Town of Weare
Planning Board

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Planning Board
Craig Francisco, Chairman
Frank Bolton, Vice Chair
Neal Kurk, Secretary
George Malette, Member
Keith Lacasse, Ex-Officio
Bruce Fillmore, Jr., Alternate
John VanLoendersloot, Alternate

PLANNING BOARD – APRIL 24, 2014 DRAFT MEETING MINUTES

Present: Craig Francisco, Neal Kurk, George Malette, Bruce Fillmore, Jr., Chip Meany, Code Enforcement Officer and Wendy Stevens, Recording Secretary
Guests: Krista Edmands, Gerard Perron, Arthur Siciliano, and Eric Buck.

I. **CALL TO ORDER**
The meeting was called to order at 7:03 pm by Chairman Craig Francisco. Chairman Francisco acknowledged Mr. Fillmore as a full voting member.

II. **PUBLIC HEARING**
Application for Conceptual Review

Owner: CAK Realty, Inc.
Applicant: Krista Edmands
425 S. Stark Hwy (Lanctot's Plaza)
Tax Map & Lot #1097-7-1
Weare, NH 03281

Ms. Edmands stated she is a resident in the town of Weare and she would like to bring a small, locally owned daycare licensed for 20 children to Lanctot's Plaza. She stated she would like to provide morning preschool programs, after kindergarten care, and other child care that is needed. Mr. Meany stated as you look at Dunkin' Donuts, she is proposing to go to the far right end. Ms. Edmands presented the board with a picture and stated the proposed fenced play area would be right behind the building, completely behind the building not anywhere near the Dunkin-Donuts drive-thru. She clarified you would have to cross the small access road that goes behind the building. Mr. Kurk asked if she was required by the state to do anything. She stated yes, there are a lot of state requirements. Ms. Edmands stated she would be installing a playground with a fence, and two sinks need to be installed inside the building. Mr. Kurk asked about parking and Ms. Edmands stated there was plenty of parking. Chairman Francisco asked if it is on its' own septic and well. Ms. Edmands stated the building has its' own septic and it can pump 2400 gallons a day, and Mr. Meany added that the well is designated as a community well that is utilized by the entire complex. Chairman Francisco would like to see what the well is approved for, and how many gallons is being used per day now. Mr. Fillmore stated it should be maintained by a certified water system operator. Chairman Francisco added he would need the same for the leach field, how many gallons per day is it approved for, and how many gallons are actually occurring. Chairman Francisco and Mr. Fillmore saw no problems with access or parking. Mr. Malette added it appears to be a safe area with the right layout for dropping off kids as it is in a reduced traffic area. Mr. Malette asked if there is a setup for signage or will there be a request for a separate sign? Ms. Edmands said she plans to do a window sign. Mr. Malette asked her to include that in the plans. Mr. Meany added she would be able to add her sign to the complex's sign as part of their community sign listing. Ms. Edmands asked about a change of use and mentioned she has already filled it out. Chairman Francisco said that happens in a separate meeting, and abutters must be notified and a public hearing must be held. Mr. Kurk asked about a faster process he thought was available for a simple change of use. He asked if a change of use was necessary for changing the use from office space to day care. Chairman Francisco said yes. Mr. Kurk asked what was her timing. Ms. Edmands stated she would like to be in there by September. She added she has to put her sinks in, the

playground, obtain licensing and have the state approve the area. Mr. Kurk asked for an expedited process. Ms. Edmands said she has the expedited form. Chairman Francisco noted the request for an expedited process. Chairman Francisco said it would be a month from now as time is needed to notify the abutters. Mr. Meany asked for her to fill in the application and submit it to him as soon as possible. They also need a letter from the landlord stating she has the right to represent them. Mr. Meany added the deadline to get on the agenda is May 1st for the May 22nd meeting. Mr. Meany asked for the age group of children that will be there in relation to the water usage. Ms. Edmands said 6 weeks to 8 years old. Mr. Meany asked for a floor plan/sketch of where the bathrooms, changing stations etc. are planned for.

Mr. Lacasse joined the meeting at 7:28pm

Continuation of Subdivision Application for:

Applicant: Daniel Scolardi for Innovative Land Solutions, LLC
Presented by: Arthur Siciliano, Surveyor
Tax Map # 412/168
Owner: Daniel Scolardi Trust
Colby Road and South Stark Hwy

Mr. Siciliano presented checklist items for the application. He listed that he has presented the Dredge & Fill permit. He added that he did go to the Conservation Commission. Mr. Siciliano has not yet been to the Firewards as he just got the driveway permit. He also presented the driveway easement deeds. He stated what is going to do for the easement is show a detailed plan in the area of the driveways. He furthered that the plan shows the easement on Lot 4 over Lot 5. Mr. Siciliano then presented a state driveway permit dated April 15th 2014. He noted he has not received the town permit for Colby Road yet, but he said it should come pretty quickly. He also presented an email from Don Buker of DES. He pointed out the Note 7 says "The house on Lot 1 will be no further than 400 ft from Colby Rd." Chairman Francisco stated that the DOT driveway permit says the driveway grading has to go down into the ditch line which is a good thing.

Mr. Fillmore asked about the Dredge & Fill permit. He stated that the permit description reads "…impact 542 sq ft of intermittent channel to construct a driveway crossing to a single family residence." Mr. Fillmore noted this was for a two lot driveway on Colby Rd., not a single family residence. Mr. Siciliano says he will get an amendment so it will notate the shared driveway. He added that he doesn't think it will be a problem.

Chairman Francisco asked about the DOT permit. He said a plan by William Boisvert was referenced in the DOT permit, and that it mentions "Prepared by Robert Palmer dated April 2003 for William Boisvert". He didn't understand why there were two different plans. Mr. Siciliano said the older plan shows the same thing, however, to address the grading issue, they moved it uphill, and the state was agreeable to move it that way for the grades. He stated that is why there are two plans. Chairman Francisco asked to see the April 10th, 2014 plan. Mr. Siciliano said it is just mainly showing the driveway cut and position of the driveway. Mr. Fillmore asked how would the state requirements be met without any additional water? Chairman Francisco asked do the two plans match? Mr. Siciliano said they do not match. They noted the plan said it was prepared for a name that was not part of the project. Mr. Siciliano said they were preliminary plans that he received today. Chairman Francisco asked where on the road is the leach field going, especially on the uphill lot. Mr. Siciliano said he was working on it. Chairman Francisco stated we need to make sure the DOT approval is for the plan that they are reviewing. Mr. Siciliano said the DOT approved the position of the driveway as shown on the plan before them. Chairman Francisco said the driveway is down 2% grade for 10 feet, and up 15% for 124.5 feet, then 2% into the garage. Chairman Francisco stated if you do a garage under for both lots, the diagonal back corner is roughly at 472, 19 feet higher than the garage. Mr. Siciliano said he was sure more material would be needed. He noted the contours were similar for the second lot, with a

difference of 14 feet. Chairman Francisco said he didn't think he had enough of the hill. On lot 5, the low corner is 464 and the driveway is at 454 which is 10 feet. Mr. Siciliano said some land carving would be in order.

Mr. Kurk stated he thinks the 15% driveway is a problem, even if the issues the Chairman raised could be worked out. Mr. Fillmore added the water will run down there just as fast. Chairman Francisco stated yes there will be water coming down there, and noted 20 feet of pavement where the driveway evens out before it meets Colby Rd. Mr. Fillmore noted areas where the water will funnel down without a lot of run off due to the grade. Mr. Siciliano said he would have the engineer figure out where the water would go. Mr. Fillmore said yes have the engineer look at the watershed right behind those houses and see what the water is going to do.

Chairman Francisco asked for comment from the public. There was none. He closed the public hearing.

Chairman Francisco said we will need to see the Robert Palmer 2003 plan because it is referenced in the DOT permit. He said it references the width of the driveway, drainage, and roadway to be constructed as shown in the plan. Mr. Meany asked if this activity is going to require a slip. Chairman Francisco said probably not. Mr. Meany stated he thought EPA regulations may say differently.

The wetlands were reviewed and it was noted that the wetlands cannot be crossed. Mr. Fillmore stated some permanent signs could be put up in the buffer stating "wetlands". Mr. Kurk said this was an owned wetland. Mr. Fillmore stated the owner may want to get at it at some point, and mentioned firewood.

Chairman Francisco said you were going to have to have an easement again for a shared driveway, because Lot #3 is going to have to cross Lot #2. Mr. Siciliano said he was just going to put an easement area up to the split, for Lot #3 across #2. He has two easement details to add. Chairman Francisco agreed. Chairman Francisco stated he did not think any grading was needed on the Colby Rd. driveways. He added it would be nice if the owner cleared up down through a 36" RCP and seeded and mulched it sometime.

Chairman Francisco asked what comments the Conservation Commission had. Mr. Malette stated that the Conservation Commission discussed a possible cluster development recommendation, and also noted that it should be acknowledged that this subdivision application abuts the Hoit Mill conservation parcel. Mr. Fillmore stated there were parts of the plan that were confusing and asked for a redrawing of the lines. Mr. Fillmore discussed culvert size and water runoff in the area of the Colby Rd. driveways. Mr. Kurk said Lot 1 requires an envelope note. Chairman Francisco stated it did require that the house be built within 400 feet of Colby Rd. Mr. Kurk stated at the public hearing Mr. Marsh requested 250 feet. Mr. Kurk asked about a question about a firepond for Lots 4 & 5 and is that now eliminated because of the distance? Mr. Siciliano confirmed yes.

Chairman Francisco asked Mr. Malette, on the second sheet, on the east is an abutter, the Town of Weare, Conservation Land. He added it appears that adjacent east to that is the Durgin Lane/Brookshire conservation parcel, so that he can see why the desire for a cluster subdivision is there. Mr. Fillmore said he didn't know why it would benefit much by doing that because the subdivision is already restricted due to the wetlands. Mr. Malette said the Conservation Commission wasn't opposing anything, that we were just looking at the possibility of recommending a cluster development. Mr. Siciliano said the problem with a cluster is that development would have to be in the middle of the entire parcel, which doesn't work. Chairman Francisco said both Mr. Fulton and Mr. Malette have mentioned a cluster development. When you have a town parcel of conserved land, and a subdivision application going in next to it, cluster developments are ideal to maximize the conservation area. Chairman Francisco observed that to do a cluster, you would have to do a road from Colby Rd., cross the wetland, and put the cluster in, which doesn't make sense. Mr. Malette said had it been a different piece of land, it would have made more sense.

Chairman Francisco asked Mr. Siciliano what was on his to do list. He stated he had the dredge & fill, firewards (two permits), the DOT two plans, the watershed going down to 114, details of Colby Rd. and 114, clean up the down slope area of the 36" culvert, detail the shared driveway on lot 2 and 3. And on lots 4 and 5. Chairman Francisco asked if he had done test pits near Lots 4 and 5. Mr. Siciliano said no, since the lots are more than 5 acres. Mr. Fillmore said they are going to have to do a test pit somewhere along the line. Chairman Francisco stated he wanted to see grading for the house. Mr. Malette added the amendment was needed for Dredge & Fill to notate two driveways instead of a single family residence.

Mr. Fillmore stated on Rt. 114, with all the detail and grading plans, its essentially a site plan for those two lots – can we put a note on the plan if they want to put the house somewhere else, they have to do a new site plan? Chairman Francisco stated he was not over the 15% grading issue, and we weren't to that point yet. He did add that you need a Conditional Use Permit for driveways over 10%. There are fees pertaining to that permit.

Chairman Francisco stated we need to notify the abutters as part of the Conditional Use Permit regarding the driveway going in on 114. Mr. Siciliano said he would see if the engineer can do better than the 15% grade, and if he can find it, maybe we can do another site walk. Chairman Francisco mentioned he is going to have to get approval for that from the Board of Firewards first anyway.

Chairman Francisco noted it has been 60 days since the start of this application and an extension may be prudent. Chairman Francisco made a motion to continue to May 22nd. Mr. Kurk seconded. All were in favor.

Application for Formal Site Plan Review

Owner: Richard Lavalliere
Applicant: Eric Buck
10 N. Riverdale Rd.
Tax map & Parcel No. 412-200

Mr. Buck stated he is representing Richard Lavalliere and they were here a couple of months ago for a Conceptual Review. He presented maps for the project. He stated the building falls within the protective shoreline impact and they have received approvals from DES for the project. He added the plan includes a stormwater management plan, the site walk has been completed, and we are here today for site plan approval. He showed pictures of the proposed metal building and stated it will house plumbing & heating supplies. Mr. Kurk asked if it will be heated. Mr. Perron stated yes, it will have heating kept at 50 degrees for the supplies. Mr. Kurk asked about the statement by Mr. Ludders from the PLRC regarding the roof surface being adequate to handle the storm water. Mr. Buck said the swale is actually 8%, and the typical swale is ony 5-7%. Mr. Buck finalized that it is designed for a 100 year flood and can adequately handle storm water.

Chairman Francisco asked about the flood easement, he sees approximate limits of floodway, how is that determined? Mr. Buck stated by the FEMA map. Chairman Francisco thought it was defined by elevation. Mr. Buck said it was shown on 312.5. Chairman Francisco asked if the FEMA map was used as an overlay in order to create the project? Mr. Buck stated he was not a surveyor. He stated that Dahlberg Land Services did the survey work. Chairman Francisco stated he was looking at a December 2013 existing Site Plan. Mr. Buck showed him the new plan. Mr. Buck said it was 313. Chairman Francisco asked why so low? Mr. Buck responded he was trying to limit the amount of grading that needs to happen in the existing bay area. The lines were reviewed. Chairman Francisco stated it was 312 in one location and how could it be going down the hill? He stated the same line was going down below 308, and that something was wierd. Mr. Fillmore agreed something was weird. There were two different line types that look very similar. Mr. Buck said one line is the flood easement on the river. Chairman Francisco asked what was a second line looks like a contour, but it is not. Mr. Kurk asked if he was worried about grading below a flood level, and Chairman Francisco said he was

worried about the building flooding. Mr. Fillmore asked if the Army Corp of Engineers reviewed it? Mr. Buck stated no, they were beyond the easement line, it was just an elevation line. Mr. Buck stated the easement line is shown on the plan. Mr. Fillmore said there were a lot of conflicting lines notating 313 and 308 and 312. Chairman Francisco said at the 313 contour, there are two lines right on top of each other, and if you go north (right at the propane storage are) there is no indication saying where it is. Mr. Kurk asked if the Army Corp flooded the river to the maximum that they could, would it flood the building? Mr. Fillmore said it could be very close. Mr. Kurk asked about the finished floor elevation? Mr. Fillmore said 315, 2.5 feet higher. Mr. Kurk asked if it would make sense to have the new building at the same level? Mr. Fillmore said no, because it would be elevated and wouldn't meet the parking lot.

Chairman Francisco summarized we have a surveyor showing a floodway easement, and he and he might ask the applicant to doublecheck for his own benefit. Mr. Fillmore said if it is at 313 you might want to add 6". Chairman Francisco said you might want to do a burm around it. Mr. Meany asked about elevation certificates. Chairman Francisco stated on the plan, there is supposed to be a spoke and a pole at elevation 315.88. Use that to get your elevation – you have two things to check. Mr. Meany asked if the new building is completely out of the flood plain? Mr. Fillmore said it is out of the flood plain, but it may not be out of the water. Mr. Perron said they will raise it. He stated they want to bring in a concrete foundation and bring concrete up 2 or 3 feet all the way around just for the protection. Mr. Meany said that would make his life easier. Chairman Francisco said it makes him breath easier.

Mr. Malette made a motion to accept the application as complete. Mr. Lacasse seconded. All were in favor.

Chairman Francisco opened a discussion regarding the site walk. He asked the board if there were any questions or comments. He asked the public for any comment. Chairman Francisco closed the public hearing. Chairman Francisco noted that the Conservation Commission would like to see a wetlands stamp by a wetlands scientist on the plan. Mr. Kurk asked if there was a potential conflict with the elevations. Chairman Francisco said he didn't see an issue. Mr. Fillmore clarified that the flood plain elevation changes as you go downstream, and that could be what is happening. Chairman Francisco stated 312.5 is from FEMA and 313 is from the Army Corp of Engineers. Mr. Kurk moved that the application be approved. Mr. Lacasse seconded. All were in favor.

III. OTHER BUSINESS

The minutes from April 10th were reviewed. Mr. Kurk third page, middle of page, two lines above roman iv. Chairman Francisco invited the public to speak, there was no one, fix the spacing. Change spelling of milar to mylar. Second page, second line, site should be sight. Second page, first paragraph third line, has a reservation or four rod range, change range to road. Mr. Malette stated on third page, when Chip mentioned the base coat has to be done by Nov, he said it is usually around the 15th. Mr. Meany stated he did not mention a date. Mr. Kurk stated on the header was the most recent Fillmore, then VanLoendersloot. Chairman Francisco said third page, the conversation got really confusing. First pargraph, four lines down, the alteration fo terrain permit is going to expire in April…substantial completion.(period) (strike the rest). Same paragraph, Francis stated the board had required the road to be paved to be considered substantial completion. Next paragraph, halfway down, he believes there is legislation coming to resolve the AOT problem. (instead of this problem).

Mr. Malette made a motion to approve the minutes as amended. Mr. Fillmore seconded. Mr. Lacasse abstained. The motion passed.

The March 7th minutes were reviewed. Mr. Kurk moved to accept the minutes as written. Mr. Lacasse seconded. All were in favor.

Mr. Meany opened a discussion regarding the meeting dates. Mr. Lacasse stated he did have a previous conflict but now Thursday nights are no longer a problem for him.

ADJOURNMENT

Mr. Kurk made a motion to adjourn at 8:49pm. Mr. Malette seconded. The meeting was adjourned.

A true record,

Wendy J. Stevens