

Final



WEARE PLANNING BOARD MEETING MINUTES January 28, 2021

PRESENT VIA ZOOM: CRAIG A. FRANCISCO, CHAIRMAN; BRUCE FILLMORE, JR., VICE CHAIRMAN; JOHN (JACK) MEANEY, EX-OFFICIO; NEAL KURK, SECRETARY; WILLIAM STOCKHAUS, ALTERNATE; KELLY DEARBORN-LUCE, LAND USE COORDINATOR

GUESTS VIA ZOOM: Madison Albee, Dylan Boisvert, Tom Carr, Bradley Casperson, Marc Descoteaux, Nicole Fradette, Linda Goonan, Bill Iannazzi, DPW Director Benjamin Knapp, Aric Lantiegne, Kathy and Mike Lantiegne, Ray and Susan Menard, Jeff Spring

ZOOM HOST: Town Administrative Assistant Karen Nelson

I. CALL TO ORDER

The Chairman called the meeting to order at 7:03 pm. and then explained due to Covid-19 orders from Governor Sununu's Stay at Home 2.0 directives, the meeting was conducted via Zoom. The Chair appointed Alternate Stockhaus as a voting member for the meeting.

II. DISCUSSION

A.) Site plan application from 158 Deering Center Road LLC, c/o Iannazzi for AG (USA) Paintball Corp., for the purpose of proposed expansion of parking, site improvements (including drainage and structure) and catering concession trailer. The property is on Map 411, Lot 21 in the Rural Conservation/Historic District Overlay.

The Chair read the application and stated there are waivers requested and has reviewed LUC Dearborn-Luce's summary report. The Chair asked to accept the application as complete.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to accept the plan as complete.
Passed 5-0-0**

Tom Carr, Meridian Land Services, Inc., presented his site, existing and proposed condition plans. He stated how well Aric Lantiegne has marketed his business, AG Paintball, increasing his need for parking. Mr. Carr reviewed his notes in detail with the Board and explained the purpose of site plan.

The Chair asked Mr. Carr if the buffer would be restored on bold sides of the crossing. Mr. Carr replied correct. The Chair questioned the Astro Turf Field, as noted during the Site Walk, was close to the wetland buffer, when did the Buffer Ordinance come about.

Mr. Carr stated when he was the Chair of the Conservation Commission, the previous owners wanted to dig an interception trench to ensure they were not impacting wetlands. The Astro Turf Field and the trench came before the Wetland Buffer Ordinance was adopted.

The Chair questioned if the Astro Turf Field was installed in 2009, 2010. Mr. Carr responded he was not sure. The Chair stated the Wetland Buffer Ordinance was adopted in 2007. Mr. Carr explained this Astro Turf area was their primary combat field with obstacles.

Vice Chairman Fillmore asked if the Astro Turf Field and trench was dug at the same time. Mr. Carr explained the field was there when the previous owners proposed the trench as to divert the springtime water. The trench was done legally, the Ordinance followed.

The Chair asked if the field was impervious. Aric Lantiegne, owner of AG Paintball, stated the area is not impervious; water is able to pass through. The Chair stated the purpose of a wetland buffer is to ensure the hydrology of the wetland is not disturbed. An impervious surface will not affect it. Mr. Carr stated with the artificial turf, there is no erosion and this was their main play area.

The Chair asked when was Laser Tag introduced. Aric Lantiegne answered in 2018.

Secretary Kurk asked if the State would approve a liquor permit without a permanent kitchen and portable toilets. Mr. Carr explained DES Subsurface consider port-a-potties legal and legitimate. The kitchen trailer is a completely self-contained unit. Secretary Kurk commented permits are usually granted for temporary conditions, using this type of equipment at fairs, not a permanent location. Aric Lantiegne replied he has a permit pending with the liquor commission and food and beverage, subsequent to inspection.

Secretary Kurk asked LUC Kelly Dearborn-Luce about the proposed new sign. Kelly stated she is still working on the permit, seeking site plan approval first. All part of the Building permit application along with a liquor license.

LUC Dearborn-Luce mentioned Fire Chief Vezina's concern about the width entering and the turnaround space. Aric Lantiegne stated the Chief inspected the current and proposed parking area. Aric addressed the one-way traffic, in and out. The Chief did not have a problem maneuvering into the lot based on the future expansion.

Secretary Kurk addressed parking near the cemetery is no longer part of the site plan and the access road. Mr. Carr responded correct that was temporary and the access point could be blocked. Aric Lantigne asserted that access point is a ROW. Reassuring they will have no need to use that area. Secretary Kurk suggested a *NO Parking* sign. Aric agreed and expressed his interest in checking with the cemetery about putting a chain across.

Secretary Kurk questioned the status with the neighbor across the street concerning overflow parking. Aric stated with approval of this plan there will be no need and he would prefer not to use it. Secretary Kurk inquired would the cemetery parking lot be available if a major event filled your parking area. Aric replied he does not anticipate that happening.

Vice Chairman Fillmore asked about movable features in the paintball area. Aric stated the paintball area was approved for movable features. Mr. Carr stated this wooded area was the original application in 2008 and they are not looking to readdress. Vice Chairman Fillmore suggested dating this designated area as preapproved on the site plans. Mr. Carr responded in the affirmative.

The Chair referenced the plan as to the stockade fence symbol at the proposed parking area, 25ft building setback. Mr. Carr explained they are existing fence sections in disrepair. The Chair asked how close is the parking lot to the property line, will any trees be cut down. Mr. Carr replied around ten feet and no trees removed. There is a proposed tree line.

The Chair suggested adding a *Do Not Enter* sign at the culvert, coming from the proposed parking lot to existing. Mr. Carr agreed.

The Chair asked if there would be additional lighting. Aric stated no new lighting. The Chair asked for the existing barn light shining into Route 149 be shaded. Aric agreed to take care of it.

Vice Chairman Fillmore moved, Jack Meaney seconded to not having test pits and 4K areas since there is no septic system. Passed 5-0-0

The Chair asked for public comment.

DPW Director Knapp spoke in support of this application. This business uses no town accommodations, employee kids and have many kids indulge in their program after school.

The Chair asked for other public comments. There was none.
Public comment was closed at 7:43pm.

The Chair noted there are no State permits, NHDOT permit forth coming. Not worried about the restaurant issue. The Chair asked the Board for questions/comments.

Vice Chairman Fillmore reiterated the two requested signs, and the preapproval of the back area of the property with a date needs to be noted on the plan.

The Chair asked where are the port-a-potties placed. Mr. Carr stated, though not on the site plan, they are down near the tents. Aric stated more port-a-potties would be added once Ax Throwing is installed.

Vice Chairman Fillmore asked if the port-a-potties near the tent area/food service would be there permanently. Mr. Carr stated a designated area will be added to the plan in the picnic table area and towards the back of the parking lot, adjacent to the Paintball field, depicting the port-a-potties.

The Chair recognized there were no abutters present.

Chairman Francisco moved, Vice Chairman Fillmore seconded to approve the application with the following conditions:

- 1. Show location of the Port-a-potty Areas**
- 2. Move the Player Pit out of the wetland area**
- 3. Two *Do Not Enter* signs – one at the entrance from Route 149, the other between the two parking lots**
- 4. Change the barn lighting to be more down casting**
- 5. *No Parking* sign on cemetery access**
- 6. Add note for previously approved Paintball fields in the rear of the property**

Discussion: The Chair asked if the square footage to be disturbed is under 100,000. Mr. Carr replied yes. The Chair asked if there was filter sock along the wetland buffer. Mr. Carr answered yes.
There was no further discussion.

Passed 5-0-0

B.) Final approval of Subdivision regulations revisions

The Board discussed the changes and corrections.

Alternate Stockhaus moved, Jack Meaney seconded to accept the changes. Passed 5-0-0

C.) Discussion/Comments per RSA 674:41 for Building on a Class VI road. Property is on Jewett Road, Map 410, lot 16.

The Chair stated the Board needs to make a recommendation to the Board of Selectmen. The Chair established Dylan Boisvert's proposed driveway is the first one on the left. Secretary Kurk asked how many houses are there on Jewett Road. Madison Albee answered six. Secretary Kurk asked how many feet down is the first house. Dylan Boisvert replied 1200 feet.

The Chair discussed the ZBA conditions, including Condition #5 as follows:

In the vicinity past historical stone culvert on Jewett Road along the future land of Boisvert, implement a widening of Jewett Road for a minimum of 16 feet wide by 50 feet long, so two emergency vehicles can pass safely.

Secretary Kurk asked if there were provisions/formal agreement that needed to be signed regarding road maintenance. Dylan Boisvert stated he verbally agreed to maintain the road, plowing, remove fallen trees blocking the road. LUC Dearborn-Luce stated that is the liability disclaimer.

Jack Meaney explained the Board of Selectmen did a Site Walk of the proposed area. The Boisvert's have already agreed to help with maintenance. Another 20-foot culvert will be installed, approval from DPW Director Knapp, DES permit sought. Additional gravel to be applied. The designated area is more than 16 feet wide and more than 50 feet in length. No water to intrude on anyone else's land.

Vice Chairman Fillmore asked about the entrance coming from Mountain Road. Dylan replied it is clear and wider than 16 feet. Jack Meaney stated there was plenty of room, the Board parked there.

The Chair asked if any abutters would like to speak. They declined.

The Chair asked for the ZBA conditions:

1. The applicant shall be required to post the necessary sign(s) at the transition from a Class V/Class VI in accordance with the Town of Weare Sign Policy and be consistent with NH RSA 674:41, I, (c) Class VI road. Required Sign Wording Policy: This road has not been accepted to the Town of Weare or it consists of a Class VI or Private Road, which the Town has no duty to maintain. The Town assumes no responsibility for maintenance including snow removal, nor any liability resulting from use of a street. RSA 674:41
2. The applicant shall be required to complete a Town of Weare Liability Disclaimer and file the Liability Disclaimer at the Hillsborough County Registry of Deed, and be consistent with NH RSA 674:41
3. The applicant shall take the necessary actions to be in practical compliance with the Town of Weare Zoning Ordinance, Article 36. The Town of Weare Public Works Director shall be the authority for interpreting the "Practical" implementation of this requirement/condition.
4. The applicant shall be required to take the necessary actions to comply with the E911 signage requirement for proper residence location identification to support emergency vehicle for life and safety responses.
5. In the vicinity past historical stone culvert on Jewett Road along the future land of Boisvert, implement a widening of Jewett Road for a minimum of 16 feet wide by 50 feet long, so two emergency vehicles can pass safely.

Secretary Kurk and Vice Chairman Fillmore recommend the Board of Selectmen impose these conditions prior to a CO.

The Chair raised the question 16' x 50' is contradictory to Article #36, 50' x 20' driveway. Jack Meaney explained the 16' x 50' ZBA condition relates to the road, not the driveway. A discussion ensues pertaining to driveway zoning ordinances.

Secretary Kurk moved, Alternate Stockhaus seconded to recommend the application of owners of MAP 410, Lot 16 on Jewett Road be approved by the Board of Selectman, with the condition that the five requirements placed upon the variants by the Zoning Board of Adjustment be fulfilled prior to the time a Certificate of Occupancy is issued. Passed 5-0-0

III. MINUTES

January 14, 2021 Minutes: **Jack Meaney moved, Alternate Stockhaus seconded to accept the minutes of January 14th, as amended, passed 4-0-1. Secretary Kurk abstained**

IV. DISCUSSION

Alternate Stockhaus addressed the note from the Southern NH Planning Board. A discussion followed regarding the cost and amount of hours spent in Weare. Secretary Kurk questioned how the commission calculates/allocates hours reflecting the hours spent on projects.

Ray and Sue Menard voiced their desire to become Alternate members of the Planning Board. The Chair would be welcome to anyone wanting to join. Mr. Menard works in Cyber Security as a World Wide Executive Security Consultant for IBM. He also has sixteen years of Military Service. The Chair suggested they fill out an application.

The Chair asked Jack Meaney about the Planning Board's warrant article, TBD.

V. NEXT MEETING

Thursday, February 11, 2021 at 7:00 pm.

Being there was no further business to come before the Board, Jack Meaney made a motion, Alternate Stockhaus seconded to adjourn at 8:34 pm. Passed 5-0-0

A True Record

Karen Nelson

Karen Nelson transcribed from

You Tube Recording and

LUC Dearborn-Luce notes