

# **FINAL**

## **WEARE PLANNING BOARD**

**August 23, 2018**

## **MEETING MINUTES**

**Present:** Craig Francisco (Chairman), Bruce Fillmore, Jr. (Vice Chairman) – late arrival, Frank Bolton, (member), Jack Meaney, Ex-Officio, ~~Neal Kurk (Secretary)~~. Also present; Chip Meaney (Code Enforcement Officer).

**Guests:** Art Siciliano, Michael Dahlberg, LLS, Cecile LeFebvre, Kevin LeFebvre, Sheila Cleveland, Linda Beliveau, Joanne Rumrill, Jeff Howard, Bob Carey, Tristen Blanchard, Mark Suennen, David Nelson, Jessica Nelson, Kyle Cleveland, Jan Snyder, Denise Purington.

### **I. CALL TO ORDER**

The meeting was called to order by Mr. Francisco at 7:03 PM.

### **II. LOT LINE ADJUSTMENT/SITE PLAN REVIEW**

#### **Continuation LLA. Thurber House, LLC and Winter House LLC, Tax Maps 105-12 & 36, 55 Thurber Road & 41 River Road in a Residential Zone.**

Mr. Fillmore was not present for this case. Mr. Siciliano approached the Board to express the proposal of a lot line adjustment between two lots across the street from each other on Thurber Road. Parcel A to Lot 105-12 & Parcel B to 105-36, would consequently be exchanged in this proposal. Plans shown to the Board during this meeting did not change since last meeting. A letter pertaining to the lot line adjustment was received on 8-6-18 to the Town of Weare from Laura Spector-Morgan, Esquire and was discussed. Mr. Francisco has concern with the fact that Lot 36 would not meet the 200' frontage requirements. Mr. Francisco stated that creating lots divided by roads sets a dangerous precedent because when the ownership of a road is not part of the lot, it leads to one continuous parcel. Mr. Fillmore expressed this can be done with easements.

Mr. Francisco opened to public comment. No comments presented to Board.

Mr. Francisco then read the letter from Attorney Morgan to the room.

Mr. Francisco motioned to approve the lot line adjustment pending set monuments ? conditions. Mr. Meaney seconded. Motion failed 3-0. Case must now be brought to ZBA.

#### **Continuation of LLA/Site Plan Review. Applicant Mr. Gary D Remillard Living Trust, d/b/a Whitetail Commercial Development, 24 Oil Mill Road, Map 412-202 in a Commercial Zone.**

Mr. Fillmore is now present. Mr. Francisco stated new plans, a revised Condo declaration and the Groundwater Study were received.

Mr. Carey approached and reviewed these points about the application:

1. The project accomplishes the purpose of the commercial district. i.e. recycling approval, promotes local business, adds approx. \$2 million to Weare's tax base, diversifies economic base, increases local services.
2. The site plan application meets the standards for approval. i.e. building heights, floors, landscaping, construction schedule, traffic study, hours of operation, fire protection, driveway easement, etc. all have been incorporated as comments on the site plan. Groundwater Study has been submitted to Board. No negative impact on groundwater was determined.
3. Remillard has met the requirements for a conditional use permit [Zoning Ordinance 29.7.2 regarding the Aquifer Protection District and Section 3.13.3 criteria for a conditional use permit]. Impervious surfaces will have closed drainage systems. Rimillard agrees to meet NH DES's approval of AOT permit conditions (omission from activities that might cause or contribute to violations of surface water quality standards).

Mr. Meany explained that soil will be removed and the entire area will be paved.

Mr. Dahlberg spoke and expressed that his group has done everything the Town has asked. Although the Groundwater Study proposes 8 monitoring wells, he asked that only four be met with approval as there haven't been any contamination issues to date.

Mr. Francisco opens for public comment.

Linda Beliveau of 67 Riverdale Road approached the Board and relayed her concerns. She is troubled about the contamination that is already present, and that it hasn't been cleaned up before this project even begins. The aquifer is significant and the town's drinking water needs to be protected. Mr. Francisco explained there will continue to be eight monitoring wells...only the location of the wells have changed. Ms. Beliveau began again and expressed as " Good stewards of the Town" and "Representatives for the quality of drinking water in the Town" that her group are upset because they are at a disadvantage. The public does not have access to the Board's documents. Apprehensions were also expressed about the traffic study i.e. what type of businesses are going onto the property, the kind of traffic that will come out of the proposed development - all can lead to safety issues, for example cranes. Any additional impacts will hurt an already impacted neighborhood. SNHPC's report should be taken more seriously. Asking more clarity about what types of businesses will be on the property. Please consider to balance all opinions on all sides before making a decision.

Jeff Howard, 11 River Road asked about plans and limited light pollution. Mr. Francisco explained this has already been addressed and listed.

Sheila Cleveland of 368 Riverdale Road wanted to let the board know that the neighborhood's property values will be going down. Abatements will be filed. Clarified the number of businesses - 30 all together and confirmed additional insurance in the condo docs. Asked about gravel hauling hours and no salt usage. Also, wants the Board to consider the neighborhood when making their decision.

Mr. (Chip) Meany reminded public that they need to file a "Right to know" form at the Town Office in order to begin the process of receiving requested information.

David Nelson, 10 River Road asked if the existing buildings have to abide by the overnight parking regulations. Confirmed that a construction company would not be able to park their company trucks with transfer tanks weighing over 5 gallons on an aquifer by law.

Kevin LaFebvre asked the Board about the change in snow removal storage area. Mr. Francisco confirmed the areas. Making sure the condo docs are applied to the entire property. Mr. Francisco expressed that the Board has no control over the condo docs, but ensures what is important will be on the site plan. Wants to make sure the monitoring wells will be dug, not out of a drilled well. Discussed recharge of aquifer. Limiting buildings from 4 to 3 would reduce issues.

Kyle Cleveland of 370 Riverdale Road wanted to make sure all new owners and the existing 10 owners will abide by all new rules and regulations.

Mr. Francisco closed public comment at 8:49 PM.

Mr. (Jack) Meany excused himself from the meeting for a prior 10:00 PM appointment.

Mr. Francisco moved, Mr. Fillmore seconded, to approve the lot line application. The motion passed unanimously. Motion carried; 3-0-1.

Mr. Francisco moved, Mr. Fillmore seconded, to approve the conditional use permit to exceed 10% impervious. Mr. (Jack) Meany abstained, Mr. Bolton voted no. All others voted to pass; 2-1-1.

Mr. ~~Francisco~~ Kurk moved, Mr. Fillmore seconded, to approve the Whitetail Commercial Development proposed at 24 Oil Mill Road (Map 412, Lot 202) with the following conditions:

1. Cistern easement has to be approved by Town Council.
2. NH DES approval on subdivision needs to be received.
3. Receipt of NH DES septic design approval is needed.
4. Need to show the five proposed monitoring wells and three pre-existing monitoring wells.
5. Eight wells need to be tested yearly, per protocol listed in the Groundwater Study dated August 22, 2018 and the results to be given to the Town's Code Officer.
6. Snow storage should be revised on Sheet 7 to match Sheet 4.
7. No work to be performed outside of unit.
8. Verify street name and addresses with Accessing.
9. Five parking spaces on Sheet 19 should be switched from unit 2 to 3.
10. No work to be performed outside units.
11. Add note about noise level from condo docs 9.2 (b)
12. Add note regarding construction fence on Sheet 6, near lot 204.
13. No overnight outside storage of any kind excluding registered and inspected vehicles.
14. Gravel removal hours 7 AM to 6 PM, no work on Saturdays and Sundays.
15. Within 60 days of accepted site plan, stained soil remediation area behind Building B and the existing gravel surface north of Building B must be completed.
16. Condo documents must be revised ~~then~~ and approved to by Town Council.

17. Sheet one shall be recorded with the Registry of Deeds.
18. A bond of \$65,660 of which \$54,100 is for a reclamation bond and a \$11,560 landscaping bond to be held in place for 3 years after the trees have been planted.
19. Change of use site plan needs to be approved for the 20 new units prior to new use.

Board then voted. Mr. ~~Franciseo~~ Bolton abstained. Motion carried, 3-0.

**Adjournment:**

The meeting adjourned at 9:49 PM.

*Respectfully submitted from notes,*

*C. Provencher, Transcriber*