

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of September 24, 2015

Present: Frank Bolton (Vice Chair), Neal Kurk(Secretary), Bruce Fillmore,(Member) Frederick W. Hippler (Exofficio), John Vanloendersloot(Alternate), Chip Meany(Land Use Coordinator), Tina Ripley(Minute Taker), **Guests:** Tom Jones, Mike Dahlberg, Ralph Peacock, Cheryl Peacock, Robert Kilmer, Art Siciliano, Rob Chapman, Terry Knowles, Joel Slotten, Michael Pelletier, Eldon Townes, Nancy Fillmore.

I. Call to order.

The meeting was called to order at 7:00 p.m. by Frank.

Frank said before we get started he is wanted to inform the Board and those here that Items 1, 3 and 4 he is going to defer to Neal since he was not present for those meeting those Items were continued from.

II. Continuation Subdivision – LLA GM Investment Partners, LLP. -

Art Siciliano said they continued to the ZBA. Mr. Siciliano said they have new plans. Mr. Siciliano said the last proposal was to create 3 lots which they are not doing now. Mr. Siciliano said there are 2 existing lots(170 and 170.2), now they are proposing parcel A coming off lot 170 and add it to lot 170.2, lot 170 will have a remainder of 2.06 acres and approved as a non-buildable lot. Mr. Siciliano said lot 170.2 will be 18.43 acres, so that is how they are eliminating the 50øbuffer. Neal asked if there is frontage. Mr. Siciliano said lot 170 will have 326.6øand the other lot has 299.4ø Neal asked why the lot is going to be non-buildable and Mr. Siciliano said it was the Snowmobile lot. Neal asked how it would affect their inability/ability to comply with environmental laws. Mr. Siciliano said he feels having the lot as non-buildable solves the problem. Neal asked if this was just a lot line adjustment and Mr. Siciliano said yes. Bruce said before this is recorded, can we get a copy of the deed saying that is a non-buildable lot and Mr. Siciliano said he didnø see a problem with that. Neal asked if lot 170.2 is still 100% in the industrial zone and Mr. Siciliano said yes.

Neal appointed John as a voting member. John made a motion to accept the application as complete. Frederick seconded. Motion passed. One abstained. 4-0-1

Bruce made a motion to approve the application for a lot line adjustment plan dated July 2015, revised September 2015. John seconded. Motion passed. One abstained 4-0-1

Neal said they will need a copy of the deed with it stating the lot is a non-buildable lot before they sign off on the plan.

III. Continuation Subdivision – Lot Line Adjustment: Michael Melcher -

Neal read the letter from Mr. Kaloogian which was basically asking for a site visit. Art Siciliano said last month they came in for lot line adjustment and subdivision. Mr. Siciliano said there were questions on the shared driveway and the grade of the driveway. Mr. Siciliano said right now they are in negotiations to purchase the lot next door. Neal asked how large will the back lots be and Mr. Siciliano said 15 and 16 acres. Neal asked Mr. Siciliano if he would like to continue it. Mr. Siciliano said he would like a continuation. Frederick moved to continue the application until the next meeting on October 22, 2015. John seconded. Motion passed.

IV. Expedited Site Plan Review – JMC Company -

Bruce recused himself since he is an abutter. Michael Dahlberg spoke on the company's behalf.

Neal said he has an application for expedited review but there is no date on it. Neal asked what date should be put on it. Mr. Dahlberg said August 28, 2015. Mr. Dahlberg said JMC Company, Map 411, Lot 198 desires to lease a certain parcel of land to Haynes Trucking which currently has their operation on Map 411, Lot 194. Mr. Dahlberg said it would consist of approximately 28,800 sq. ft. of new paving in the R/A zone abutting industrial zone which lies over the aquifer. Mr. Dahlberg said according to the ordinance if they can demonstrate the runoff was properly treated and not directly onto wetlands or wells, you can approve the plan. Mr. Dahlberg said they have shown on Sheet 1 the shaded area of the proposed paving area adjacent to the dark rectangle of the Haynes Trucking building. Mr. Dahlberg said on Sheet 2 shows the detail of the proposed paving on the Haynes Lot and JMC Lot, shows the current building septic and well. Mr. Dahlberg said on Sheet 3 is a blowup of the proposed paving area showing the current contours which will be the finished contours, the existing contention areas, berms to the southeast where the runoff goes and sits which does not go into the wetlands. Mr. Dahlberg said it is 350 ft. to the nearest wetlands. Mr. Dahlberg said they basically want to pave for bark mulch and equipment storage.

Neal asked if there was a problem with the total percentage paving on this lot previously and doesn't this make it worse. Mr. Dahlberg said no, since they have shown the spot grades. Mr. Dahlberg said the water that is on site for Map 411, Lot 198 it is properly treated with the engineered swale. Mr. Dahlberg said the 4,260 sq. ft. of pavement on the Haynes Lot and the 28,767 sq. ft paving on JMC Lot all goes on the JMC Lot. Neal asked where it says that on the plan. Mr. Dahlberg said they demonstrate that through the spot grades they have at the corners of the proposed pavement area and the contours run southeast onto JMC property. Neal asked how long the lease was for and what happens at the end of the lease. Mr. Dahlberg said he didn't know. Mr. Dahlberg asked if they put a note on the plan stating JMC doesn't have a problem with it.

Bruce said under expedited review, he thinks there is a big definition problem with what is happening on the JMC piece. Bruce said expedited review if a new site plan and said the piece that has the building on it is a half a mile away, and to consider this not a new site plan, he thinks is a stretch. Bruce said if it is a new site plan, it can't be more than 1,000 sq. ft. of building and 5000 sq. ft. of paved area which is far greater than that.

Neal asked Mr. Dahlberg if they are increasing the impermeable from 71,000 and you are adding another 28,000 which is more than 10%. Mr. Dahlberg asked on which lot and Neal said on the expedited review, one condition involves only the change of use and/or involves no more than a 10% increase impermeable area and no more than 50% increase in total building area. Neal said if this is an existing site plan, not a new one, then it seems that you don't meet the conditions. Neal suggested they do a site walk.

John moved to accept the application as complete with expedited removed and addition of date 8/28/15. Frederick seconded. Motion passed. 4-0-0

Neal opened the public hearing.

Bruce said that his property abuts the JMC property. Bruce said the JMC property is large and their property is large, their residence is quite far away but they are still an abutter. Bruce said that Mr. Dahlberg mentioned the equipment storage on the 29,000 sq. ft. paved area. Bruce said the application doesn't specify that. Neal said he thought this was just for storage of bark mulch, logs, etc. and Mr. Dahlberg said it is. Mr. Dahlberg said they did say there were trucks up there. Neal asked if the trucks would be driving back and forth or parked and Mr. Dahlberg said there are some parked there now. Bruce said he would prefer no operated equipment on that pavement. Mr. Dahlberg said they can put that distinction on the plan. Neal said the only operating equipment will be the trucks driving back and forth and Mr. Dahlberg said yes. John said there is a note on the third map about the storage of forest product.

Neal closed the public hearing.

There will be a site walk on October 22, 2015 at 5:30 p.m. Neal said there will be no action taken on the application tonight and we will continue it to our meeting on October 22, 2015.

V. Subdivision; V. Martin Family Rev. Trust -

Neal recused himself since he is an abutter. Art Siciliano said it is not a subdivision, since they are amending the subdivision plan. Mr. Siciliano said they took proposed conservation easement off the plan and non-buildable lot off for lot 44.1. Frank said nothing has changed but some wording and Mr. Siciliano said correct. Frederick asked if this is the property that is going into conservation and going into buildable lot and Art said yes. Frederick asked if the value had changed and Mr. Siciliano said no. John made a motion to accept the application as complete. Frederick seconded. Motion passed.

Frank opened the public hearing.

Frederick asked if in the future there would be any buildings on the lot. Terry Knowles said if you look at the plan, you will have 51.4 acres, to the south is Lot 408-60, that is in conservation easement, if you look at the Elisa Walker proper to the right, that is in conservation easement, if you looked left you would see Ms. Knowles property that is in conservation easement. Ms. Knowles said what we have here is the last piece which is her mother's property and that is going into conservation easement. Ms. Knowles said in order for the appraiser to release the appraisal, he needs this language changed. Ms. Knowles said this property will go into conservation easement and there will be no buildings on it. Ms. Knowles said it is just a technical issue.

Frank closed the public hearing.

John made the motion to approve the application. Frederick seconded. Motion passed. 4-0-0

VI. Lot Line Adjustment: Eldon & Carolee Townes ó

Art Siciliano said this is a lot line adjustment for Eldon and Carolee Townes on Map 201, Lot 112.2 and Map 201, Lot 112.11. Mr. Siciliano said Parcel A is 1.14 acres and being taken off of Lot 112.11 and added to Lot 112.2. Mr. Siciliano said Parcel B is .97 acres and is being added to Lot 112.11. Frank said in the notes section on the map, it list owners of records but it only has one of the tax lots and on #2 it says subdivision and asked if it should be lot line adjustment and Mr. Siciliano said yes. Mr. Siciliano said the Townes would like to give the Hutchinson a little buffer. John said there is minor issue on the application with the lot numbers on page 2. Neal moved to accept the application as complete. Bruce seconded. Motion passed. 5-0-0

Frank opened the public hearing. There was none.

Frank closed the public hearing.

Neal motioned to approve the application with the lot numbers corrected on page 2 of application, subdivision changed to lot line adjustment under #2 notes on plan and owners of record to reflect the accurate tax map information under notes on map. John seconded. Motion passed. 5-0-0

VII. Subdivision/Condominiumization: Ralph & Cheryl Peacock -

Robert Kilmer said he is from Duval Survey and said this is for an existing duplex on High Rock Road. Mr. Kilmer said they are trying to cut it in half and they still want to live there and they want their son to have responsibility for his part of the house. Mr. Kilmer said it was build around 1998 as a duplex and each side has 3 bedrooms. Mr. Kilmer said it has a 6 bedroom approved septic design. Mr. Kilmer said they have gone thru state subdivision approval, have received the approval and they just need to add a

note to the plan. Neal asked if there are two paved driveways and Mr. Kilmer said yes. Neal asked if the total acre of the lot is 2.2 acres and Mr. Kilmer said yes. Bruce asked if there was a note on the plan, how they comply with Article 14.2.2. Mr. Kilmer said by lot sizes. Neal read the Article. Bruce said if they were changing it they would have to go to Zoning Board of Adjustment and they could continue their application with the Planning Board. Neal move to continue the application until Nov. 19, 2015. Bruce seconded. Motion passed. 5-0-0

VIII. Meeting Minutes -

August 13, 2015 ó John said I need to add his last name under those present. Frederick said under Conceptual Review need to change "Bean" to "Haynes". Neal said under work session, fifth line at the end, need to add apostrophe in Knowles. Frederick said need to change "Clinton Road" to "Clinton Grove Academy". Neal said under voluntary merger, Flanders, Flanders Memorial Road, need to add John and Jill before Flanders. Frederick said need to add Joan to voluntary merger ó Macauley, View Road. Neal said need to add Joan to Chip said Macauley. Frederick said on page 5, 3rd paragraph, half way thru his name is spelled wrong, need to change "Fredrick" to "Frederick". John said page 2, Nancy Cunha ó 115 Buzzel Hill Road, change "Buzzel" to "Buzzell".

John made a motion to accept the minutes of August 13, 2015 as amended. Neal seconded. Motion passed. 3-0-2

August 27, 2015 -

John said Bruce Fillmore's name is in there twice under present, one needs to be removed. Neal said both Kaloogian's names should be the same, it should be Kaloogian. Neal asked that "The Board approved the conceptual" be removed. Frank said on page 5, he asked that "some" be removed before two foundations. Frank said we should add "vehicles" to the fifth line on page 5. Frederick said under conditional use permit, first paragraph on page 4, fourth line from bottom of paragraph need to change "Sicilian" to "Siciliano". Neal said on page 2, second paragraph, need to remove "as" and add a "coma" and change "of" to "that there be", change "double" to "doubled" and change "state permits are" to "state permits be".

Neal moved that the minutes of August 27, 2015 be approved as amended. Frederick seconded. Motion passed. 4-0-1

September 10, 2015 ó

John said page 1, GM Properties LLP ó withdrew and said he didn't think that they withdrew at that point. Ms. Ripley said that is what you believed they had said. Chip said they asked for a continuation so they could go the Zoning Board of Adjustment. Bruce said we continued it to give them time to go to the ZBA. Bruce suggested changing it from "withdrew" to "continued to 9/24/15". Frederick asked that we add that he arrived at approximately 7:20pm before Other Business/Work Session. Neal asked that on page 2 under proposed sign ordinance changes that "Chip recused" be change to "Chip excused". John said in the next paragraph down need to change "Martin Phillips" to

to "Marc Phillip". John said he doesn't know who John Laughten is and he wasn't on the sign committee and asked that he be removed. The board asked that "himself" be changed to "Craig". Bruce said on page 2, second line from the top, need to change "town meeting" to "after a public hearing". John said page 2, Article 34.8 his name is spelled wrong, need to change it from "Jon" to "John".

Frederick moved to accept the minutes of September 10, 2015 as amended. John seconded. Motion passed. 5-0-0

IX. Adjournment

John made the motion to adjourn. Neal seconded. Motion passed. 5-0-0

Respectfully submitted,

Tina Ripley