

FINAL



WEARE PLANNING BOARD  
MEETING MINUTES  
January 11, 2024

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

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

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Derek Pinette, Cristina Valente, George Overton, Matt Andrick, Janice Mathews, Jackie Pratte, David Pratte, Tom Flaherty, Neal Kurk, Andy Fulton

Chair Francisco called the meeting to order at 7:00 p.m. Chair Fransico appointed Jack Meaney as a voting member.

**Conceptual Hearing:** *Cristina Valente (Applicant); The Bishop of the Protestant Episcopal Church of New Hampshire (Owner); Tax Map 202-135, 118 Center Road. The applicant would like to transfer the old church into Montessori school for children ages 18 months to 3 years of age, school year only.*

Ms. Valente was seeking the Planning Board's approval to open a Montessori school at the Episcopal Church in East Weare. She would like to take the space of the old church and turn it into a Montessori school for just toddlers. It would be children aged 18 months to three years of age. It would be a school-year program and a half-day program. Included in the tuition at the school would be a full diaper service and a full laundry service so she could focus on toilet training. One of the reasons why she would like it in the Town Weare is because it is her understanding there are not many schools for infants and toddlers for parents to send their children to. Ms. Valente said that there are going to be no additions to the building. She stated that she is only licensed for ten children so she would like to do a car line. The State Board of Health has come out to look at the site. She said that she would be going to the ZBA in March for a special exception. School would be Monday through Friday. Vice Chair Fillmore asked if they would have an outdoor play area. Ms. Valente said there is a pre-existing area and she would not be expanding it.

**Conceptual Hearing:** *George Overton, III (Owner & Applicant) Tax Map 411-281; 257 Dustin Tavern Road. Village Zone. The applicant would like to apply for a wholesaler dealer license with the State of NH. The license would allow the applicant to sell to auctions or other dealers only. No vehicles would be on the property for sale. It would be just an office for NH compliance.*

George Overton of 257 Dustin Tavern Road would like to get a wholesale dealer license to conduct business out of his home. Mr. Overton said he would not be able to sell to the public he could only sell to dealers and auctions and there would be no traffic. Vice Chair Fillmore asked if there would be any other employees. Mr. Overton said it was just him. The wholesale dealer license would allow him to be able to have an office and a place to do paperwork and then have a State Trooper come and audit the paperwork

once a year. The State just needs the Town's approval and then they come out and inspect the sight. Vice Chair Fillmore asked if he was going to need a sign. Mr. Overton said that the State communicates with the town on what they would require. Typically, you do need a sign with ten-inch letters that you can see from the road. Vice Chair Fillmore asked what the purpose of the sign would be. Mr. Overton said that it is a formality, they typically put everything together. A lot of the dealerships have the same qualifications except for retail you need a certain square footage. Chair Francisco asked if he was purchasing the cars online and then having them shipped. Mr. Overton said that is correct and the State would give him a dealership plate in case he buys something off the road then he could put a dealership plate on it to transport it. It is for business hours only not for pleasure.

**Chair Francisco motioned that Mr. Overton will not need a Site Plan for the wholesale dealer license. Seconded by Mr. Meaney. Motion passed 4-0-0.**

**Conceptual Hearing:** *Matthew Andrick (Applicant); Whitetail Commercial Development, LLC (Owner); Tax Map 412-202-011; 33 Whitetail Lane. Commercial Zone. The applicant would like to have an automotive repair station with the State of NH Inspection Station.*

Mr. Andrick said that he is looking to start up a State Inspection Station at 33 White Tail Lane Unit One. He said he would be taking over for Gerald and has been there for about a year now. He is a licensed inspector. Chair Francisco asked the applicant to come back in two weeks so they could do research regarding the previous condo approval to see what was allowed and what was not. The applicant agreed.

**Conceptual Hearing:** *Derek Pinette (Applicant) Christine Ivinjack (Owner); Tax Map 203-024, 33 North Stark Highway. Village Zone. The applicant would like to do auto and marine small engine repairs.*

Mr. Pinette explained the location of the building. He would be doing marine and small engine repairs. He also does shrink wrap and winterizing services. He does not store anything onsite; he just has leeway where he can park customer boats and cars. Mr. Pinette said that he has a certificate of good standing with the State and proof of insurance. Chair Francisco asked if he had an inspection station. Mr. Pinette said he does not have one and is not sure if he will go that route or not. There will be no bodywork and is about doing four to five a day. Vice Chair Fillmore asked if customer vehicles were being parked overnight. Mr. Pinette said yes one or two vehicles depends on what type of work needs to be done. Chair Francisco asked what the hours were. Mr. Pinette said five days a week 8 am to 5 pm. Vice Chair Fillmore clarified it would be limited to two employees, no body work, Monday-Friday 8 am to 5 pm, and max three customer cars stored outside overnight. Vice Chair Fillmore said if any of the things change that he clarified he would need to come back for a site plan but there is no site plan needed for what he is requesting.

**Vice Chair Fillmore motioned that no site plan is needed for the request for marine and small engine repair business. Seconded by Chair Francisco. Motion passed 4-0-0.**

### **Zoning Amendments:**

***Wetland Setback and Buffer:*** Chair Francisco said that he spoke with Tom Sokoloski who is a wetland scientist in Town and gave him ideas for revisions to assess wetlands. Chair Francisco said that the purpose is that if you have a lot that was created before 2003 you do not have to have a setback. After 2003 you must have a 50-foot setback. Any lot that has a 25-foot wetland buffer does not matter when it was created. This would add a method to vary the buffer depending on the value of the wetland. Vice Chair Fillmore said the PB is not eliminating the setback and buffer the scheme that is in place it is only going to apply moving forward and to lots that are being subdivided. Tom Flaherty said that he doesn't have any specific questions regarding the zoning amendments now but asked that the PB give a little back history on the ZO Amendments because many people do not know much about the proposed amendments when they are in the ballot box. Mr. Flaherty asked how the 2003 comes into play regarding the ordinance. Chair Francisco

said that in 2003 there was an ordinance passed for a setback as of the date. Lots created as of 2003 have a setback.

Dave Pratte asked if the proposed amendment had been discussed by the PB. Vice Chair Fillmore said that they had talked about it during the summer. Mr. Pratte said that Suzanna Taytslin brought up a good point at the CC meeting, why can't the 50-foot setbacks be maintained? Mr. Pratte said it seems like a complicated system. Chair Francisco said it is not as complicated for a wetland scientist. Mr. Pratte asked if it would attract more subdivisions and builders. Chair Francisco said he has proposed this to the PB to make it fair setbacks. His thinking was if the wetland does not have any value why are they protecting it with a 50-foot setback? Andy Fulton chair of the CC said the overall concern of the CC was that it seemed like they were making proposing changes that were a little bit of a solution in search of a problem. From the CC's perspective it is something that is very simple and now is being pushed more towards something complex. Mr. Fulton said it is hard to say wetlands don't have a value. Mr. Fulton said that he doesn't know if they have seen research saying increasing the setback might gain additional preservation of the wetland or help. The CC said they looked at the proposal and they thought there should be some weighting criteria added for value. Mr. Fulton asked if it would be a one-size-fits-all for the larger subdivisions that have wetlands. Chair Francisco said it would be up to the wetland scientist during the design process to come up with the data. Vice Chair Fulton said in regard to Mr. Fulton's suggestion about not having to do a report, Vice Chair Fulton suggested they add 1-5 determining the setback. By adding five it would be saying the landowner is acceptable to apply the maximum setback no report will be required. At the buffer section adding the same wording if it is a five the landowner is acceptable to apply the maximum buffer. Neal Kurk said if he understands Mr. Fulton correctly that guts the entire thing. Vice Chair Fillmore said that it does not mean they are using the maximum buffer or setback in an area. Mr. Meaney agreed with Vice Chair Fillmore's amendment. They will make it a 28.10 exemption if the report is not submitted the setback 75 feet and the buffer will be 37.5 feet. Discussion ensued about the rankings of the habitat of the wetlands. Chair Francisco will send the amendment to Tom Carr if he can get his contact information.

**Private Road:** Chair Francisco read the Private Road definition this is in conjunction with the article they passed two years ago. In conjunction with that is amending 17.11 which says no building permits for homes shall be issued on any class six or private road. The PB is proposing to eliminate private so it will say any class six road. Vice Chair Fillmore said they do not want to discourage people from creating small community development areas and have them build a town road to meet the town road standards. Neal Kurk asked how this change would affect a comparable significant-scale development. The town would not take the road so there would not be a fifty-foot setback. Mr. Kurk asked if they would still have to make the road up to Town specs. Chair Francisco said yes. Mr. Kurk said they could have scrunched their buildings closer together with this amendment. Mr. Kurk asked what the downsides would be. Chair Francisco said if it was a development with two or three people and they did not have enough money to take care of the road, not necessarily plowing but resurfacing it.

**Campers:** Vice Chair Fillmore said that the issue with campers today is people are putting them on properties and are being used for more than what they were intended to be used for. People are living in them and they are not intended to be lived in. Campers do not meet the building code. Vice Chair Fillmore said sewage coming out of campers needs to be properly disposed of. Vice Chair Fillmore said the only way to correct this is to put a time limit on it. Tom Flaherty said that a year does not sound long enough in some cases to be able to live in one if it is for renovations etc. Mr. Flaherty asked how the PB enforces something like this. How do they know how long someone has been there? Vice Chair Fillmore said it would be something that an abutter may complain about etc. Mr. Kurk said the ordinance was nicely explained and provided grammatical corrections. Is there a reason why Mobile Homes is not in the revision like they had previously? Vice Chair Fillmore said the Mobile Homes fall under a separate section.

**Petitioned Warrant Article:** Chair Francisco stepped down. Vice Chair Fillmore appointed Paul Gannon as a member. Mr. Francisco said the petition is from his neighbor who has bought two lots one of them is

zoned residential and the other is zoned rural agricultural, and he has merged them. The petition is for Tax Map 107 Lot 025 located at 117 Abijah Bridge Road. The petition is to change from residential to Rural/Agricultural. Jackie Pratte of Winter Road said she walks that area all the time and is confused as to why now they want to change it has been a farm for a couple of years and has googled it because they had a farm sign. Vice Chair Fillmore said that he is not sure how it got to the zone residential. Ms. Pratte said when she googled it you can tour it and asked if it was a business. Vice Chair Fillmore said they had not been before the PB and if the homeowner was allowing it. Vice Chair Fillmore said it is a disadvantage to the landowner because they are now giving up some of their development rights because of the lot sizes allowed to develop in a Residential zone and a Rural Agricultural Zone.

**Pastor Bill Stockhaus motioned to recommend the petitioned warrant article. Seconded by Mr. Meaney. Motion passed 4-0-0.**

**Chair Francisco came back as a voting member and Paul Gannon stepped down.**

TA Bolton brought up the Town Counsel's opinion for zoning amendments two and three. Chair Francisco said that they will change the definition to say any way that provides access to three or more lots and is not a class one through six highways. Chair Francisco said they will need to change 17.11 to say building permits may be issued for construction on private roads that are built to town standards which are shown on a plan approved by the Planning Board.

**Chair Francisco closed the Public Hearing at 8:58 pm.**

Motion made by Mr. Meaney to accept the minutes from December 14, 2023, as written. Seconded by Pastor Bill Stockhaus. Motion passed 4-0-0.

**Being there was no further business to come before the Board, Mr. Bolton made a motion to adjourn, and Pastor Bill Stockhaus seconded to adjourn at 9:01 p.m. Passed 4-0-0**

## **ADJOURNMENT**

A True Record.

*Kearsten O'Brien*

Kearsten O'Brien, Minute Taker