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DRAFT



WEARE PLANNING BOARD
 MEETING MINUTES
 SEPTEMBER 28, 2023

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PRESENT: Craig Francisco- Chairman, Bruce Fillmore- Vice Chairman, Pastor Bill Stockhaus, Paul Gannon- Alternate, and Jack Meany- Alternate.

ABSENT: Benjamin Knapp- Ex-Officio, Frank Bolton, Dani-Jean Stuart, and Ray Menard- Alternate

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Kyle Parker, Janet Cur-Wilson, Bob Wilson, Janice L. Perry, Scott Silva, Todd Silva, Dan Higginson, Nick Silva, Holly Zielonko

Chair Craig Francisco called the meeting to order at 7:00 PM. Chair Francisco appointed Jack Meany as a voting member.

Conceptual Heating: *Robert & Janet Wilson, 126 Pondview Road, Tax Map 108-065. Applicants are seeking approval for a small home-based business, housed in their existing art studio.*

Janet Wilson explained that she is a third-year Psychology candidate and has been running her business in Amherst since 2015 as an art and nature therapist. In 2020 she had to close her office due to COVID-19 and move to telehealth. Currently, she is running an educational, advocacy, mindfulness, and brain retraining out of her home studio and what they are looking to do is make it copacetic with the Town, so she can continue to promote her livelihood. Mrs. Wilson sees five to eight clients a week by appointment from 11 a.m. to 6:30 p.m. Chair Francisco clarified that the home was a two-bedroom with an ADU in the basement along with a two-car garage with an art studio. Mrs. Wilson said yes. Chair Fransico asked if the ADU was rented out. Mrs. Wilson said that this is an application for a business not for the ADU. Chair Francisco said that he is trying to go towards parking on the property with his question regarding the ADU. Mrs. Wilson said there was ample parking and provided the Planning Board with a parking plan. Mr. Robert Wilson explained the Parking to the Planning Board. There are four spaces. Mrs. Wilson said that she only sees one person at a time. Mrs. Wilson said the street is a private road. Chair Francisco asked how long the sessions were. Mrs. Wilson said that the sessions are fifty minutes long. Vice Chair Fillmore asked if Mrs. Wilson thought the number of clients would change when she was finished with grad school. Mrs. Wilson said it is hard to predict because she is doing international research and it will depend on her success as a public speaker internationally. If there is more of an opportunity for her to speak internationally, she may go that route and have fewer clients. Vice Chair Fillmore said once she begins to see more than three people a day in person then she will need to come back to the Planning Board because it will have an impact on the neighborhood.

Vice Chair Fillmore motioned that the application does not rise to the site plan review limit, and when it does, the applicant will need to come back before the planning board. Seconded by Pasture Bill Stockhaus. Motion passes 4-0-0.

47 **Conceptual:** *Cold Springs Campground (Chair Francisco stepped down from the conceptual)*

48

49 Nick Silva explained that there will be a separate business that will partner with Cold Springs Camp Resort
50 to allow on-site consignment. Nick Silva said that for a while seasonal campers could sell their campers on
51 site and would be approved by Cold Springs Campground. This year they did not allow any campers to
52 stay onsite when they were being sold. Nick and Todd Silva would like to allow people to sell them on-site
53 again under the RV rights. This would allow them to mitigate the issues they had been having. Todd Silva
54 said a lot of the issues they were having was that the prices skyrocketed and it got so far out of reach for
55 some. They did not have control of that and that is why they did not allow sales to happen this year. Todd
56 Silva said when a person is no longer seasonal, they have them leave the site a lot of campers are asking if
57 there is a way the campground could let them stay on site. Allowing them to sell them on-site this will
58 allow the campground to have control and confirm the taxes are paid and then notify the town of the new
59 owner. Vice Chair Fillmore asked if someone sells a camper and the spring comes is the camper going to
60 stay on site or go into an overflow area? Todd Silva said it would stay directly on-site. Todd Silva said
61 that if customers want to pull them off for consignment, then they will go to the RV dealership, if they
62 want to keep it on-site the campground is the one that deals with the seasonal sites. Vice Chair Fillmore
63 asked if they would be taking any campers to the campground to sell. Todd Silva said no it would just be
64 the existing campers that are currently on site. Mr. Meany asked if they would be handling campers that
65 were abandoned. Todd Silva said they go through the RSA and go through the abandoned property law.
66 Todd Silva said they have not had an issue with that for years. He said they have a guideline that if the
67 camper is ten years old or older for a travel trailer it can not stay on site to be resold. Mr. Meany clarified
68 that 300 clients are seasonal out of 400. Todd Silva said that is correct. Vice Chair Fillmore said what the
69 applicants are describing would not require a site plan because they are not moving the campers someplace
70 to store and they are not having sales offices or field displays. TA Bolton said he would need the dealer
71 license.

72

73 **Mr. Meany motioned to approve Cold Springs Campground to apply to the State for a Dealer License**
74 **and have Tony sign the license when it returns from the State. Seconded by Pastor Stockhaus. Motion**
75 **passed 3-0-0.**

76

77 **Conceptual:** *Cold Springs Campground RV (Chair Francisco stepped down from the conceptual)*

78

79 Craig Francisco presented a concept for Cold Springs RV. There are three concepts the first being a 10%
80 max with 87,000 yards cut. The second is a 12% max with another funky road. Lastly is a 10% match with
81 the switch back. They did speak with Stephanie and Ridge Mock at NHDES and explained why they would
82 need to cross the wetlands twice. Mr. Francisco said they are planning on a driveway that is 20 to 24 feet
83 wide for fire trucks and probably curb some of the driveway on the right-hand side for runoff. Vice Chair
84 Fillmore said the 10% with the switchback is harder to do rather than just doing the 12% with a straight
85 shot. Mr. Francisco said the 12% would have 33,000 cubic yards taken out. Mr. Fransico said the 12%
86 grade does not show any wetland fill, the other two proposals would require a wetland fill. Mr. Francisco
87 said that DOT and the Board of Fire Wards are the next two entities to speak with. Vice Chair Fillmore
88 asked what it changes to going around the corner. Mr. Francisco said it goes to 10,000 feet. Mr. Meany
89 asked if there was a driveway permit in place. Vice Chair Fillmore said he would assume so when he put
90 the display there. Mr. Francisco said the wetlands are flagged. Vice Chair Fillmore asked if they would be
91 doing condos or renting. Mr. Francisco said he is unsure at the moment. Vice Chair Fillmore asked who
92 would be maintaining the property. The Planning Board members agreed that 12% was more appealing
93 and it would need to go to the Board of Fire Wards.

94

95 **Lot Line Adjustment:** *Brian & Carolyn Daigle and Dawn & Yiu Leung, Cortland Avenue, Tax Map 411-*
96 *152-12 & 411-152-11. Higginson Land Surveyor; Rural Agricultural Zone. The purpose of the plan is to*
97 *do a lot line adjustment between both parcels and remove the access easement.*

98

99 Dan Higginson presented the plan for a lot line adjustment. Mr. Higginson said that there is verbiage in
100 deed for a driveway easement and they are looking to fix the lot lines to eliminate the easement. Chair
101 Fransico asked if the driveway was sitting on the neighbor's property. Mr. Higginson said a fair amount is
102 but not all. Vice Chair Fillmore asked if it was in a cluster development. Mr. Higginson said yes, it is a
103 cluster with a common area and no HOA. They have noticed all the abutters. Chair Francisco said there is
104 a waiver request for topography, wetlands, and soil types. Vice Chair Fillmore said because of the cluster
105 there is no frontage or minimum area requirements. Vice Chair Fillmore asked that the side setbacks be
106 taken off.

107
108 Chair Francisco opened the Public Hearing at 7:40 p.m. Due to no public comments Chair Fransico closed
109 the public hearing at 7:40 pm.

110
111 **Vice Chair Fillmore motioned to accept the application as complete. Seconded by Mr. Meany.**
112 **Motion passed 4-0-0.**

113
114 **Chair Francisco motioned to accept the waivers for wetland, topography, and soil types. Seconded**
115 **by Mr. Meany. Motion passed 4-0-0.**

116
117 **Vice Chair Fillmore motioned to approve the plan with the following conditions:**

- 118 **1. Monuments to be set;**
119 **2. Side setbacks to be removed from the plan;**
120 **3. State subdivision approval.**

121 **Motion passed 4-0-0.**

122
123 **Subdivision Plan:** *Janice L. Perry- Perry Family Revocable Trust; Meridian Land Services- surveyor;*
124 *Spencer C. Tate- Wetlands Scientist; 402 Francestown Road, Tax Map 411-139; Agricultural Zone. The*
125 *purpose of this plan is to subdivide lot #411-139 into two lots.*

126
127 Janice Perry said they are looking to subdivide the property and leave 18 acres with the farm and 5.78 acres
128 for herself. Chair Fransico said there is a waiver for wetlands. Vice Chair Fillmore asked about the LLA
129 on the plan. Ms. Perry said that was done previously with the duplex.

130
131 **Motion made by Vice Chair Fillmore to accept the waiver. Seconded by Mr. Meany. Motion passed**
132 **4-0-0.**

133
134 Chair Francisco said his only question is the possible setback between the barn and the road but it is not
135 going to affect this subdivision which is why he said yes to the waiver.

136
137 **Mr. Meany motioned to accept the application as complete. Seconded by Pastor Stockhaus. Motion**
138 **passed 4-0-0.**

139
140 Chair Fransico said there was a test pit done and she would not need state subdivision approval. Pastor
141 Stockhaus said the proposed driveway is not identified. Chair Fransico said the monuments will need to be
142 set before the recording of the plans. Chair Fransico went through the outstanding items which are as
143 follows:

- 144 **1. Show and label the 25-foot wetland buffer.**
145 **2. Add a note about the wetland buffer referencing 28.9 and “A buffer of native vegetation with no**
146 **ground disturbance allowed except for planting shall be maintained.”**
147 **3. Clarify the “Former Lot Line.”**
148 **4. Show the location of the proposed driveway.**
149 **5. Monuments need to be shown and set at every angle point along any property line. We counted 16**
150 **monuments to be set. Most of these are along Old Francestown Road or Helen Dearborn Road**

- 151 6. Note 10 needs to be either revised or removed. The regulations require the monuments either be
152 set before the final approval or bonded.

153
154 **Chair Fransico opened the public hearing at 8:00 p.m.**

155
156 Kyle Parker said the agenda said 402 Francestown Road and then Old Francestown Road on the website.

157
158 Holly Zielonko of 403 Old Francestown Road was confused by the lot number because it 139.

159
160 Chair Fransico said both were typos.

161
162 **Chair Fransico closed the public hearing at 8:00 p.m.**

163
164 TA Bolton said the abutters notices did go out to the correct abutters.

165
166 **Motion made by Vice Chair Fulton to continue the application to a date certain of October 12th.**
167 **Seconded by Mr. Meany. Motion passed 4-0-0.**

168
169 **Minutes:**

170
171 **6/30/2022:** Motion made by Mr. Meany to accept the minutes as written. Seconded by Pastor Stockhaus.
172 Motion passed 4-0-0.

173
174 **7/13/2023:** Vice Chair Fulton motioned to accept the minutes as amended. Seconded by Pastor Stockhaus.
175 Motion passed 4-0-0.

176
177 **8/10/2023:** Vice Chair Fulton motioned to approve the minutes as amended. Seconded by Pastor Stockhaus.
178 Motion passed 4-0-0.

179
180 **8/24/2023:** Vice Chair Fulton motioned to approve the minutes as written. Pastor Stockhaus seconded.
181 Motion passed 4-0-0.

182
183 **9/14/2023:** Vice Chair Fulton motioned to approve the minutes as amended. Seconded by Pastor Stockhaus.
184 Motion passed 4-0-0.

185
186 **Other Business:** Chair Fransico asked if the members had a chance to look at the letter from Grace New
187 England. Pastor Stockhaus said the issue is not whether it is permitted or not the issue is whether you have
188 a permit to do it. This is a Code Enforcement issue because it is health and safety. Mr. Meany said that
189 they had been here before to try to be a wedding venue. Vice Chair Fillmore said that they should come for
190 a site plan review.

191
192 **Pastor Stockhaus motioned for Chair Fransico to draft a response letter and review it at the next**
193 **meeting. Seconded by Mr. Meany.**

194
195 Chair Fransico said his only concern is that it already has been a month since receiving the letter and would
196 like to send it out as soon as possible.

197
198 **Pastor Stockhaus rescinded his motion to allow the chair to draft a response letter and review it at**
199 **the next meeting. Mr. Meany rescinded the second.**

200
201 **Chair Fransico motioned to draft a response letter and send it to the member's present individual**
202 **for review. Seconded by Mr. Meany. Motion passed 4-0-0.**

203 **Zoning Amendment:**

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205 Chair Fransico met with Tony about Zoning Amendments. He said that Tony wishes to pursue a camper
206 ordinance. Chair Fransico will work with him more on that. Pastor Stockhaus asked what the zoning says
207 concerning a vacant lot that has a camper with septic. Chair Fransico said does not say anything with or
208 without a house. Chair Fransico said that he did work on the private road section 17.1.1. Discussion ensued
209 and will remove the private road from the section. Chair Fransico said they will need to have a date moving
210 forward to when the buffer applies. Section 28.9 will have the town meeting date.

211

212 **Being there was no further business to come before the Board, Vice Chair Fillmore made a motion**
213 **to adjourn, Mr. Bolton seconded to adjourn at 8:37 pm. Passed 5-0-0**

214

215 **ADJOURNMENT**

216 A True Record.

217 *Kearsten O'Brien*

218 Kearsten O'Brien, Minute Taker