucks with excavators have passed each other without an issue and his trucks will not be any heavier or wider than what is already passing through.

Chairman Francisco stated NRCS is obviously going to be doing a lot of work. Chairman Francisco is going to want an erosion sedimentation control plan in order to put up a roughly half acre building as there will be considerable water runoff, not counting the driveway around it or the driveway to get to it. He will need a topographic survey of a minimum 100 feet from where he thinks he is going to be affecting. He will be needing some type of siltation controls, and to know where the runoff water will be going. He also would like to see a specific number of trips and truck traffic. He would also like to see what NRCS has to say about it prior to him purchasing it. Mr. Giovagnoli asked what is he asking for? Mr. Kurk and Chairman Francisco stated they would like to see the NRCS entire plan so they can have other experts look at it, including Piscataquog Land Conservancy, in order to study any potential damages to surface waters or rivers. He needs reassurance from other professionals that they are not going to be endangering water quality. Mr. Kurk asked what if he has to dump more manure than is in the plan if his pit is full. Mr. Giovagnoli stated his pit can hold enough manure for 4 to 5 months and could not foresee any natural disaster or situation that would prevent him from hauling manure away. Mr. Giovagnoli stated his manure is worth \$20 per yard, it is a commodity.

Chairman Francisco presented a letter from Tim Redmond, Dept. of Public Works with specific criteria, stating the road is a Class VI Rd. and clarifying all maintenance is presently performed by residents. The letter asked for types and weights of truck traffic, frequency of loads and gross weight, restrictions and winter road posting, number of trips per day, and he requested any decisions be listed in conditions of approval.

The letter from the police expressed concern about traffic increases and potential intersection dangers. It also stated the Weare Police Dept reported several complaints of traffic noise. An email was shared from Wendy Stevens, past chair of the Agricultural Commission and resident of Weare regarding the Right to Farm Act and Best Management practices, and that the Act enables towns to utilize best management practices as enforceable. Mr. Kurk noted that he read the Best Management Practices and they are very general. Chairman Francisco confirmed that they also did receive the letter from Sue Ringo advising to give careful scrutiny to the application.

Chairman Francisco would like to see some type of erosion sedimentation control plan, as well as the information from Hillsborough county. He doesn't really have a problem with the two waiver requests for waste disposal. Mr. Fillmore stated they need to think about the second waiver and its relevance to chicken waste disposal. Chairman Francisco again advised a site walk, as well as visiting a similar

operation.

Vice Chair Bolton stated he has dealt with NRCS, and he thinks they are very reputable. If they come up with a plan, is there anybody that has the power to enforce what they recommend? He asked who polices this? Mr. Giovagnoli stated the incentive for him, is the money. He stated if there is a problem on the farm, it needs to be corrected. He stated NRCS is not the only one watching over him, the USDA also will be. USDA soils have to be of a high quality in order to be certified organic. He summarized financially, it doesn't make any sense for him to ignore the management plan. Mr. Kurk stated if you dump manure on the snow and some of it runs off, how does it get enforced? Mr. Giovagnoli stated there is no reason for him to dump it, it doesn't make sense that he would let his pit overflow. Mr. Giovagnoli added the Dept. of Agriculture oversees his certified organic licensing. Chairman Francisco asked what was the size of the manure pit. Mr. Giovagnoli said it is 28 feet deep, 46 wide with a 8 foot wall. Chairman Francisco calculated 380 yards, and stated that indicates a high number of truckloads. Chairman Francisco stated personally if he has a market to sell the manure, if he had 100 square feet he would be getting it out of there. Mr. Kurk summarized that if something goes south, there is nobody to enforce the problem.

Chairman Francisco stated with the NRCS plan, he will want to see the scheduling of the soil tests. Mr. Giovagnoli stated it is in the conservation plan in the book he provided, he referenced section 7. He added the USDA requirements are also in section 7.

Mr. VanLoendersloot asked how often will NRCS/USDA will be doing inspections? Mr. Giovagnoli stated a couple of times a year. Mr. Kurk asked they do that forever? Mr. Giovagnoli stated as long as he wants to keep his certification. Mr. Giovagnoli stated if he lost his certification, he could still sell cage free. Mr. Kurk clarified this application is for 20,000 birds. Chairman Francisco asked if he loses certification, and he puts 40,000 birds in there, who is going to know? Mr. Giovagnoli stated there is no market for conventional eggs.

Mr. VanLoendersloot asked of Mr. Munro, this past winter, how narrow does the road get? He stated two cars have a rough time passing and he does push the snow considerably, all to one side because there is so much water coming off the 30 acres field. Mr. Kurk asked the water from the proposed location flows to Dunbar Rd.? Mr. Munro stated yes, it floods. Mr. Kurk stated we definitely need a topographical report. Mr. VanLoendersloot asked where was the closest facility? Mr. Giovagnoli stated Monroe, NH, exact same operations. Chairman Francisco asked for the Monroe, NH operations' contact info.

Chairman Francisco asked how soon can he do an erosion and sedimentation control plan? Mr. Giovagnoli will try to get it done within a month and if he can't he will let Mr. Meany know. Chairman Francisco added he was sure the abutters and attorneys would all like to see these and have time to review them. Mr. Kurk asked what if Mr. Fottler asked the NRCS for the application? Mr. Giovagnoli said he could ask. Mr Kurk summarized the NRCS is essential for the board. Vice Chair Bolton stated he didn't think the NRCS was as important as the things they were already asking for. Mr. Kurk stated he wants time to review the information with the Piscataquog Land Conservancy. Mr. Meany asked for an extra copy of the binder for the Piscataquog Land Conservancy. Mr. Meany stated to the audience there will be notification published here and down at the office, or they could contact his office as far as when the next meeting will be.

Ken Clinton asked for clarification on whether this was a Site Design Review or was this a formal application process? Chairman Francisco stated he filed a formal application and they have not yet accepted his application, nor have they accepted the Design Review. He added that abutters will not have to be renotified in the case of a continuation.

Chairman Francisco stated if the applicant brings the three items he asked for (erosion sedimentation plan, etc.), it may get him the three waivers he is looking for.

Mr. Kurk stated during the public hearing Mr. Trudo requested that we obtain information on property values, and that is something we should do once the application has been formally accepted. Chairman Francisco stated our next meeting is October 23rd, and we should do the site walk sometime after that date.

Mr. Giovagnoli stated in section 6 there is a letter from an appraiser as far as property values are concerned. Mr. Giovagnoli indicated there are not comparable properties with which to determine values. Vice Chair Bolton asked about the Monroe NH site? Chairman Francisco asked for copies of the binders to be provided to the board.

Vice Chair Bolton moved we continue the meeting until Oct 23rd predicated on receiving an erosion sedimentation control plan, a topography map, wetlands, and Hillsborough county soils map. Mr. Kurk seconded. Chairman Francisco amended the motion that information is to be provided by Oct. 16th. All were in favor and the motion passed unanimously.

- IV. The September 11th minutes were reviewed. Vice Chair Bolton was in attendance. Chairman Francisco stated he did not acknowledge Fillmore as a voting member. Four lines down, cross out he spoke with David Preece and third line from bottom, Mr. Meany stated somebody is going to have to decide if he needs to file a Site Plan. Under Zoning Ordinances, third line it does not make any sense to go for a variance for disturbing the wetland buffer. Same paragraph, 3rd line from bottom, Chairman Francisco said there are currently proposing reclassifications (that was in Farmington), last sentence take out special exception under A applying for a special exception (cross out special exception) and replace with conditional use permit. Vice Chair Bolton didn't see any mention of inviting SNHPC regarding impact fees. Please add Chairman Francisco will contact SNHPC regarding impact fees.

Mr. Kurk made a motion to approve the minutes as amended by the Chair and Vice Chair. Vice Chair Bolton seconded. The motion passed unanimously.

V. **ADJOURNMENT**

Mr. Fillmore made a motion to adjourn the meeting at 9:51 pm. Vice Chair Bolton seconded the motion. The vote was unanimous. The meeting was adjourned.

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A true record,

Wendy J. Stevens