

**WEARE PLANNING BOARD**  
**Final Minutes of the Meeting**  
**Of September 22, 2016**

**Present:** Craig Francisco (Chairman), Bruce Fillmore (Vice Chair), Neal Kurk (Secretary), Frank Bolton (Member), Tom Clow (Exofficio), John Vanloendersloot (Alternate), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

**Guests:** Vicky Rice, Emily Bainton, Jeff Howard, Lenny Cunha, Nancy Cunha, Art Siciliano, Frank Farmer

**I. Call to order**

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

**II. Site Plan Review**

**Gary D. Remilard Living Trust; new building located at 8 North Riverdale Road, Map 412, Lot 202 in a Commercial Zone**

Chairman Francisco said he received an email from Mike Dahlberg stating he is sick, he won't make the meeting and he can't get a hold of his client. Chairman Francisco said he would like to do site walk.

Chairman Francisco opened the public hearing. Chairman Francisco said there is no one here to talk about the plan. Chairman Francisco said this is on North Riverdale Road. Mr. Kurk asked if this was a grandfathered situation and Mr. Meany asked if it was zoned for that use. Mr. Kurk asked if it was zoned commercial. Mr. Meany asked Chairman Francisco if he read the Piscataquog River letter. Mr. Bolton said he thinks it would be a good idea to do the site walk. Chairman Francisco asked if September 29<sup>th</sup> would work for everyone at 5:00 pm. Everyone agreed to the site walk on September 29<sup>th</sup> and Chairman Francisco said the public the public can attend. Mr. Kurk asked if there are aquifers involved and Mr. Meany said he doesn't believe so. Mr. Kurk asked if they received comments from Conservation Commission and the Police and Fire Department. Chairman Francisco read the letter from the Conservation Commission and Piscataquog River Commission. Mr. Clow made a motion to continue to October 27th. Vice Chair Fillmore seconded. Motion passed. 5-0-0.

**III. Lot Line Adjustments**

**Timothy G. Farmer Revocable Trust, 17 Waterman Road, Map 101, Lot 60 and Merrill J. Shepard, Map 101, Lot 128, Reservoir Drive in a Residential Zone**

Chairman Francisco said it looks like the application is complete and they have a waiver for topography. Vice Chair Fillmore asked if the areas are staying the same and

Chairman Francisco said no, it doesn't appear that way. Vice Chair Fillmore said it looks like parcel A is getting added onto Lot 160.

Mr. Kurk moved to accept the application and grant the waiver for the topography. Mr. Clow seconded. Motion passed. 5-0-0. Chairman Francisco said the waiver is granted and your application is complete.

Art Siciliano said they are dealing with 2 lots. Mr. Siciliano said both are on Map 110, which are Lot 128 is 6.24 acres and Lot 60 is .86 acres. Mr. Siciliano said neither lot is in an aquifer protection area or flood hazard zone. Mr. Siciliano said he has to correct the spelling error of hazzard to hazard. Mr. Siciliano said they are going to add 1.23 acres to Lot 60 and remove it from Lot 128. Mr. Vanloendersloot said note 2 Lot 128 is in a flood hazard zone. Mr. Siciliano said Lot 128 is in the flood hazard zone. Mr. Siciliano said the remaining acres for Lot 128 will be 5.01 acres and Lot 60 will be 2.09 acres which comes more conforming. Mr. Siciliano said the lot line they are eliminating is close to the carport and said they want to do more things near the carport and possibly put in a shed.

Chairman Francisco asked for public comment. There was none. Chairman Francisco closed the public hearing. Chairman Francisco asked how close is the wetlands to the carport and should it be delineated. Mr. Siciliano said why does it matter, it is an existing situation. Chairman Francisco said there is the wetlands setbacks. Mr. Farmer said the most they would put there is a storage shed and said there is no wetlands there.

Chairman Francisco suggested that when Mr. Siciliano adds monuments that he also adds a note saying there is no wetlands within 75' of the carport. Chairman Francisco suggested that Mr. Siciliano correct the spelling of hazard, add the wetlands note, add the 100 year flood line. Mr. Vanloendersloot said on note 3, creates should be changed to created. Vice Chair Fillmore asked about the 2 36" culverts on the driveway and said they need to be set and changed to something else. Mr. Siciliano said he would make those corrections. Chairman Francisco suggested that Lot 60 in note 3 be shifted up on the map. Mr. Kurk said is doing this, there are two changes that area being made; a new property line is being added and an old one is being eliminated. Mr. Kurk asked if that was appropriate for a lot line adjustment. Vice Chair Fillmore said there are two things you can do: 1) create a new lot which they are not doing or 2) lot line adjustment.

Vice Chair Fillmore made a motion to approve the plan with the conditions that the notes are modify to correct the spelling errors, add a note stating there is no wetlands within 75' of the carport, add the 100 year flood line, and set the four monuments. Mr. Kurk seconded. Motion passed. 5-0-0.

**Frank H. Colburn , 100 Colburn's Meadow Road, Map 203, Lot 58 and Richard B. Colburn, Map 203, Lot 46.1 in a Rural Agriculture zone**

Chairman Francisco said they have a waiver request for topography. Vice Chair Fillmore moved to grant the waiver for the topography. Mr. Clow seconded. Motion passed. Mr.

Kurk moved to accept the application as complete. Mr. Clow seconded. Motion passed. 5-0-0.

Chairman Francisco asked if they are moving 2.35 acres from Lot 58 to Lot 46.1. Vice Chair Fillmore said they are also adding a driveway easement. Mr. Kurk asked if it was an existing easement and Mr. Siciliano said no, it is part of this plan. Mr. Meany asked if the document has been written for it yet and Mr. Siciliano said no. Mr. Kurk asked what the relationship is with the lot line adjustment and the easement. Mr. Kurk asked if you needed the easement to do the lot line adjustment or vice versa. Mr. Siciliano said they thought they would move the lot line over. Mr. Siciliano said lot 46.1 doesn't need it since they will be on their own lot. Mr. Siciliano said they already did the grading on it and said it is less than 10%.

Mr. Kurk said this is really asking for 2 things: a lot line adjustment and a shared driveway. Mr. Kurk asked if they have the authority to approve a shared driveway on a lot line adjustment opposed to a subdivision. Chairman Francisco said according to Mr. Drescher they can. Mr. Meany said there is already a house on the lot and said there is a variance already to build on lot 46.1. Vice Chair Fillmore said the tennis courts are a deed to the town with conditions they remain in some state. Vice Chair Fillmore asked if that is the deed that is referenced #5195 and Mr. Siciliano said yes. Mr. Clow said he thinks this is part of the solution since Mr. Colburn owns a right of way next to the tennis court into this property. Mr. Clow said Mr. Colburn wanted to use it as an access to the property and said Mr. Colburn worked with the town administrator to come up with a compromise about access off of Colburn Meadows Road since there really wasn't the width to access it beside the tennis court. Mr. Clow said he thinks Mr. Colburn went through zoning and Mr. Meany said he did, that is how he got the variance. Vice Chair Fillmore said that should be shown on the plan.

Chairman Francisco said to add proposed to the easement detail area for shared driveway, correct Frank Colburn's last name, note 3 says 2.35 acres, but said he believes it is 5.00 acres, add note 4 for the variance for the building that was received, under purpose of plan correct spelling of separate, add will provide access easement to Lot 46.1, shared driveway agreement has to be approved by town council, show right of way near tennis court, correct the spelling of boundary, monuments need to be set on plan.

Chairman Francisco asked for public comment.

Nancy Cunha said she lives at 115 Buzzell Hill and asked how it will affect Buzzell Hill. Ms. Cunha said she has an easement somewhere on the back part of the property. Chairman Francisco said there will be a couple more cars going down Colburn Meadows Lane. Ms. Cunha said the right-of-way is across Colburn's property. Chairman Francisco said there is the cemetery, small lot then hers. Ms. Cunha said her lot is Map 203, Lot 66.1. Chairman Francisco said it appears your lot is behind several smaller lots and Ms. Cunha said it is. Ms. Cunha said her driveway is a shared right-of-way. Chairman Francisco asked Mr. Siciliano if he saw an easement or right-of-way onto lot 58 and Mr. Siciliano said no.

Chairman Francisco closed the public hearing.

Mr. Kurk moved that the plan be approved with the following corrections and additions: note 1- correct spelling of Colburn, note 3 needs to be changed to 5 acres, note 4 must be added listing variance with the number that applies to either one of the lots, note 5 shared driveway agreement needs to be recorded, monuments sets needs to be corrected, purpose of the plan needs to have separate spelled correctly and added to it to provide access and driveway easement for Lot 46.1, right-of-way by the tennis court needs to be shown, in two cases where easement is mentioned it needs to have proposed added, and the spelling of boundary needs to be corrected. Mr. Clow seconded. Motion passed. 5-0-0.

#### **IV. Adjournment**

Mr. Clow motioned to adjourn at 8:15pm. Mr. Kurk seconded. Motion passed. 5-0-0.

Respectfully submitted,

Tina Ripley  
Minute Taker