

DRAFT



WEARE PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 14, 2023

**PRESENT:** Craig Francisco- Chairman, Bruce Fillmore- Vice Chairman, Pastor Bill Stockhaus, Paul Gannon- Alternate, and Frank Bolton

**ABSENT:** Benjamin Knapp- Ex-Officio, Jack Meany, Dani-Jean Stuart, and Ray Menard- Alternate

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** David Pratte, Jackie Pratte, and Kyle Parker

Chair Craig Francisco called the meeting to order at 7:00 PM.

**Zoning Amendments:** Chair Francisco provided three samples of solar array ordinances from Concord, Goffstown, and Hooksett. Mr. Bolton said that Farmland is being impacted by solar arrays, they could go to other locations but it is more work and more cost. Pastor Stockhaus asked how that affected what they worked up on Concord Stage. Chair Francisco said it is a commercial application. Mr. Bolton said that he believes that commercial solar arrays should be restricted. Pastor Stockhaus asked how he would think the commercial solar arrays should be limited to. Mr. Bolton said limitations on placing the arrays in farmland fields. Mr. Bolton said he would think of wording and would like to revisit the discussion.

Chair Francisco came up with a draft for wetland buffers. He referenced Goffstown, Kingston, and Hampstead ordinances. No proposals were made for 28.1 through 28.7. Chair Francisco proposed changes for 28.8 currently the setback for wetlands is a 50-foot wetland buffer and a 25-foot wetland buffer. Chair Francisco said it does not make much sense because if they are important wetlands, they should be protecting them if they are not important wetlands what is the point of protecting them? Chair Francisco's proposal creates a sliding scale and allows for the Planning Board with the consultation of the Conservation Commission to determine the setback. The soil scientist will do a soil report and the report will tell the classification of the wetlands are such as size, topography, flood water attenuation, stormwater retention, etc. If you have a wetland that does not meet those criteria it will be a 25-foot setback if you have a wetland that meets most of those criteria the setback will be a 50-foot setback. If there is a wetland that meets all the criteria it will be a 100- foot setback. If the wetland is under 3,000 square feet the wetland will have no buffer. Mr. Bolton asked if it would eliminate the wetland. Chair Francisco said no because you can not fill a wetland but you can go right up to per state law. Chair Francisco said that the Planning Board shall allow the Conservation Commission a minimum of 30 days. Discussion about 28.9 and 28.10 and the uses requiring a conditional use permit. Pastor Stockhaus said that the relief would be granted based on a sliding scale. Chair Francisco said if this gets approved then it may require site walks. Chair Francisco said he would look at this more and would get back with changes.

Pastor Stockhaus said Article 37 was approved but disallowed because of the language regarding private roads at the beginning of the document. Pastor Stockhaus said that 17.1.1 would need to be restated and it

47 would solve the problem of Article 37. Vice Chair Fillmore said in 17.1.1 they would just need to strike  
48 private roads. Pastor Stockhaus asked about building on private roads if the change became effective. Vice  
49 Chair Fillmore said the applicant would need to apply for a variance. Pastor Stockhaus said there is  
50 clarification on the standards of the private roads. Vice Chair Fillmore suggested adding wording for  
51 existing private roads. Chair Francisco said that the Planning Board can grant a conditional use permit on  
52 private roads why should it also have to go to the Selectmen? Pastor Stockhaus said it would only apply to  
53 Class VI roads. Pastor Stockhaus said they should add the definition of private roads to article four. Chair  
54 Francisco said that he would add conditional use permits to Article 28.

56 Chair Francisco spoke about ADUs. He said that some of the responses he saw were that they needed to  
57 meet setbacks and if it was detached it needed to be behind the existing principal structure. Pastor  
58 Stockhaus said that he gave Vice Chair Fillmore Bedford's limitations on it and the structure can not be  
59 more than 1,000 square feet. Vice Chair Fillmore said he had the chance to look at it yet.

61 Vice Chair Fillmore said that he has looked into other towns with rental ordinances. He said some places  
62 are doing a permit by notification and then would have a year to get the permit process started. Chair  
63 Francisco said the permit process should be simple. Vice Chair Fillmore said it should but a lot of the  
64 places do not meet the basic requirements to rent out the property. He said if they did the permit by  
65 notification, it would get the process started and then they would have a year to get the basic requirements  
66 completed.

68 **Minutes 7/13/23, 8/10/23, and 8/24/23:** Chair Francisco asked that they table the minutes for the next  
69 meeting. Mr. Pratte said the Planning Board needs to look at the August 10<sup>th</sup> meeting minutes because they  
70 are not verbatim. Chair Francisco said the minutes do not have to be verbatim. Vice Chair Fillmore said  
71 the minutes are to capture the intent of the conversation. Mrs. Pratte said it was very sketchy that things  
72 were missing. Chair Francisco said he would go back and read the minutes and watch the YouTube video.

74 **Other Business:** Dave Pratte of Winter Road said his wife came up to speak about a situation with an  
75 abutter about a site plan change without being granted DES approval. Mr. Pratte said that Vice Chair  
76 Fillmore said that was something of concern and asked if anything had been done about the situation. Chair  
77 Francisco said it is on the radar but nothing has been done. Vice Chair Fillmore asked if the topic was about  
78 rentals. Mr. Pratte said yes, it is part of the equation but the topic was there was an approved DES plan and  
79 there was an original permit given in accordance and then there was a permit approval given three years  
80 later. Chair Francisco asked if this was the case where the person had a septic system designed and ended  
81 up putting a garage and needed a restroom in there because he had an office. Mr. Pratte said yes, and it may  
82 not have gotten to the point it did if they halted the permit until they got DES approval. There also was a  
83 shift in the impervious land on his property. Chair Francisco said that the approval was for Shoreland  
84 protection and it is out of the Planning Board's jurisdiction and would be an issue with the Code  
85 Enforcement Officer. Mr. Pratte said there was no remediation for the DES approval. Vice Chair Fillmore  
86 said that if a plan is going to be approved it needs to have the DES approval number on the plan. Mr. Pratte  
87 asked who oversees the permit requirement. Vice Chair Fillmore said the Building Inspector reviews the  
88 plans before the permit is issued. Mr. Pratte asked who put together the building permit process. Pastor  
89 Stockhaus said the building inspector and land use department. Pastor Stockhaus said the question that Mr.  
90 Pratte asked initially the process was done but the follow-up is what has fallen through. Mr. Pratte asked if  
91 the BOS are the ones, he would want to push on to make sure the Building Inspector has a list of criteria  
92 when looking at Shoreland. The Planning Board said yes.

94 **Being there was no further business to come before the Board, Vice Chair Fillmore made a motion**  
95 **to adjourn, Mr. Bolton seconded to adjourn at 8:05 pm. Passed 5-0-0**

97 **ADJOURNMENT**  
98 A True Record.

99     *Kearsten O'Brien*  
100    Kearsten O'Brien, Minute Taker