

TOWN OF WEARE

PLANNING BOARD

15 Flanders Memorial Rd - PO Box 190

Weare NH 03281

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October 25, 2012 - Meeting Minutes

****FINAL COPY****

PRESENT: Craig Francisco, Chairman; Frank Bolton, Vice Chair; George Malette, Neal Kurk, Chip Meany, Land Use Coordinator; Sheila Savaria, Recording Secretary

GUESTS: Michelle Boutin, Andre Boutin

I: CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:00 pm at the Weare Town Office Building.

II: WORK SESSION:

Discussion: Michelle Boutin, SHB subdivision, regarding vesting: Presently, the SHB subdivision is vested for 14 lots until 12/14/12. When the subdivision was originally approved on 12/14/2006, the town did not define what was 'active and substantial completion'.

Michelle Boutin told the Board that since the original approval, they have demolished the house and cleaned the property, cleared the land, maintained all state permits in anticipation of building the road. There are no wetland permits. During the engineering there were lot line adjustments and corrections, and they have established the scientific fact that the land is okay to build on despite pesticides being used previously. They wanted the road done by the summer of 2012, but have experienced economic hardships and personal circumstances had them tied up in probate until recently.

Ms. Boutin proposed that SHB property develop the first 50 feet from their property line by December 14, 2012, with completion including top coat in the spring as weather allows in order to keep their vesting rights. Ms. Boutin feels this is appropriate to benefit the town because they do not prematurely develop land, they value wildlife, and like people to take advantage of the land. To put the entire road in would limit the land to a subdivision, would effect the wildlife and landscape, and may give people the illusion that the town isn't thriving. In addition, it may promote mischief by adolescence, which may incur expenses to the town.

If the SHB loses their vesting rights, they would have to comply with new regulations set by the town since 2006. This would cause the Boutins to have their engineers go back out to the land to re-survey it, costing them thousands of dollars. In turn, the cost of each lot would have to go up, making the lots less affordable.

Chairman Francisco said he felt a total of 85 feet of paving from the road does not make it substantially complete when a total of 1974 feet is needed. Neal Kurk explained that council has advised the Board that they are not in the position to legally say that 85 feet constitutes substantial completion.

Chip Meany will wait for the application for a variance for lot size regulation and wetland buffer, and possibly underground utilities.

Durgin Subdivision letter: Chairman Francisco stepped down for this discussion, and Frank Bolton took the position as acting Chairman. Attorney Bill Drescher said in a letter that it is up to Chip Meany to resolve what is substantially complete because the Planning Board did not define it in the application in 2006. Mr. Meany said the only thing that needs to go in the letter is the vested date, which the Board has already agreed upon, but Frank Bolton feels they could put more in the letter.

Neal Kurk moved to replace the motion under Other Business in the meeting minutes of 9/27/12, to a)

deny the Durgin application dated 9/11/12 for an extension of the vesting of the Durgin subdivision because the Board does not have the legal authority to grant such an extension, and b) to determine that, on the advice of council, the subdivision is vested until April 23, 2014. The Board believes that the substantial completion required to continue vested status beyond April 23, 2014, means the completion of the entire proposed road in accordance with the plat. Frank Bolton seconded the motion. Discussion: George Malette said he would not be in favor because he feels they need to talk to Jim Donison to see what constitutes substantial completion before they make that decision and to get an informed level of information. Mr. Meany mentioned working with the town engineer, and Mr. Bolton suggested getting input from the Planning Board. Neal Kurk and Frank Bolton voted in favor; George Malette was opposed.

Craig Francisco stepped back in as Chairman.

III: OTHER BUSINESS:

Minutes: Frank Bolton moved to approve the minutes from the October 11, 2012 meeting as amended; Neal Kurk seconded, all voted in favor.

IV: ADJOURNMENT:

As there was no further business to come before the Board, Neal Kurk moved to adjourn at 8:44 pm; Frank Bolton seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria,
Recording Secretary