

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of January 26, 2017

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: Kyle Matthew Bozoian, Philip Romano, Fred Roccas, Frank Lamarche, Roscoe Blaisdell, Donald Wellman, Chuck Sargent, Shayla Crowley, Todd Silva, Scott Silva, Tim Farmer

I. Call to order

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

II. Subdivision

Pitbull Realty Group LLC, west side of South Stark Highway, Map 109-21, three lot subdivision in a residential zone

Roscoe Blaisdell said he is here representing Pitbull Realty and said one of the things from the last meeting was to keep away from the cemetery. Mr. Blaisdell said he found out they need to stay 25ø away from the cemetery with any construction and said he guesses you would call a driveway construction. Mr. Blaisdell said they moved the driveway 25ø from the cemetery which puts them 14ø closer to the wetlands. Mr. Blaisdell said they are going to the Zoning Board next month to discuss it. Mr. Blaisdell said they had an attorney draw up a proposed easement for the cemetery so the town can get to it and it has been sent to the town attorney. Mr. Blaisdell said he talked with the state about the driveway permit and said he has to add a couple of notes and that they were okay with the distance.

Mr. Meany said it has gone to the Conservation Commission and said he has passed their notes onto the Zoning Board. Mr. Meany said he has their easement for the driveway if the Zoning Board approves their variance for the wetland buffers. Chairman Francisco asked Mr. Meany if he contacted the Cemetery Trustees and Mr. Meany said yes and said he should have information tomorrow. Mr. Blaisdell said many of the deeds have excluded the cemetery and said he doesn't own the cemetery. Mr. Blaisdell said the Town claims it on the tax map and said he is not sure how the Town received it. Chairman Francisco suggested changing note 9 to include the RSA number. Vice Chair Fillmore said he doesn't feel comfortable conditionally approving the application while waiting for approval from the ZBA and response from town attorney regarding cemetery. Chairman Francisco said he agrees.

Chairman Francisco asked for public comment.

Chuck Sargent said he is the owner of the property and asked is there was any way they can get a conditional approval based on those items without having to wait on ZBA & town attorney. Chairman Francisco said he wouldn't want to due to the cemetery since they don't know who is getting the easement.

Frank Lamarche at 371 South Stark Highway said he represents the owner (Richard Morgan). Mr. Lamarche said he is still going to dispute his property line, still feels they are not right and said he is going to hire a surveyor to do a survey in the spring. Mr. Lamarche said he doesn't want to railroad this, but will not back it until he has his survey done. Chairman Francisco asked if the two of them met to discuss this and Mr. Blaisdell said he spent several hours making of documents showing how he came up with what he did and emailed it to Mr. Lamarche. Mr. Kurk asked if this was to be approved at some point, subsequent to that another survey was done and this one became inaccurate, what would happen to the approval? Chairman Francisco said nothing. Mr. Meany said it would become a civil matter.

Vice Chair Fillmore moved to continue to February 9, 2017. Mr. Kurk seconded. Motion passed. 4-0-1(Mr. Bolton).

III. Site Plan Review

Philip Romano, 1702 River Road for a recycling business in an industrial zone, Map 202-103

Mr. Bolton recused himself. Chairman Francisco made Mr. Vanloendersloot a voting member.

Chairman Francisco said on the checklist items there is no well or leach field and Mr. Romano said that is correct. Mr. Kurk moved to accept the application as complete. Mr. Clow seconded. Motion passed. 5-0-0.

Philip Romano said he owns a company called Scrap Metal Management and said he would like to sell nonferrous metals out of this property. Mr. Kurk asked where the containers were going to be relocated to? Mr. Romano said it is hard to describe it would be easier to show you. Mr. Kurk asked if it would be within the building setback line and Mr. Romano said it would be between those two buildings. Mr. Kurk said there are trailers or containers between the building setback line and over the property line and Mr. Romano said they will be removed. Mr. Kurk asked about the weigh station and Mr. Romano said it is a scale inside the building. Mr. Romano said this is an existing building.

Vice Chair Fillmore said looking at the plan it doesn't say what the scope of the business is and suggested adding it to the plan. Vice Chair Fillmore said he thinks doing that will help clear up a lot of the issues. Mr. Vanloendersloot asked if the container pads were concrete and Mr. Romano said that area is all gravel and it actually says pods. Mr. Kurk

said he needs to make it clear that the trucks storage is for trucks that will be used for the business.

Chairman Francisco read a letter from PRLC. Vice Chair Fillmore said he thinks some of their recommendations are due to not understanding what is happening on the site. Mr. Romano said he is not going to take any kinds of liquids. Mr. Kurk suggested that Mr. Romano add to the plan no scrap metal containing liquid. Chairman Francisco read an email from the Conservation Commission. Chairman Francisco read an email from Kyle Bozoian of 13 Rockland Road (abutter to the east) stating that he is a disapproving abutter and said he has great concern about the excavating within 500ø of his residence per Section V d 3 of the Weare Earth Projects Ordinance. Mr. Romano said he didn't do any excavating but did add gravel and leveled it out.

Chairman Francisco opened the public hearing.

Donald Wellman said he would like to be considered an abutter and said he lives at 21 Rockland Road. Mr. Wellman said he looks directly down on everything that is happening on the property and said between them is a stream. Mr. Wellman said the stream drains from up the hill, runs fresh water year round, goes under the culvert that was discussed as being south of the property. Mr. Wellman said during the time of Everett Stone when Frank asked for a zoning variation to include the triangle portion that is to the east on the map an agreement was reached to protect that wetlands area. Mr. Wellman said the apron could not abut the stream. Mr. Wellman said he is concerned about the amount of truck traffic and noise. Chairman Francisco said there is a statute that says technically you are not an abutter. Chairman Francisco said there is also a 25ø wetlands buffer.

Kyle Bozoian said he lives at 13 Rockland Road and he showed the Board some pictures he took earlier that day of the property and also showed them a couple of plans. Mr. Bozoian said he has questions on regard the ZBA Ordinance Section 25, permitted non-uses of industrial areas and said he had a question on maintaining the buffer strip. Mr. Bozoian read from the ZBA Ordinance regarding the buffer strip. Chairman Francisco said this site was zoned industrial and your lot was probably zoned residential at the time the ordinance passed the Town. Chairman Francisco said this use is existing prior to the ordinance. Mr. Bozoian asked if it would still be considered new activity and clearly stated there will be expansion of the edge of the gravel. Chairman Francisco said we don't know that yet.

Mr. Bozoian said he has several questions regarding the Town of Weare Earth Products Ordinance; all excavating plans shall include all existing surface drainage plat patterns including wetlands. Chairman Francisco asked Mr. Bozoian what Article he was reading and Mr. Bozoian said page 11 under Earth Products. Mr. Meany said unless they are taking out over 5,000 cubic yards it does not apply. Mr. Kurk asked Mr. Bozoian if he thinks Mr. Romano excavated/dug something on the property. Mr. Bozoian said according to the plan there will have to be some kind of excavation. Mr. Bozoian said for the purpose of ground water protection his well is very close to this lot and suggested that

a test pit be done. Chairman Francisco said he is not filing for an excavation permit and Mr. Bozoian said that is correct, but said there will be excavation that will have to be done if he is going to expand. Mr. Bozoian said a representative of the Town should go and look at the property and Chairman Francisco said they are going to go look.

Mr. Bozoian said in the permit application section of the Earth Products Ordinance, any actions taken by the applicant on the site relative to fuel oil, chemical handling, storage, dust control, traffic and noise control, if there is going to be vehicles there and storage trailers. Chairman Francisco said again you are reading out of the Excavation Ordinance and as of yet they do not apply. Vice Chair Fillmore said the 5,000 cubic yards needs to leave the property, but if it is used on the property, it doesn't count. Chairman Francisco said Mr. Romano can't do anything in the wetlands area or the buffer area. Mr. Bozoian said he disagrees with an industrial facility going in there. Mr. Kurk said when you bought your house, there was already this equipment and trucking use and there has been no change. Mr. Bozoian said there has been a huge change; Mr. Romano has done a good job in removing all of the industrial equipment, but said a lot of the trucks are cutting through Rockland Road to Route 77 and any additional industrial trucking is going to burden that. Mr. Kurk said he understands that and said he is trying what his real concern is despite all your agreements. Mr. Kurk said let's assume that all of your arguments are addressed, Mr. Romano is compliant with all the ordinances and changed the use to recycling, is that objectionable to you? Mr. Bozoian said his concern is traffic, noise, and unsafe areas. Mr. Bozoian said there is no block between his property and Mr. Romano. Mr. Kurk asked Mr. Bozoian what he meant by blocking and Mr. Bozoian said there is no noise prevention, dust control. Mr. Kurk said if wanted to put up trees as a barrier you can do that or did you want him to do that. Mr. Bozoian said that is what it states in the ordinance.

Donald Wellman of 21 Rockland Road said the point about the site and the noise is that he looks directly down onto the apron where all the activity will occur. Mr. Wellman said there has to be some do consideration for the geographical proximity to a lot that developed and expanded as industrial use. Chairman Francisco said he apologies for making it sound like he was not an abutter and said that is why he didn't get a legal notice. Chairman Francisco said your concerns are welcome. Mr. Wellman said he does not know if there are any plans for excavation but if you look at the land to the east and north of the two huts that are there, that area is sloped and will be of no use. Mr. Wellman wanted to know if there were any plans to use the sloping land. Vice Chair Fillmore said there is nothing on the plans noting that.

Fred Rogers said he is a friend/business acquaintance of Mr. Romano. Mr. Rogers said he has seen the property prior to Mr. Romano buying and said what Mr. Romano has done prior to operating a business on it, he has made significant changes to the property. Mr. Rogers said the trailers were there from the previous owner they were over the setback lines and said Mr. Romano is going to make this a clean operation. Mr. Rogers said he thinks this a good thing for the Town of Weare and said he is one of the people that would be buying the metal from him. Mr. Rogers said as far as the trucks and the activity going thru their now, seems like it is already a problem and Mr. Romano hasn't

even started yet, but not to say he won't add to it. Mr. Rogers said the place was a mess before Mr. Romano bought the property and said no one complained about it before then. Mr. Rogers said he would definitely come before the Board if he was going to make any changes. Mr. Rogers said Mr. Romano is sensitive to conservation and wetlands.

Chairman Francisco closed the public hearing.

Chairman Francisco asked Mr. Romano if he was going to do any grading and Mr. Romano said no, he just brought in some fill to put on top of the dirt. Mr. Kurk asked how many trucks are going by now and Mr. Romano said probably 1 about every 15 minutes and said probably 50-60 trucks a day. Mr. Kurk asked Mr. Romano how many trucks he would have coming in and coming out and Mr. Romano said it will be more like plumbers and electricians, not big trucks coming in. Mr. Kurk asked if he would send an 18 wheeler out to the country side and bring it back in and Mr. Romano said no. Chairman Francisco said the non-ferrous needs to be added to the notes on the plan. Mr. Vanloendersloot said note 3 specifies iron.

Mr. Romano said that Art Siciliano helped him put this together and said he was very busy. Vice Chair Fillmore suggested that Mr. Romano write up the note that describes his business and then give it to Mr. Siciliano and have him put it on the plan. Mr. Clow said the way note 3 is phrased is misleading, "storage of dump trucks and heavy equipment" and what you are telling the Board is all part of the business. Mr. Clow said it sounds like you are running out of space to store dump trucks but said he knows that is not what he is planning on doing. Mr. Clow suggested changing the description to be more specific to the business and take iron off if you are not going to accept it. Mr. Clow said the rest of the concerns of the abutters are in the ordinances and said you can't get within 25' of wetlands. Mr. Clow said the screen whether it is plants or trees that are mature is something the Board should take up.

Mr. Romano said he will bring in an excavator to remove all of the old trailers and wants to make the place nice. Mr. Bolton said you must have to do some kind of processing. Mr. Romano said if it is a copper pipe with a brass fitting on it, they cut the brass fitting off on equipment inside the building and put each metal in the appropriate container. Mr. Bolton asked about wire with coating on it and Mr. Romano said they don't get involved in stripping wire and said the labor intensity is too much. Mr. Vanloendersloot asked if there would be processing of any product outdoors and Mr. Romano said no. Mr. Vanloendersloot asked if there would any use of heavy equipment outdoors that will be active and Mr. Romano said maybe a fork lift, loader to plow snow and an excavator to pick something up off of a truck.

Chairman Francisco asked what would happen if he brought in a lot of electrical wire and Mr. Romano said they would load it into a cart, they would bring it inside, put it on the scale, you see the numbers, they take the license, they pay the person, take it off the cart, put it over in the separate boxes and separate it and when boxes are full they pick it up and put it on a trailer. Chairman Francisco asked if all the coating stays on the wire and Mr. Romano said yes. Mr. Vanloendersloot asked if the pickup trucks are backing into

the building or will it be happening outside and Mr. Romano said they would have to come to the front of the door and loading the stuff into carts and bringing it inside. Chairman Francisco said they will need details about the sign. Chairman Francisco said he sees you have some proposed lights and said he hopes they are going to be downcast.

Mr. Vanloendersloot asked how many employees and Mr. Romano said 3. Mr. Vanloendersloot asked if the hours stated on the plans would be the hours of operation and Mr. Romano said yes. Chairman Francisco said he would like to see any wetlands on the east side of Rockland on the plans and wetlands within 100' on the west and also include topo so they can see the water drainage. Chairman Francisco said he assumes this is close to or in the flood zone. Chairman Francisco suggested adding a note it is not in the flood zone and probably not in the aquifer protection district. Mr. Meany said he is probably in the AE Zone. Mr. Kurk asked what is AE Zone and Mr. Meany said flood zone with defined elevation. The Board decided to do a site walk on February 11, 2017 at 9:00 am. Vice Chair Fillmore made a motion to continue to February 23, 2017. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

1702 Colby Road, LLC: site plan for an RV service center at Mat 412-170-2 at 48 Colby Road in an industrial zone

Chairman Francisco said the only thing that he sees that is missing is elevation view showing the building and cut sheets for lighting. Mr. Meany said he submitted the cut sheets for the lighting tonight. Mr. Meany said you don't have the building yet since he thinks it is in the design stage. Mr. Kurk said there are two different kinds of lights in the cut sheets and said he assumes they are just looking at the exterior light cut sheet. Scott Silva said he included all the light cut sheets. Chairman Francisco said he doesn't mind accepting it but he doesn't want to waive the elevation without seeing it before they approve it. Mr. Silva said he is here for a contingent approval and said he hasn't even done his site work yet. Mr. Silva said to get a building on order it takes 4-5 months to get it and said he doesn't want to wait that long to get this done then order the building now we are into summer before they have it. Mr. Silva said he is just looking for, you can put the building on but you need to meet these conditions. Mr. Silva said in 6-8 weeks he should have the building specs from the engineer. Mr. Meany said the Fire Department and him have reviewed it and said there was nothing out of the ordinary; it has an overhang on one side with a carport drive-thru. Chairman Francisco asked how high the building is and Mr. Silva said probably 24' to 26'.

Mr. Kurk moved to accept the application as complete and note that they require the elevation view of the building. Vice Chair Fillmore seconded. Motion passed. 4-0-1 (Mr. Bolton).

Chairman Francisco said this is the same site that you had the storage on before and Mr. Silva said they basically just moved the building from one spot to another and said it did change the drainage a little bit. Mr. Silva said they didn't change the capacity and said they just changed the location. Mr. Meany asked Mr. Silva if he is going to have compaction tests done on the fill and Mr. Silva said yes. Mr. Kurk said the last time you

were here, this was going to be storage and asked what is going to happen to all the storage stuff/vehicles. Mr. Silva said he was going for indoor storage. Mr. Kurk said the last time you explained that the industry has changed and you had to buy a year's worth of vehicles at one time and you needed some place to store them. Mr. Kurk said you were looking across Route 114 and said he thought Mr. Silva said forget that and Colby Road lot would become the storage area for those vehicles. Mr. Silva said he would forget going to the next tier but they still have permission to go a little bigger on the one that is approved but he hasn't done it yet. Mr. Kurk said the building, the fact that you need access to the building and the space to store vehicles that will be repaired, won't you have a significant lower storage capacity for vehicles to be sold. Mr. Silva said no since he was already putting a building on there anyways. Chairman Francisco said there was a proposed building on the old plan.

Mr. Silva said what changed is everything on the right is storage and said he has service stuff all over the lot. Mr. Silva said he is going to get more storage on the current site since the service stuff is going to be move elsewhere. Mr. Kurk asked what is happening to the current building that you are doing service work and Mr. Silva said right now nothing. Mr. Kurk said the new building would be an expansion and Mr. Silva said yes and it would be strictly service only no repair work. Mr. Silva said this building would be strictly off-site service. Vice Chair Fillmore asked if there would be water in the building since he sees a well on the lot and Mr. Silva said yes, it would have water, electric and sewer. Mr. Silva said it will be a full blown facility like he has except this will be by appointment only. Mr. Silva said it is something that you don't need high visibility for and said it would require a sign and said he would get a permit for it. Mr. Silva said the sign would say "turn here". Mr. Kurk asked if the sign would only say "turn here" and Mr. Silva said no, it is a directional sign basically so customers know where to go. Mr. Kurk said the Board would need to see drawings of the sign and Mr. Silva said he knows that. Mr. Vanloendersloot asked if the customers would be directly dropping off the RV's here or at the main site and Mr. Silva said the customers would be coming to this site.

Mr. Silva said he would probably have 10 people working there. Mr. Silva said the facility would be open from 8:00 am to 6:00 pm Monday thru Friday and 8:30 am to 5:00 on Saturday. Mr. Silva said the exterior lights will be motion sensor and there will not be any lights on since there is no reason to light it up. Chairman Francisco asked Mr. Silva if he was worried about people coming in there at night and Mr. Silva said he is going to have a gate to protect the building itself. Chairman Francisco said from the previous plan the Board wanted to look at the 100' buffer. Chairman Francisco said he would like to do a site walk and look at the wetlands buffer and well. Mr. Silva said the site work is not done yet, are about 4-5' from grade and said they had to stop in December. Vice Chair Fillmore said it is not on the plan and said the fill is coming out the knoll and said he thinks they need to show the limits of the excavation in that area. Mr. Silva said they are a little concerned about the well. The Board said they will do a site walk on Saturday, February 11, 2017 at 10:00 am.

Chairman Francisco asked for public comment and there was none.

Vice Chair Fillmore said there was something he was supposed to fix on the other one but doesn't look like he fixed on this one, the trench description of install 15' wide by 5' high stone trench. Chairman Francisco said from what he saw, it said deep. Mr. Kurk asked Mr. Silva to make sure the corrections from the first approval get moved over to this plan. Chairman Francisco suggested removing everything off this plan and say the grading is per the previous site plan approval. Mr. Silva said the grading did change but the capacity did and that is why he included it. Mr. Silva said with the change of the building location it changed the pitch of the grading for the catch basins.

Mr. Vanloendersloot asked if the plan should show planned parking spots and Chairman Francisco said employee parking lots should be shown on the plan. Mr. Vanloendersloot asked about an area delineated for storage and Mr. Silva said storage is already approved and it is up front. Chairman Francisco asked about storage in back of the building and Mr. Silva said that is going to be for vehicles going in and out of the bays. Mr. Silva said it will be 172' long by 24' wide spacing drive-thru carport. Mr. Silva said the customer will drop the vehicle off at the carport, their employees will bring the vehicle into the service bays, after service is done the employees will bring the vehicle to the parking area which will probably be towards the Winter Wanderers side. Mr. Silva said everything is facing the trench side. Chairman Francisco suggested showing traffic pattern and the employee parking on the plan. Chairman Francisco asked Mr. Meany if he understand the lighting and Mr. Meany said he thinks the crazy numbers means the number of lumens that are being directed down from the overhead lights. Mr. Silva said there are going to be several lights around the perimeter. Chairman Francisco said you need to revise the lights on the plan. Chairman Francisco asked if it was possible to get the cut sheet to go out a little bit further. Vice Chair Fillmore made a motion to continue to February 23, 2017. Mr. Kurk seconded. Motion passed. 4-0-1 (Mr. Bolton).

IV. Lot Line Adjustment: Timothy G. Farmer Revocable Trust at 17 Waterman Road, Map 101-57, 59 and 60 in a residential zone, three lots into two

Mr. Bolton left the meeting and Chairman Francisco made Mr. Vanloendersloot a voting member.

Mr. Kurk move to grant the waiver for topo, wetlands and soils. Mr. Clow seconded. Motion passed. 5-0-0. Mr. Kurk moved to accept the application as complete. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

Tim Farmer said he owns three lots, the one he lives on (Lot 101-60) and said he is proposing to take Lot 101-59, subdivide it to his residence and some to Lot 101-57 and get rid of Lot 101-59. Mr. Kurk asked what the access Lot C will have and Mr. Farmer said the right-of-way with the proposed easement. Mr. Farmer said he has the easement done. Mr. Kurk asked if he already had an easement over Mr. Cote's property (Lot 101-82) and Mr. Farmer said yes. Mr. Kurk asked if this was an existing easement and Mr. Farmer said it is now. Mr. Kurk said didn't you need an easement before and Mr. Farmer said Mr. Cote lives on one side of the brook and said where the driveway comes in off of

Waterman Road there are two steep banks, and said he didn't know that Mr. Cote owned up to the bank as far as he did. Mr. Farmer said he thought the center of the brook was the property line. Mr. Farmer said he put the driveway in when they tore the mobile home down and had Mr. Siciliano survey it. Mr. Siciliano said did you know that you put the right-of-way on your neighbor's property and said no. Mr. Farmer said he met with the Cotes and said they allowed him to have an easement which has been recorded. Chairman Francisco said you are basically giving Lot B to Lot 101-60 and Lot C to Lot 101-57 and Mr. Farmer said that is correct.

Mr. Farmer said the Lot that Cotes own that they are giving him an easement on is just barely big enough to put a driveway on. Mr. Kurk asked if the new Lot 57 buildable and Mr. Farmer said it is an existing lot that has a sustainable septic system on it and said it is a buildable lot. Mr. Kurk asked if there is a problem with making Lot 57 is buildable and access by easement. Chairman Francisco said no more than being accessed through a private road and said he was making sure it wasn't a shared driveway. Vice Chair Fillmore said it looks like a shared driveway. Mr. Farmer said it is a shared driveway. Vice Chair Fillmore said you may have to do another easement for the shared driveway agreement between the two lots. Vice Chair Fillmore asked if there was language in the deed that spells out the 10' right-of-way and Mr. Farmer said yes. Vice Chair Fillmore asked if he was using the right-of-way to get to the house and Mr. Farmer said no he wasn't using it.

Chairman Francisco said the Board should get a shared driveway agreement. Chairman Francisco said looking at the easement deed, it seems pretty strange it starts out with 10' in width and then describes it about 50' wide. Chairman Francisco said they can always do a corrected warranty easement deed. Chairman Francisco said they need a shared driveway agreement between Lot 60 and 57, Mr. Drescher should examine the existing recorded warranty easement deed. Mr. Farmer said Lot 60 there already is an easement on that lot to get to Lot 57. Chairman Francisco asked if all that was in the 10' note and Mr. Farmer said yes. Chairman Francisco said it would have been nice to say more than 10' right-of-way and suggested an expansion of the right-of-way note to say "include what the book and page says". Vice Chair Fillmore said the 10' right-of-way has two other lots that can use it and Mr. Farmer said Lots 57 (his), 56 (Chase's) and 53 (his) all have access to the right-of-way. Vice Chair Fillmore asked if he was moving the right-of-way for the other two lots and Mr. Farmer said the existing right-of-way is no longer there. Vice Chair Fillmore said so you relocated it for Mr. Chase and Lot 53 also and Mr. Farmer said yes, Lot 53 is basically a boathouse.

Chairman Francisco said they need to have Mr. Drescher look at the access for Lots 56, 57 and out to Waterman Road. Chairman Francisco said he thinks that Mr. Farmer built something that Mr. Chase can no longer use. Mr. Clow asked if this could be handled in two steps 1) approval of lot line adjustment and 2) shared driveway issue. Vice Chair Fillmore said the shared driveway should be shown clearer on the plan. Chairman Francisco said there should be some notes on the plan that one is going to be released and the other one is going to be granted. Vice Chair Fillmore said that Mr. Chase and Lot 53 have rights to use it. Chairman Francisco said he would prefer the existing access

easement for the shared driveway be extinguished, then Mr. Cote needs to grant an easement between Mr. Chase and Mr. Farmer for the new access and then Mr. Farmer needs to grant a new easement between himself and Mr. Chase for the new access on his property. Chairman Francisco said he would like to see a rebar set at the end of the 40ø strip (N80ø23ø06øE). Chairman Francisco said the easement between him and Cote should be a corrected deed. Chairman Francisco said he would talk to Mr. Drescher about the driveway easements.

Mr. Kurk moved to continue to February 23, 2017. Vice Chair Fillmore seconded. Motion passed. 5-0-0.

V. Zoning Ordinance

The Board looked at them and made final grammatical corrections. Mr. Vanloendersloot said he doesnø see how we can base anything off the minutes of December 22, 2016 if the Board hasnø approved them yet. Mr. Vanloendersloot said we are basing everything off of draft minutes and if we change the minutes, we have now limited ourselves. Mr. Clow said we shouldnø be changing the minutes but correcting them.

VI. Minutes

Mr. Kurk move to accept December 22, 2016 as amended. Vice Chair Fillmore seconded. Motion passed. 4-0-1(Mr. Clow)

Resumed V. Zoning Ordinance

The final ordinances are as follows:

ARTICLE 4

ACCESSORY DWELLING UNIT: Shall mean a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

ARTICLE 19.1.10

19.1.10 One ~~accessory apartment~~ accessory **dwelling unit** shall be permitted to single family dwelling residence in the residential and the rural agriculture zone by special exception from the Zoning Board of Adjustment and with these further stipulations.

19.1.10.1 An ~~accessory apartment~~ **accessory dwelling unit** shall be clearly incidental to the primary use of the property for single dwelling, and such accessory living space shall not exceed ~~six~~ **seven** hundred fifty square feet,

and not contain more than ~~one~~ **two** bedrooms **with maximum occupancy per bedroom of not more than two person per bedroom.**

- 19.1.10.2 An ~~accessory apartment~~ **accessory dwelling unit** shall either be constructed within or attached to a single dwelling.
- 19.1.10.3 At least one interior connecting door or other access for persons to pass between.
- 19.1.10.4 Septic system design/capacity shall be approved by the NH Department of Environmental Services.
- 19.1.10.5 No new entrance or exit to an ~~accessory apartment~~ **accessory dwelling unit** shall be constructed facing the front of the single family dwelling.
- 19.1.10.6 **Two** ~~One~~ parking **spaces** shall be provided for an ~~accessory apartment~~ **accessory dwelling unit** and no new curb cut from the street shall be constructed.
- 19.1.10.7 Exterior construction and material shall be uniform with the single dwelling.
- 19.1.10.8 **Either the accessory dwelling unit or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.**

Article 4

KENNEL: Shall mean a building or land used for the commercial boarding or breeding of ~~four~~ **five** or more dogs ~~or other household pets whether for profit or not, but excluding a veterinarian clinics or other facilities engaged in the rehabilitation or rescue of dogs or other household pets.~~

Article 17.3.12

- 17.3.12 **Kennels by conditional use permit.**
- 17.3.12.1 **CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT:**
The Conditional Use Permit Application shall demonstrate that the project will (a) not result in unreasonable noise levels at the applicant's property line, (b) will not result in any degradation of the quality of the groundwater and (c) will have no significant negative environmental impact to the abutting downstream properties. The Planning Board may impose such conditions on the project and/or use as it determines will promote the purposes of this article, and may require a performance guarantee or bond in an amount, and form

acceptable to the Board be posted to ensure compliance with the terms and conditions of the conditional use permit.

17.3.12.2 EXISTING NON-CONFORMING USES:

~~Expansion of existing non-conforming uses or structures shall be allowed when demonstrated that the expansion will result in more conforming site and use with greater protection of the abutting properties and the groundwater resource.~~

Alteration or changes in the use of land and/or structures for existing non-conforming kennels may be permitted by the Planning Board as a conditional use permit provided that the Board determines that (1) there is no change in the nature and purpose of the original use; (2) the proposed change or alteration will not have a substantially different effect on the neighborhood; and, (3) the proposed change does not result in an increase in the level of non-conformity or, if it does, that any such increase in the level of non-conformity is offset by corresponding public benefits such as mitigation of some impact on adjacent properties or improvements in infrastructure that address health and/or safety concerns.

VII. Adjournment

Mr. Kurk moved to adjourn at 10:45 pm. Mr. Vanloendersloot seconded. Motion passed. 5-0-0.

Respectfully submitted,

Tina Ripley
Minute Taker