

**WEARE PLANNING BOARD**  
**Draft Minutes of the Meeting**  
**Of December 10, 2015**

**Present:** Craig Francisco (Chairman), Frank Bolton (Vice Chair), Neal Kurk (Secretary), Bruce Fillmore (Member), Frederick W. Hippler (Exofficio), John Vanloendersloot (alternate), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

**Guests:** Michael Walton, Yvonne Walton, Marc Pinard, Nancy Fillmore, Andy Fulton

**I. Call to order**

The meeting was called to order at 7:00 p.m. by Craig Francisco.

**II. Other Business**

**Maplewold Road**

Craig Francisco said was subdivision, 1 lot was approved before the zoning ordinances and two more lots were approved in subsequent phases of the same subdivision. Craig Francisco said the subdivision created 3 lots with a 25ø proposed easement. Craig Francisco said the Waltonø want to get a building permit but they donø have any frontage on any road. Bruce Fillmore asked if this was a bonafide gift and Craig Francisco said yes. Craig Francisco said per Mr. Drescher they need to go to the Board of Selectmen to make a private road. Chip Meany said anything on a private road or Class VI road needs to be approved by the Board of Selectmen. Chip Meany said both parties here tonight have gone to the Board of Selectmen and they have asked the Planning Board for recommendations. Craig Francisco recommended doing a site walk. Neal Kurk asked if there was any issue of grade and Chip Meany said maybe at the very beginning, once you get past the first house the rest of the possible private road is fine. Neal Kurk asked how large the back lots where and if the front lot was a 5 acre lot. John Vanloendersloot said the front lot is 10.37 acres, lot 119.3 is 8.72 acres, lot 119.2 is 8.09 acres and lot 119.1 is 5.01 acres. Craig Francisco said they need a survey plan showing the easement and topographic plan showing the culverts. Neal Kurk asked if the Waltonø where the owners or planning on buying it and they said they are the owners of the lot. Yvonne Walton said they have had the lot surveyed and topoed. Neal Kurk asked if it was of all the lots or just theirs and Mrs. Walton said just theirs. Michael Walton said they were told to put in a 25ø driveway/road which they did, and three turnarounds which the Fire Department wanted to look at and they did, said they have power poles going all the way back, they have certified and stamped septic system and it is in the ground. Craig Francisco said they will do a site walk at 8:00 am on 12/12/15.

**Worthley Road on Class VI Road**

Craig Francisco said the Board of Selectmen has to give permission to use part of a Class VI road. Marc Pinard said they have a variance from the Zoning Board of Adjustment to build on a Class VI road. Mr. Pinard said their issue is getting the Planning Boardø

recommendations back to the Board of Selectmen on the standard for the road. Mr. Pinard said in the packet is an engineer's plan that shows the layout of the road, width of the travel way, snow storage area, engineering specifications on the gravel base. Mr. Pinard read the three conditions from the Zoning Board variance. Neal Kurk asked how wide is this going to be and Mr. Pinard said they have it as 20' wide on the plan. Mr. Pinard said Tim Redmond and the Fire Department want it as wide as what is already there, so they are continuing with the 20' width. Neal Kurk asked how long the road was and Mr. Pinard said about 400' to 420' to get to their boundary. Mr. Pinard said that Tim Redmond wanted them to agree on a plowing maintenance agreement, they will clear it to a minimum of 16' wide, and they have an obligation to clear the snow storage area. Neal Kurk asked if there was a copy of the deed for the prospective buyer and Mr. Pinard said he hasn't drafted that up yet, but it will include what is in the variance and anything the Planning Board recommends. Craig Francisco said the site walk will be at 9:00 am on 12/12/15.

### **III. Zoning Ordinance Changes**

**Article 27.3.9 - Buffer Strip** – Craig Francisco said this is about a buffer strip around a cluster subdivision and the ordinance states the buffer strip can be part of the lot. Craig Francisco said if the buffer strip is part of the lot it is not counted as open space. Craig Francisco said the Conservation Commission mentioned blazing open space boundaries and said it made sense to him to have a non-disturbance zone and have it enforceable by the Town that it should also be blazed. The new paragraph is "Any buffer strip included within a building lot shall have the buffer strip boundary blazed and have signs, approved by the Planning Board, installed at 50 foot intervals. The signs can be attached to trees or attached to a metal post and shall be a minimum of 4 feet above ground. The installation is to be completed by a New Hampshire Licensed Land Surveyor prior to the issuance of a building permit."

**Article 27.3.11** – Neal Kurk ask why this needs to be monumented and Craig Francisco said whoever is getting the open space doesn't know where it is.

Andy Fulton said the Conservation Commission would like to change "open space within a cluster development shall be protected by permanent conservation easements held by the town" to "held by qualified conservation organization". Mr. Fulton said they are seeing open space with a cluster subdivision created in such a fashion that it is terribly difficult to monitor to protect the open space in any reasonable fashion. Mr. Fulton said they would encourage the Planning Board to change the language so that anybody building a subdivision will have to generate open space of a nature that would interest a land trust to hold an easement on it. Neal Kurk asked what happens if we remove the Town and there is not a conservation organization wants the easement on a particular piece of property, not because there is something wrong with the easement, but because it doesn't fit in with their objectives. Craig Francisco said they couldn't get approval. Bruce Fillmore asked about leaving the Town in and leaving it at the discretion of the Conservation Commission. Neal Kurk said he thinks that Mr. Fulton presented the

Conservation Commissions concerns very well that if the Planning Board receives a cluster subdivision that they would attempt to achieve the goals they presented and are obligated to give it to the Conservation Commission for their input. Mr. Fulton said the land trusts in the area have been helpful. The Article will now read as "At least fifty percent (50%) of a total tract area exclusive of public right-of-ways (and buffer strips with lots) shall be set aside as open space covenanted to be maintained as permanent "conservation land" in private, public, cooperative or non-profit ownership. Open space within a cluster development shall be protected by permanent conservation easement held by the Town or a qualified conservation organization or the Town of Weare in fee ownership subject to restriction that the Town retain the land as open space for purposes described in this Article. Such land shall be restricted to allowed open spaces uses. Agricultural uses allowed in the zoning district containing the cluster development shall be considered allowed open space uses. Such land shall have suitable public access, unless the Planning Board determines such access is not in the public interest."

New paragraph for the article "the Boundaries of the open space shall be monumented, per Section 8.6 of the Town of Weare Subdivision Regulations, as may be amended. In addition the boundaries shall be blazed or in the absence of trees, signs shall be attached to metal posts and shall be a minimum of 4 feet above ground. A certification by a New Hampshire Licensed Land Surveyor shall be on the Subdivision Plan stating that the blazing and/or signage has been completed."

Craig Francisco opened the public hearing.

Article 3.12.1 " This will be removed from zoning ordinance & moved to subdivision and site plan.

Article 4.1 " Definitions: "Signs" means any permanent or temporary display visible from public ways or public property which consists of structures, objects, words, graphics, designs and/or symbols and which is intended (a) to promote an activity including the sale of goods and services whether for profit or otherwise or (b) to convey a message or point of view to the general public. "Sign" does not include (a) street numbers, "circa", plaques, nameplates, warnings, land postings and similar displays not exceeding three (3) square feet in area provided they comply with the other provisions of this ordinance or (b) a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or enforce a property owner's rights. A temporary sign a sign not permanently attached to a building or to the ground, is displayed for a specific, short-term purpose, and may total no more than thirty-two (32) square feet in addition to any other sign requirements in a zoning district."

Article 17.3.7 " to possibly add in bed and breakfast - John Vanloendersloot said he had a definition of a bed and breakfast from RSA 175:1 VI. John Vanloendersloot read the RSA 175:1 VI definition. John Vanloendersloot read the definition of a hotel under the same RSA 175:1 XXXVII. Frederick Hippler suggested adding in a definition and also

modifying the hotel definition to reflect the RSA numbers. The Planning Board decided to not add it here.

Article 19.1.4 ó to possibly add bed & breakfast ó The Planning Board decided to add it here. They will also be adding a definition for bed & breakfast and modifying the hotel definition with RSA definitions in Article 4 definitions.

Article 34.1 ó The Planning Board agreed that it will now read as öPurpose: It is the intent of the Sign Ordinance to support the general provisions of the Weare Master Plan which seeks to enhance traffic safety and to preserve the visual rural character of Weare in accordance with the Weare Master Plan.ö

Article 34.2 ó The Planning Board agreed to delete it here and moved to Article 4.1 Definitions.

Article 34.9.2 ó Bruce Fillmore said he doesn't think they need the part has a lower pitch. The Planning Board agreed on öAny sign erected on or above any part of the roof of a building, including any message or symbol on any roof of a building or design in any roofing material. This prohibition shall not apply to a sign that is mounted on, is parallel to and does not protrude beyond the edges of a vertical wall, nor shall it apply to a sign mounted on the roof of a farmer's porch. A farmer's porch means a one-story open shed which is attached either to a vertical wall of a building or at the eave of roof of building.ö

Article 34.9.5 ó Neal Kurk said he doesn't feel the language should be removed from this Article and placed in the mentioned Articles, preceded by Notwithstanding Article 34.9.5 and Article 34.9.6. John Vanloendersloot suggested banning it in the other zones instead and not mention in the others. John Vanloendersloot said we are allowing it industrial and commercial, so why not say it is prohibited in Rural/Agricultural, Residential and Village? Neal Kurk said he would work on the language.

Open Signs ó Neal Kurk suggested that öindicatesö be changed to öindicateö. Neal Kurk said he thought it should go between Article 34.8 and Article 34.8 and said he would figure out where to move it.

Article 34.10.2.2, Article 34.10.2.3 and Article 34.10.3.4 ó The Planning Board agreed to remove wall from ö75% of the height of the building wallö.

Article 34.9.6 ó The Planning Board agreed to öMessage board signs with movable letters, excluding such signs that are portable, and that do not exceed six (6) feet on each of two (2) sides.ö

Article 34.9.7 ó John Vanloendersloot said from a safety standpoint he thinks they are a good idea. The Planning Board agreed on öSigns identifying residential developments other than those signs used during the construction and marketing of a residential project, unless approved by the Planning Board. Such sign shall not exceed 8 feet in height and

not exceed 16 square feet. In addition they cannot be lit and must be constructed of durable, non-reflective material.ö

Article 34.10.1.2 ö The Board talked about possible ideas. The Planning Board agreed on öOne (1) sign, to contain no more than two surfaces, and each surface to contain no more than six (6) square feet, shall be allowed on any one lot for each business activity but not more than two (2) per lot. If free-standing, the height of such sign shall not exceed six (6) feet from the center line elevation of the road.ö

Article 34.10.1.3 ö The Planning Board agreed to öThose uses which are granted a Special Exception by the Zoning Board of Adjustment and are listed in Arts. 17.2.1, 17.2.2, 17.3.1, 17.3.2 and 17.3.4 may have a sign to contain no more than two surfaces, and each surface to contain no more than sixteen (16) square feet. If free-standing, the height of such sign shall not exceed six (6) feet from the center line elevation of the road.ö

### **VIII. Adjournment.**

Craig Francisco moved to adjourn at 10:25 pm.

Respectfully submitted,

Tina Ripley  
Minute Taker