

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of October 8, 2015

Present: Craig Francisco (Chairman), Frank Bolton (Vice Chair), Bruce Fillmore (Member), Frederick W. Hippler (Exofficio), John Vanloendersloot (Alternate), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

Guests: Aaron Firman

I. Call to order.

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

II. Conceptual Review.

Craig made John a voting member.

NBAC ó Vesting at Duck Pond Estate. Aaron Firman said he is here representing NBAC Corp. with a subdivision known as Duck Pond located on Route 114, Weare, NH. Mr. Firman said he is here requesting a letter of substantial completion of the project which is being requested by NHDES to extend their AOE on the project. Mr. Firman said it was initially approved as a 60 lot cluster subdivision with large open space, which has since been deeded to the Town of Weare. Mr. Firman said construction of the roadway and offsite improvements commenced in 2007. Mr. Firman said the offsite improvements were completed and signed off by the State of NH on July 24, 2008. Mr. Firman said approximately 3,000 feet of road frontage was completed and inspected by an independent engineer in 2008. Mr. Firman said approximately \$700,000 has been spent on the project to complete the offsite improvements and the 3,000 feet of road to-date. Mr. Firman said the AOT permit was originally granted before the start of construction, it was given two extensions; the last one was on April 27, 2010. Mr. Firman said the extension expired on April 27, 2015. Mr. Firman said before the expiration, NBAC filed for an extension in a timely manner with NHDES, soon after they received an email from Rich Mauck stating they would consider an additional extension under the same terms and conditions of the original permit if a letter of substantial completion was received from the Town of Weare. Mr. Firman said on August 11, 2015 NHDES denied the extension due to not receiving the letter of substantial completion letter in a timely manner. Mr. Firman said NBAC filed an appeal on September 9, 2015. Mr. Firman said on September 24, 2015 said they received a letter from Gretchen Hamel stating they would like to entertain a settlement discussion with NBAC. Mr. Firman said it seems like NHDES will extend their permit upon receiving a letter of substantial completion from the Town of Weare. Mr. Firman said it would extend their permit for five years and leave the road design as it was initially approved. Mr. Firman said NBAC intends to start marketing the subdivision and road work in the beginning of 2016.

Craig thought they were talking about vesting which is different then what you are talking about. Craig asked how much road has been build and Mr. Firman said 3000 ft. and offset improvements. Craig asked how much was left and Mr. Firman said he didn't have that

information. Craig said roughly 6500 ft. is left to be finished for the road. Craig said from the DES stand point, it is not substantially completed. Craig said he doesn't think they can write a letter since half the road is not complete. Mr. Firman said one of their concerns is DES is going to come back and ask for a closed drain system to comply with the new regulations. John asked if they don't give the letter of substantial completion, what happens to this project from the Board's standpoint? Craig said without the AOT permit they can't do any construction. John asked if the next step would have to be to reapply. Craig said they would have to reapply to DES for the AOT permit. Craig said in cases like this where there is an approved plan and there is economic hardship, DES has granted some leniency in their new regulations. Craig said the new regulations require water to be recharged into ground water, instead of holding 10 year, 24 hour storm water, you have to be able to hold a one inch storm and let it soak back into ground water. Craig said they would have to redesign their drainage and control plan. John asked if the point of requesting a letter of substantial completion is to avoid having to redesign everything and to go off of the old regulations at the time this was approved and Craig said yes.

Craig said if the use of the open space changes, NBAC will need a new subdivision plan. Craig said they would need to merge a couple of lots to get it done - it would be okay, if you have to expand the drainage on the lot and the lot is still buildable it would be okay. Craig said as soon as the use changes they would need to reapply to the Planning Board.

The Board agreed that the road is not substantially complete.

Vesting

Craig read article 3.12.1. Craig said his personal opinion, the construction of one or more subdivision or portion thereof, they have constructed a portion of the road it is eligible for certificate of occupancy with the pavement down, the drainage is done, erosion is done, we have the special report. Frank said if the road is constructed, they are vested but the adjacent land where there is no road, they can't be vested. Craig asked what about a portion thereof? Frank said a portion thereof, if done in phases it would work. Chip said he thinks that needs legal verification as well. Mr. Firman said NBAC believes they are vested.

III. Sign Ordinance –

Craig said everyone received comments from Neal. The Board is holding off until next meeting.

IV. Calendar -

Craig suggested moving January 2016 meetings to January 7 and January 21. Craig said there were no changes to December 2015 meetings. There were no changes to November 2015 meetings.

V. Sign Permit

Chip said he has an application for a sign permit. Craig said the Town is exempt from the site plan and subdivision regulations.

VI. Minutes

John asked that the titles (Vice Chair, Secretary, etc.) be capitalized. John said under II need to change "Partners" to "Partners". John said in the first paragraph under Continuation Subdivision need to change "Sicilian" to "Siciliano". Frank said on the second to last paragraph need to change "plane" to "plan". John said on page 3, III need to change "Continuation" to "Continuation". John said in the first paragraph need to add "adjustment" after lot line. John said in first paragraph need to change "to continue" to "a continuation". John said on page 4, need to change "open" to "opened" and add "There were none." Frederick said on page 3, under V. Subdivision, "Sicilian" needs to be changed to "Siciliano".

VII. Adjournment.

John motioned to adjourn. Frank seconded. Motion passed.

Respectfully submitted,

Tina Ripley
Minute Taker