



# *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 – DECEMBER 11, 2014 FINAL MEETING MINUTES**

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

**Guests:** Tom Clow, Sandra Reade, John Lawton, Jesse Garza, Ed Sanborn, Bill Flockton, Andrew Flockton, Frank Campana, Richard Butt, Deborah Brown, Heidi Ilsley, Lisa Ilsley, Christine Ivinjack, Brian Ivinjack and Eldon Townes.

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

Chairman Francisco called the meeting to order at 7:02 pm.

### **II. CONCEPTUAL REVIEW**

#### **Mr. Jesse Garza, 613 S. Stark Hwy Weare**

Mr. Garza stated he owned the building at 613 S. Stark Hwy and has owned it for 11 years. He had a question about the store in front, is it possible to convert that store into a residential 1 bedroom apartment? Chairman Francisco stated the property is zoned commercial so you would have to get a variance to expand to a non-conforming residential use. Mr. Meany stated he might be interested in a mixed use so they can go either way. Mr. Flockton stated he was interested in having some storage units in there and was seeking mixed use/commercial. Mr. Garza rephrased his question if they turn the front into an apartment, can they still implement storage sheds and be within their rights? The site plan was reviewed. Mr. Lacasse asked why would he need an exception 24.3 "any use permitted in the rural/agr...non-permitted use is for residential homes" but the definition of a residential home is a one or two family dwelling and that building is more than a one or two family dwelling. Mr. Meany stated his building is commercial, he is in a commercial zone so he is legal. Mr. Lacasse thought it would be an allowed use in that zone. Mr. Meany stated his only question was regarding the septic system and he has sent the applicant to DES. Chairman Francisco confirmed Mr. Lacasse's interpretation of the definition of a residential home. Mr. Meany stated over the years it has morphed, it has three apartments and he was not sure that the 980 gallon septic system was adequate. Chairman Francisco stated the tax map shows 5 units. Two three bedrooms and two one bedrooms, and he is adding something to the front. Chairman Francisco calculated he needs a 1350 gallon septic. Mr. Meany stated they would need a septic plan placed on file, but other than that he should be able to do what he needs to do without a building permit. Chairman Francisco clarified the 1350 gallons septic design needs to be on file. He stated he would like a Site Plan and they would like to do a site walk. The plan should show how parking is going to work, and any drainage or grading for any new buildings. He stated if you are proposing a building the application cannot be expedited. Mr. Meany summarized for everything that he wants to do, he would need a Site Plan and Mr. Meany will need to notify the abutters. Mr. Flockton asked for confirmation that he can utilize the front unit as an apartment, without it affecting the overall classification? Chairman Francisco stated the property is still zoned commercial.

### **III. PUBLIC HEARING**

#### **CONDITIONAL USE APPLICATION: MICHAEL ALBERINO CONSTRUCTION OF A DRIVEWAY WITH MORE THAN A 10% PITCH AT 746 RIVER ROAD, MAP 409-90 IN A RESIDENTIAL ZONE**

Chairman Francisco stated the did a site walk this past Saturday and Mr. Fillmore stated he thinks the

applicant did as well as he could without getting into the wetlands. Mr. Townes stated he talked with the Fire Chief today and the Planning Board should have a letter. Chairman Francisco read the letter from the Fire Chief aloud.

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

Mr. Fillmore made a motion to approve the application as presented. Mr. Kurk seconded. With Vice Chair Bolton abstaining, the motion passed 4-0-1.

#### **IV. PUBLIC HEARING**

##### **REVIEW OF PETITION ARTICLES**

###### **Petition Article by Sandra Reade to amend zoning**

A petition article was presented with thirty signatures that states: "To amend the Town of Weare Zoning Map by modifying the zoning of 2 parcels known as Weare Tax Map 404, Lots 136 and 172, and said parcels being located on 166 Shady Hill Road, to change the zoning for map 404, Lots 136 and 172 from Rural Agricultural (RA) to Residential (R)?" Ms. Reade stated she finds it necessary to sell 2 acres of land to pay her property taxes. Ms. Reade stated she has 35 acres on Lot 136 and on the other side where the cemetery is, Lot 172, there are 21 acres there. Chairman Francisco noted she was abutted by a residential zone on Chevey Hill Rd. She confirmed everybody there is residential except for her. The zoning map was reviewed and it was observed that many areas surrounding the property are. Mr. Kurk clarified that right now she can subdivide into 5 acre lots, but she wants to be able to get more houses? She replied she just wants to sell a minimum of 2 acres, she does not want to develop. Vice Chair Bolton asked did she figure out what would be allowed now vs. if this petition article passes, and was the difference very significant? She stated she has not gotten that far. Mr. Fillmore stated at least it doesn't orphan her on the zoning map. Chairman Francisco stated since half of her property is bordered by residential zoning, he doesn't have a problem recommending it. Mr. Kurk asked what happens when her abutter comes in and makes the same argument?

Chairman Francisco asked if the public had any questions. Ms. Stevens asked the Planning Board if they had reviewed the soils map. Chairman Francisco stated there is Peacock Brook and there are wetlands. Chairman Francisco asked Ms. Stevens if she knew if the property abutted conservation land? Ms. Stevens stated there was the Chevey Hill parcel and a SPNHF parcel about halfway up Tiffany Hill Rd. Ms. Reade stated she didn't think she abutted any conservation parcels. Vice Chair Bolton stated there is a lot of information that they would really like to have.

Chairman Francisco invited anyone else from the public to speak. There being none, he closed the public hearing.

Chairman Francisco stated he would like to continue this until the next meeting, he wanted to investigate the north side of the parcel and see if it abuts conservation on one side and residential on the other and if that is the case then perhaps it should remain RA. Mr. Kurk made a motion to continue the discussion and decision on Sandra Reade's petition article until the January 8<sup>th</sup> meeting. Mr. Fillmore seconded the motion. Ms. Reade asked if she could bring anything, and Chairman Francisco stated he would like to check with the Conservation Commission. Mr. Fillmore stated any property maps that she has would be great. The motion passed 4-1-0 with Mr. Lacasse being opposed.

###### **Petition Article**

###### **Repeal Article 34, the Sign Ordinance.**

"Are you in favor of the repeal of "Article 34 – SIGN ORDINANCE" of the Town of Weare, NH Zoning Ordinance in its entirety?"

Mr. Lawton stated he was the genesis of this whole thing and he believes that Article 34 is too restrictive. He added that he has visited the new Subway store in Lanctot's plaza, and they said business could be better if they could have a sign. Chairman Francisco stated they could have a sign and Mr. Lawton clarified they needed a lit sign. Mr. Lawton added that he had visited the merchants in town, and discussing the sign ordinance with them was like hitting a raw nerve and they are very

irritated by the Sign Ordinance.

Mr. Lawton explained that at first, he was not going to attempt repealing the whole thing, but in talking to the different merchants, they felt that it was not workable and needs to be done away with entirely. He stated the purpose of the commercial zone is to encourage diversification of the town's economic base by encouraging commercial endeavors...thereby increasing local services. He finalized that the Sign Ordinance does everything to discourage this. He stated it does nothing to help the businesses in town. He asked the Planning Board for their support.

Chairman Francisco asked what specifically was upsetting about the Sign Ordinance? Mr. Lawton replied the restrictions on lighting abilities. He read 34.4.1, "The illumination of any sign shall be from a steady or continuous, non-flashing, shielded white light from exterior light sources only. Unless the Planning Board otherwise determines, the sign must be lit from above, and the lighting shall illuminate the sign only, without the light source being visible from any residential dwelling or any roadway; the light source shall be placed as close as practical to the message portion of the sign; and no light shall escape from above the fixture." Mr. Lawton stated grandfathered signs that are internally lit include TDBank, Mobil, and Lanctot's and they don't glare, but they are very noticeable for people driving by. He does not understand this restriction.

Mr. Lawton continued with another issue that he has a problem with regarding roof restrictions, 34.9.2: "Any sign erected on or above any part of the roof of a building, including any message or symbol on any roof of a building or design in any roofing material. This prohibition shall not apply to a sign that is mounted on, is parallel to and does not protrude beyond the edges of a vertical wall, nor shall it apply to a sign mounted on the roof of a so-called farmer's porch, provided that in such case it is parallel to and within two (2) feet of the roof eave of the farmer's porch and its top is not higher than one and one-half (1.5) feet above the roof at its location on that roof. A farmer's porch means a one-story open shed which is attached either to a vertical wall of a building or at the eave of a roof of a building and which has a lower roof pitch than that of the building to which it is attached. " Mr. Lawton after reading this asked why would any business want to come to town?

Mr. Lawton stated the purpose is to increase local services, create employment, and make valuable contributions to our tax base. He added we have done nothing, we have had no new businesses in town and whatever taxes there are, they go directly to our tax bill.

Vice Chair Bolton stated he liked their first idea better, and they wished they could work together to revise the Sign Ordinance. Mr. Lawton stated what applies to one business may not apply to the next business, and they did not have a lot of time to get a meeting together to go over it together. He added he met a merchant who has been here for 37 years and they have never seen an offensive sign. He added some people don't like the sign at Country 3 Corners. He stated Weare has very little land zoned commercial to begin with, it is not like they are going to become South Willow Street.

Chairman Francisco stated if you repeal the ordinance, you could have signs everywhere and it wouldn't matter what the zoning is. Chairman Francisco stated he might want to put a sign up. Vice Chair Bolton stated if the ordinance gets repealed and everybody makes changes, or if the ordinance does not get repealed, he thinks next year they should work on revising it.

Mr. Lawton stated his eagerness to have businesses come to Weare, and they've had a hard time getting them, and now Weare has two; Dunkin' Donuts and Subway. Dunkin' Donuts is right by the road so they are noticeable. People going by that same area can't see Subway. Many people in town don't know Subway is there, and Subway is suffering, and they aren't going to make it. Vice Chair Bolton stated he has been there and talked with the owner and they did say it was slow. Mr. Lawton thought the Sign Ordinance was responsible for this. He finalized in a commercial zone, they should be able to advertise in the proper way, and the rural character is not being ruined by allowing this. He stated Weare has a commercial zone in town – let them advertise.

Vice Chair Bolton asked if he thought it would be better to have some Sign Ordinance? Mr. Lawton stated yes, at some point, yes he would, but only if every merchant in town can have their input.

Chairman Francisco stated he can see the point in the commercial district but by repealing the entire ordinance, he is opening up all zones to any kind of sign. Mr. VanLoendersloot asked if it gets repealed, will a billboard fall under 34? Vice Chair Bolton stated this is why a petition article is a problem, because you get stuck with what is there. Mr. Lawton stated 32 square feet for a sign is too small and it is not right to the merchants. Mr. Fillmore stated not having a sign ordinance will put the pressure on to develop a new one next year, and in that regard he can understand his point.

Mr. Lacasse stated he very much seconds what Mr. Lawton says, he drove by Subway tonight in the dark, and he could not see the sign. He added that people have to come before the Planning Board for sign approval, and that is an impediment in and of itself. He furthered why couldn't somebody just get a sign permit from the building department? Vice Chair Bolton stated he wasn't understanding how many other situations besides Subway that there are to consider. He asked if the absence of the Sign Ordinance was a good plan. He wasn't sure this was a good plan, but Mr. Lawton has brought up a good point. Mr. Lawton stated maybe 15 or 20% of Rt. 114 is zoned commercial. Chairman Francisco asked why didn't he write the petition article to specify commercial zone only, as all he is hearing is commercial zone rights. He added it is too late to change the petition article.

Ed Sanborn stated he had another example. His business is on a side road off of Route 77. His property is commercial, but it does not touch the highway. He has a sign *Sanborn Lumber Company* up on the highway. If he wished to put that there today, he could not. His impression is that the Planning Board is to help planning for the future of the town, and it would appear that the Planning Board is not trying to attract anybody, and he believes the article is too restrictive. He would like to see the sign ordinance repealed. There has never been a real sign problem, there is no sign problem, and if it was repealed, there is not going to be a big influx of signs going up.

Frank Campana stated he has been present at Planning Board meetings and he heard quite a bit of the development of the Sign Ordinance. He is self employed and has a sign hanging out on the street. As he heard the Planning Board developing the sign ordinance he saw the process as nitpicking and wondered if he wanted to change the color of his sign, would he need a permit? Because the language was so complicated, he was frustrated in trying to understand if he would. He added he could not have a sign off of his property where his business is being conducted, and he thought that was ridiculous. Mr. Campana stated he does not trust the Planning Board to come with an ordinance next year that is any less nitpicky than this one. He added when you have conceptual meetings with a business, in the absence of a sign ordinance, is it beyond the ability to have a discussion about potential signage?

Mr. Campana stated he does think that the Country 3 Corners sign is distracting. He does think there are exceptions where a sign ordinance might come into play. He added signs should be allowed on farmers porch as that is rural character. Chairman Francisco stated you can have a sign on a farmer's porch right now. Mr. Campana stated the restrictions on OPEN signs in windows were ridiculous; that it could only be on at certain hours, it couldn't be blinking – he feels bad for businesses that have to try and work with this. He also added flag banners have been questioned. Mr. Campana stated it would be nice to see the Planning Board supporting this petition article.

Tom Clow stated he takes the opposite point of view. The proposal is to eliminate the Sign Ordinance altogether, and the Planning Board being asked to support that by recommending it on the ballot. He is here to strongly urge the Planning Board not to recommend it. First, there is a process for amending the zoning ordinance, and members have the right to propose an amendment, any member of the public can come in and recommend changes at any time during the year. Furthermore, if there is a business that has an issue, they have the right to go to the Zoning Board of Adjustments for a zoning ordinance or special exception. And to the ZBA's knowledge, nobody has come before them to do this. Second, he thinks to throw out all the rules and create an anything goes environment would be

shortsighted. If the sign ordinance were completely eliminated, it would be at least a year before any regulations could be put in place. In that interim, signs of any size or brightness could be erected. They could be placed off site, they could be placed on property lines, and anything erected during that time would be grandfathered in, and we would have to live with them forever.

Hypothetically, do we want electronic billboards in Weare Center? In North Weare Village? Tavern Village? Riverdale? The door is open, and they could be there. Do we want to see a rush to increase signage at any of these businesses? There are dozens of businesses scattered through the town of Weare, many not in commercial districts –they are in rural/ag and residential districts. Do we want to see a rush of signage to these areas around town? He understands the petition article has been submitted to the Planning Board and it is the board's obligation to put the article on the warrant – and he again strongly urges the Planning Board not to recommend this article. He thinks eliminating the ordinance altogether will have a devastating affect for years to come.

He added to say there has never been a problem is not true. His personal example, he has lived here since 1973. He had good neighbors, until one day a sign was installed by his abutter directly in front of his barn, right outside of his dining room window. It was a blinking Dr. Pepper sign. The point is that that is the kind of thing that can happen. Mr. Clow stated he was on the board at the time the ordinance was developed. They sought advice from the Economic Development Committee and the local Chamber of Commerce. It wasn't something created in secret. He finalized that the issue is that not having a sign ordinance will create problems. It is not just to control the size and shape of the sign, it is to protect neighbors. Right now the Sign Ordinance provides for a 25 foot setback rule, so if there is a neighboring property, the sign has to be set back 25 feet, and that is protection to your neighbor, and he thinks that is a good thing. He added that this petition article isn't just talking about the commercial zone, it will be happening in all zones. He stated for example, if someone has a neighbor who is an accountant who has a little sign that says "taxes done", next they can light it, they can make it flash. You might say "oh they wouldn't do that" but you don't know that. This cannot be reversed if this petition article passed. He added it might be torn apart and put back together with the businesses in town, but by doing it this way you are going to have to grandfather in many signs that you probably don't want.

Eldon Townes came forward and stated he worked with his father and grandfather and grew up in the dirt business. He stated around town it is very restrictive as far as what they can do to advertise. The Sign Ordinance has been a hurdle for many small businesses and he worries in the future – he would like to be able to work with the Planning Board on signage and not feel like they would have to try to put up a sign and see if they get a fine. He would like to see the Planning Board help people and their businesses, not make them come before them and make them feel like they have to prove their case. He added he is developing a Christmas Tree Farm and in the future he may very well need a sign not on the business property as it is remote, he will need signs on other roads. He furthered that their gravel pit is on a side road, it has been there for 60 years, and people in town still do not know they exist. He finalized that the Planning Board and the Zoning Board have become a road block for signage.

Brian Ivinjack stated he owns Route 77 Motors and owns 9 properties in town, some residential, some commercial. He stated the original sign ordinance nearly bankrupted him. It took two years to go through to change the Sign Ordinance to where it is today which helped him considerably, but they are still trying to recoupe from that process. He pays \$12,000 a year for a building he could not rent because he could not have more than one side on that building. He continued stating the empty daycare building on Route 77 motors has been vacant for three years, and he wanted to invest in it, but he is afraid to buy it because of the way the sign ordinance is written it is not worth his aggravation.

Deborah Brown of Moody Pond Marketplace stated she is the poster child for this Sign Ordinance repeal. She own three businesses on the same property and she is unable to advertise beyond 32 square feet. She does not understand why she cannot advertise each business separately and stated she is limited to 32 square feet. She added if somebody else owned a business on her property, that

they could have their own additional 32 square feet sign, and it doesn't make any sense. She finds the ordinance very limiting. She finds it a personal attack when people write her up and find problems with her signage to the select board. Her family has been in town for a long time and she finds it insulting. She feels she has done a lot to improve her property and feels she should be allowed to advertise her business properly. She stated businesses need signage that is off the main road. She finalized that the sign ordinance is ridiculous. She asked why can't she flourish by the ability to have what she is and what she has advertised? She needs to have the ability to put herself out there. Why can't somebody on Route 114 drive by her place and with one look, be able to tell what her business is? She stated she wobbled on the idea of abolishing the whole thing, but she thinks maybe they should just get rid of the whole thing and start over. She stated her business is slightly set back off Route 114 and she cannot have a sign that people can't read, that it is ridiculous.

Richard Butt stated he does not have a business in town, he stated the perception that people have, starting with Dunkin' Donuts, is that the Planning Board is anti-business. He thinks this is another restriction. The Sign Ordinance may have been reviewed by the Economic Development Committee, but it isn't rosey, and why would the Economic Development Committee be trying to restrict what businesses can do? He stated he does think it is anti-business, and the fact is businesses are providing services to the community and anything they can do to unrestrict them would be good. He hopes to see the Sign Ordinance abolished and hopes that the Planning Board will recommend the petition article.

Chairman Francisco asked if anybody else would like to speak. There being none, he closed the public hearing.

Chairman Francisco stated personally he wished that while he did hear various people question the Sign Ordinance during their Site Plan Applications, he wished these people would have come to the board and asked to look at revising it. They could have revised the Sign Ordinance. But now their only choice is to recommend or not recommend the petition article. Although he does not know if there will be a blinking Dr. Pepper sign outside of his residence, he hopes not, but he is personally concerned about what would happen in a year. He also stated he understands why people are wanting to change the Sign Ordinance.

Vice Chair Bolton stated it is too little too late, and the Planning Board couldn't recommend any changes tonight because we've gone beyond the time frame. Vice Chair Bolton asked if they could submit an article to place a specific Warrant Article that specified commercial zone only? Mr Meany stated there wouldn't be enough meetings to hold a public hearing unless they hold a special meeting. Mr. VanLoendersloot stated he doesn't agree with completely repealing it, but he agrees it needs to be redone immediately based on public comment. He is also concerned about the grandfathering issue.

Mr. Kurk stated changes can be made to this, but it is not something we should do in such a short period of time and make mistakes. This is the kind of thing where you would want business input as well as input from other folks. He stated we don't want to rush because there will be mistakes again. He added there is enough that perhaps after Town Meeting, this would be an agenda item for them and they begin to set up committees and/or public meetings so that the following year they can present an article. He clarified the folks tonight were not of a like mind, they each had different ideas on what should be done. He wanted to make sure that issues for people who weren't here tonight are also addressed. Mr. Meany stated he agreed rushing into it at this late date is not a good idea.

Vice Chair Bolton made a motion for the Planning Board to put forth an article that they recommend that eliminates the sign requirements 34.10.3 in a commercial district. Mr. Meany stated he didn't think he could. Vice Chair Bolton stated they would need a special meeting.

Mr. Sanborn stated that these five people were controlling other people's businesses and the people in town trust the Planning Board to come up with ordinances that are fair. Sadly, he says, that if the Planning Board recommends or doesn't recommend, the public will vote with what the Planning Board

recommends.

Chairman Francisco seconded the motion. Mr. Fillmore stated he thinks they would be doing the voters a better service if they just rebuilt the Sign Ordinance from the ground up, getting business owners involved to show them that we support them, that we would gain a lot more than throwing out part of it. Mr. VanLoendersloot stated if he was a full voting member, he would vote to not repeal Article 34, but it really needs to be redone with the input with the business owners in town. Vice Chair Bolton stated he finds it difficult to support the petition article. Mr. Lacasse stated it doesn't only have to do with the commercial zone. The Planning Board discussed they would have to meet Christmas Day in order to entertain Vice Chair Bolton's motion. Vice Chair Bolton withdrew his motion since it was logistically unattainable.

Mr. Lacasse made a motion that the Planning Board vote to recommend the petition warrant article 34 Sign Ordinance be repealed. Mr. Fillmore seconded. Mr. Kurk stated he thinks Mr. Clow made the most cogent argument for the inadvisability of doing that. During the one or two year period that we don't have an ordinance, any existing business owner would have every incentive to put up the kinds of signs that will benefit their business but would probably be something that the new ordinance, developed by both businesses and residents, would probably be objected to. This one year gives businesses a competitive advantage over any future businesses and that is an unfair advantage. People would be protecting themselves from any future ordinance, people in rural areas, just doing it to make sure they were grandfathered, and you would see something very visually different than what is here now. Mr. Kurk furthered he likes the idea of the town getting together, not just businesses, but everybody in town, and try to work something out. It could be something that gives businesses the flexibility they're looking for, but also preserves rural character, which is what he thinks the citizens are looking for.

Mr. Kurk made a point that this petition article doesn't give everyone an opportunity to decide what they want the town to look like, it only gives a few select businesses the opportunity to do whatever they want forever. Mr. Lacasse pointed out that we already have given competitive advantage to businesses that were here before the Sign Ordinance vs. new businesses that have to follow the Sign Ordinance.

Chairman Francisco stated he does not support the petition article however he definitely feels strongly, and will be moving to change the sign ordinance next year and asked the public if they could just wait 9 months. Mr. Lacasse stated he thought asking people to wait a year was too long.

Chairman Francisco called for a vote on the motion. The motion failed 2-2-0 with Mr. Kurk and Chairman Francisco opposed and Vice Chair Bolton abstaining. Mr. Meany stated that a Chairman could not vote unless it was to break a tie.

Mr. Lacasse moved that the Planning Board vote to recommend the petition warrant article 34 Sign Ordinance repeal. Mr. Fillmore seconded. The motion failed 2-3-0 with Mr. Kurk and Vice Chair Bolton opposed, and then Chairman Francisco opposed. Chairman Francisco stated he would do everything he could to make revisions to the ordinance.

## **V. REVIEW OF PROPOSED ARTICLES**

ARTICLE 4.1 and 36.1. Chairman Francisco stated that what he did to Article 4.1 for the definitions of driveway was to keep the first sentence, he took out all of the geometric standards that were in the definition because they are in Article 36. Mr. Kurk asked if there was a conflict between the four foot requirement by DPW and the 3 foot requirement by the post office. Mr. Lacasse stated if this were enforced, and if people install their mailbox four feet in, they are likely to get a letter from the postmaster that they will not deliver mail. Mr. Lacasse stated that it happened to him, and he had to move his mailbox to three feet in. Mr. VanLoendersloot stated he thinks it should follow the postmaster guidelines. Chairman Francisco stated we would remove it completely and let the postmaster deal with it. Mr. Fillmore agreed as DPW and the post office both have their requirements. The board agreed to

take mailbox out of the definitions and out of 36.3.4.10.

#### **ARTICLE 22.9 was reviewed.**

Mr. Kurk asked was this to make sure that the standards were subjected equally across all structure types? Chairman Francisco confirmed yes. Lowercase Architectural. Take tec and change it to etc.,. Mr. Laccase objected that it gives the Planning Board the ability to rule on what is good taste. Mr. Kurk added a correction "Sides of structures, not directly visible from public roads, " (add second comma). Chairman Francisco stated yes the Planning Board decides what is compatible.

#### **ARTICLE 29.7.2.1, 29.7.2.2 and 29.7.2.3**

Mr. Kurk stated he took Chairman Francisco's 27 page draft and knocked it down to two paragraphs. Chairman Francisco stated he added the third paragraph. Mr. Kurk asked about the exemption. Chairman Francisco stated if you have an existing non-conforming use and you want to make more impervious surface, say 15% to 20%, but you have to infiltrate more than 5% so you're less than what you started with. If you are at 5% and want to go to 15%, paragraph 2 applies, if you have to infiltrate the water. If you are 15% and want to go to 20%, paragraph 3 applies, and you have to infiltrate as if you were 14.9% impervious, so you would not become more non-conforming. Mr. Lacasse asked why 29.7.2.2 doesn't stop after the end of c). Chairman Francisco gave an example of diesel tanks over an Aquifer Protection Zone needing to be bonded. Mr. Kurk stated they did have some cases on b&b lane. Mr. Lacasse wanted the language to say a bond mutually agreed upon. Vice Chair Bolton stated usually the engineer decides the bond amount and Mr. Fillmore stated usually it is 1.5 times the cost of construction. Mr. Kurk said "or bond in an amount, not to exceed 1.5 times the cost of construction," The board agreed.

#### **19.1.10.1**

An accessory apartment shall be clearly...and not exceed 650 square feet, nor contain more than one bedroom. Mr. Lacasse asked why the limitation? Mr. Kurk stated when this was originally put in, it was the in-law concept, where it was family only, and the front door to the apartment couldn't face the street. (19.1.10.5). The board agreed it should contain the one bedroom language.

#### **30-A.3.1.3**

Mt. Dearborn Historic Overlay District was reviewed. It was clarified this brought Mt. Dearborn's language in-line with all of the other historic overlay districts.

#### **The Impact Fee Ordinance**

A five page impact fee outline was circulated and has been placed on file with the Town Clerk. Vice Chair Bolton stated this language is from SNHPC. Mr. Meany stated all was going to be submitted to Mr. Drescher tomorrow. Mr. Kurk stated a five page document now does not leave him much time to review it.

Chairman Francisco would like to delete second page C., commercial impact fees, and he thinks they need to change the numbering to match the ordinance. Vice Chair Bolton was opposed to this idea. A discussion ensued about residential costs to the town in terms of newly constructed residences. Mr. Lacasse was opposed to the Impact Fee Article as he viewed it as unfriendly to businesses and we should be welcoming all businesses into town. Chairman Francisco stated we have conflicting elements within the document. Mr. Kurk stated he wanted time to digest it. Mr. Kurk stated one of the negative parts is that we will not collect enough funds anyway, it has to be returned in 6 years if it is not utilized, etc, etc. Chairman Francisco stated the interest calculations and interest due to the builder are also complicated. Mr. VanLoendersloot would like to table it for a year. RSA 674:21 was reviewed. The board agreed they will not present this article this year.

#### **VI. OTHER BUSINESS.**

Mr. Fillmore made a motion to approve the December 6<sup>th</sup> minutes. Chairman Francisco seconded. The motion passed with Mr. Lacasse and Vice Chair Bolton abstaining.



Mr. Fillmore made a motion to approve the November 6<sup>th</sup> minutes. Mr. Kurk seconded. The motion passed with Mr. Lacasse abstaining.

Mr. Fillmore stated on Oct. 23<sup>rd</sup> they continued an applicant. Mr. Meany stated he has not reapplied yet, they are changing the plan and are swapping equal amounts of land. Mr. Fillmore made a motion to approve the Oct. 23<sup>rd</sup> minutes. Mr. Kurk seconded. The motion passed with Chairman Francisco and Mr. Lacasse abstaining.

The November 20<sup>th</sup> minutes were reviewed. Last page, 2<sup>nd</sup> paragraph last word 2<sup>nd</sup> to last line the word "the" should be "he". Mr. Kurk made a motion to approve the draft minutes of November 20<sup>th</sup> 2014 as amended. Mr. Fillmore seconded. The motion passed with Mr. Lacasse abstaining.

## **VII. ADJOURNMENT**

Mr. Lacasse made a motion to adjourn at 10:30 pm. Mr. Kurk seconded. The vote was unanimous and the meeting was adjourned.

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A true record,

*Wendy J. Stevens*