

DRAFT

WEARE PLANNING BOARD

Minutes of the Meeting

Of July 23, 2015

Present: Neal Kurk(secretary), Bruce Fillmore, John Vanloendersloot(alternate), Frederick W. Hippler (Exofficio),Chip Meany(Land Use Coordinator), Tina Ripley(Minute Taker), Michael Pelletier, Gary Kittredge, Bill Bolton, Art Siciliano, Dan Demers.

I. Call to order.

The meeting was called to order at 7:03 p.m. by Neal Kurk. Neal Kurk appointed John as a member in the absence of the chairman and vice chairman. Neal said he would chair the meeting but didn't think they were in a position to take a formal action or sign off on any documents until one of them are here.

II. Conceptual Review.

There were none.

III. Subdivision. –

Neal said the first thing on the agenda is a subdivision by LLA GM Investment Partners, LLP on South Side of Colby Road, Map 412-170 & 170.2 in industrial zone. Bruce said he is an officer of the organization that potentially take ownership of one of the lots. Neal suggested that Bruce reclude himself in the interest of the transparency. Mike Pelletier asked if Bruce would reclude himself from voting and Chip said yes. Neal said he is reclosing himself as an acting member of this board for this particular issue. Mike Pelletier asked if there was a quorum. Neal said yes, there are three people here, there are five members of the board, and a quorum is three. Neal said as far as he knows it doesn't take a majority of the full board but just a majority of the quorum to act favorably. Neal said LLA GM Investment Partners, LLP is entitled to a hearing before the full board. Neal said if that is what they wish they can defer their application to a future date. Neal said his guess is no matter what happens tonight this will be continued for another meeting. Neal said that only because that is the usual thing that happens with subdivisions not that this will happen in your case. Neal said that Mr. Pelletier would like to proceed.

Art Siciliano said that he was representing GM Investment Partners. Art said GM Investment Partners is Michael Pelletier and Gary Kittridge. Art said they are here tonight to answer any questions that he might not be able to answer. Neal said before we do that we should determine if the application is complete. Chip said from his perspective it is and the board needs to review it to see if he missed anything. Chip said the only he wasn't sure he saw in the packet was the deed. Mike Pelletier said that was a possibility. Neal asked why they don't need test pits. Art said it was a ten acre lot on industrial. Neal said he thought they were subdividing. Art they are. Art said test pits are usually required for state subdivision for lots under 5 acres and they are the only ones they have done test pits on. Neal asked if the lots were larger than 5 acres. Art said yes accept for one and they have done a test pit on it. Art said it is a non-buildable lot. Art said

technically on a non-buildable not you wouldn't need a test pit. Neal asked Chip to refresh their memory on Appendix 4, #17 - all appropriate State and/or Federal permits which the applicant has indicated them as pending. Do we require those prior to accepting an application as complete or accept them prior to the time we act on a completed application? Art said he thinks that might be wrong. Chip said the only thing would be the subdivision approval from DES and he doesn't see how that would impact the decision on this. Chip said he doesn't believe legally you can subdivide without DES approval. Chip said in order to get it you have to have the lots established.

John asked if they received any written comments from the Board of Fire Wards, Conservation Commission, Road Agent, etc. Chip said there was written comment from the Conservation Commission that was sent by email and they basically wanted to know what the use of the lots were going to be. They also wanted to know what the disposition of the old Weare dump was going to be. Chip said all the requests he received were relative to site plan and not subdivision. John asked if there was any other comments from any other entities. Chip said both the Police Chief and Fire Chief had no problem pending on what was going in there as long as there was no impact on traffic.

Neal asked Art about Appendix 3, #8 ó Proposed wells with radii which the applicant indicated as not applicable. Art said it is a 10 acre lot and not sure where they would put a well. Neal asked about Appendix 3, # 7 ó Building and other setbacks which the applicant indicated as listed. Art said they are listed on the plan notes #2. Neal asked John if he would like to make a motion. John motioned to accept the application as complete. Frederick seconded. Motion passed. Neal said the application is accepted as complete.

Art said this is a subdivision and lot line adjustment between tax lot 170 and 170.2 on map 412. Art said parcel A is becoming .82 acres which is coming off lot 170.2 and going to lot 170. At the same time they are subdividing lot 170.3 which is a 2 acre lot off of lot 170. Art said the remaining acres are listed on the map. Art said the 2 acre lot which was part of lot 170 contained the old Town dump, he has it highlighted on the map, and it is 1.1 acres. Art said a few years back they determined the limits of the dump and that is what is highlighted. John asked if the lot was going to remain a non-buildable lot. Art said yes, that is going to be considered a non-buildable lot. Art said the Winter Wanderers is going to purchase it for a parking area. Bill Bolton said it could be a parking area but right now it is part of the trails. Neal asked if it was on the trails and was told yes. John asked if it was part of the trails or access to the trails and was told it was part of the trails. Bill said the trail goes thru the 2 acre lot. Neal asked if there were any limitations placed by the ordinance on the use on non-buildable lots. Neal said someone seems to think they can only be used for conservation purposes, that you couldn't put up a shed to house snowmobiles on it. Neal said he is not sure. Art said the planning board did approve a non-buildable lot and at the time it wasn't going into conservation use. Art said it did eventually go to conservation. Bill Bolton said there is a new conservation organization in the Town of Weare, called the WWW Land Conservancy. Bill said they received their final paperwork from the State last Friday. Bill said the land will be recreation/conservation. Neal asked if they could put up a storage shed on it. Bill said it was a non-buildable lot and it is going into conservation. Neal said in terms of conservation, what could be done by the snowmobile club on that lot? Could you park stuff there? Bill said you could park stuff there but not in a structure. Neal said

these are marked industrial zones and asked if it was their intention to put up industrial buildings, if so, where would they be? Mike said he has no idea, there is a buyer for the property but there is no intent. Neal asked about the wetlands here, where are the buildable sites industrial, commercial or even residential purposes? Art showed the board where the buildable lots would be on the map. Neal asked what the frontage requirement is for industrial? Art said he believes it is 200 feet. Neal said let's check that. John asked if there were any driveway permits and Chip said no. Neal said the minimum frontage for industrial is 200 feet. Neal said if this was to be converted into commercial property or try to take industrial property and convert it into residential property does the 200 feet frontage still apply. Chip said it is 50 feet frontage for residential on a paved road. Neal said commercial is 200 feet frontage. Neal read all lots less than 10 acres in the RA district must have 250 feet, all lots less than 10 acres in a residential district must have 200 feet, all lots 10 acres or more must have a minimum of 50 feet frontage on a town paved road.

Neal asked for public comment on the subdivision. Neal read into record the email from Beverly Cotton. Neal asked if there were junk piles on the property. Gary Kittredge said there were piles of garbage and said they have cleaned up several already. Gary said there is one area that they have dictated for a 30 yard dumpster they are bringing. Gary showed pictures to the board. John said the concern the he gets from Beverly is, will this happen again? Mike Pelletier said it wouldn't happen again. Neal asked Chip what the status was of the Hardy plan. Chip said dated April 30, 2010 addressed to the Weare Planning Board, Dear Planning Board, I Roger Hardy am withdrawing application for site plan review on the south side of Colby Road, I am also requesting return of fees except for fees for abutter notifications, Arthur Siliciano. Chip said there is bare land with no plans. Chip said there was construction material and rock piles. Gary Kittredge said everything is now gone. Gary Kittredge said with the Winter Wanderers taking over the 2 acres of land is very nice, it is on Colby Road and they are there and present will help deter people leaving behind garbage. Chip said he can not promise that someone will not defile the land again, but they will with all due diligence and vigilance enforce the regulations of the Town of Weare. John said he would recommend Chip type up something to that affect. Chip said he already sent it.

John said the proposed lot line adjustment lot 170.2 would have plenty of road frontage and lot 170.3 would have plenty of road frontage and lot 170 would have no road frontage. Art said it has 51 feet on parcel A which is part of lot 170. John said it wouldn't meet the guidelines set forth in 25.5.2 minimum frontage 200 feet. Chip said that is for a buildable lot. Art said lot 170.3 is the non-buildable lot. John said lot 170 is not listed as being non-buildable. John said you are going to have approximately 50 feet. Art said that is for a 2 acre lot, but we are allowed to subdivide in this town 10 acres and 50 feet. John said each lot shall have a minimum of 200 feet frontage, it doesn't specify what acreage. Art said there is a section saying they can subdivide into 10 acre lots with 50 feet road frontage. Neal said page 23, 18.2.1. John said that is set for residential and rural agricultural district. Neal said right now this is a proposal to subdivide an industrial lot in an industrial zone so each of the two lots being created forgetting about the 2 acre lot have to meet the requirements of the industrial zone. John said if that is the case, it wouldn't meet it by road frontage. Neal said that he agrees with John. Art said that he sees their point. Neal said if they were to have it rezoned then they could do the 50 feet road frontage and might have to do 250 feet on the other lot. Neal asked what the abutting zone was.

Someone said industrial, Neal said Rural/Agriculture across the road and surrounding it is industrial. John said at the very back it is commercial. John said the only way to keep the 50 feet frontage would be to rezone lot 170. Neal asked why they carved out a specific 2 acre lot 170.3. Art said that is where the trail runs. Neal said if you didn't carve lot 170.3 out and kept it as part of lot 170, you could give Winter Wanderers some kind of easement, he thinks and it would solve the frontage problem. Mike Pelletier said they would have the option to do what Neal just proposed, changing the zone, erasing the lot line between the two big lots and make it one. Neal said yes.

Neal said in looking at lot 170.2 there is a narrow strip the boundary line of the other lot and the wetland buffer, is that wide enough to put in a road? Neal asked if it would be a driveway and was told yes. Neal asked if there were going to build beyond the wetlands, they would have to go thru DES and Mike Pelletier said yes. John asked Chip if he was aware of any waivers that can be requested and have a history of being approved for road frontage for industrial? Chip said no, they would have to go for a variance with the zoning board.

Neal said there are a couple of issues here and thinks both LLA GM Investment Partners and the Planning Board would be better if the Chairman were here. Neal said the Chairman has to sign off on the application eventually. Mike said they are satisfied with the 50 feet frontage. John made a motion to continue the hearing to the next meeting on August 27, 2015. Neal accepted the motion. Frederick seconded. Motion is carried.

IV. Minutes.

John said there were only a couple of changes on page 3, change Jon to John, page 2 under minutes on change Jon to John and change top-coated to top coated. Neal said page 3 accept change to accept. After meeting I noticed that under Adjournment Jon needed to be changed to John.

John moved to accept June 11, 2015 minutes as amended. Bruce seconded. Motion passed. 3-0-1

VIII. Adjournment.

Neal adjourned at 7:45p.m

Respectfully submitted,

Tina Ripley
Minute Taker