

# DRAFT

## WEARE PLANNING BOARD JUNE 28, 2018 MEETING MINUTES

**Present:** Craig Francisco (chairman), Bruce Fillmore, Jr. and Neal Kurk (secretary). Also present: Chip Meany (Code Enforcement Officer), Art Siciliano, Emily Boynton, Bridget Cleveland, Linda Beliveau, Michael Dahlberg, Sheila Cleveland, John Howard, Steve Barton, Joanne Rumrill, Jessica Nelson, David Nelsen, Brian Daigle, Nancy Christian, Mark Suennen, Kristen Blanchard, Kevin Lefabvre, George Shaker, and Kim Boothroyd.

### **I. CALL TO ORDER**

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

### **II. LOT LINE ADJUSTMENT/SITE PLAN REVIEW**

Continued consideration of subdivision application and lot line adjustment for Whitetail Development, 24 Oil Mill Road, Tax map 412/lot 202

In a letter dated June 26, 2018, the applicant presented new plans and a response to comments by the executive director of the Southern New Hampshire Regional Planning Commission (SNHRPC). The chairman reviewed the documents. Mr. Kurk requested that the documents be posted on the Board's website.

One requested change was to install doors for vehicles at the gable ends of the new buildings. Mr. Fillmore noted that, with the possible exception of one building, this change would not work with the proposed building locations. Mr. Dahlberg, for the applicant, stated that a condominium purchaser might buy five units in one building, knock down the non-load-bearing walls separating the units and create a single, large area.

Mr. Kurk questioned whether the proposed listing of allowed uses appropriately distinguished manufacturing and commercial uses. Mr. Dahlberg stated he will provide language needed to make the distinction.

Mr. Dahlberg reported that the selectmen had approved the sign at the intersection of River Road and North River Road to direct truck traffic away from Riverdale village and onto North River Road. He also reported that the applicant had received its alteration of terrain and shore land permits from the state. He pointed out that the application permanently protected 95% of the woodland buffer required by the zoning ordinance.

Mr. Francisco observed that, as a result of the lot line adjustment application, the site review regulations cover the entire parcel, not just that part on which the new buildings are to be located; Mr. Dahlberg disagreed. Mr. Francisco suggested that all areas should be paved or grassed and not graveled, including areas around existing buildings.

With respect to water withdrawal and its effect on the aquifer, Mr. Dahlberg stated that a proposed drilled well would withdraw 1,440 gallons per day from the aquifer, pointing out that that was a very small fraction of the 1.39 million gallons per day that flowed through the aquifer. He saw no problem with the water supply, noting that the proposal conforms to the SNHRPC study for Weare on which the aquifer protection section of the zoning ordinance (Art. 29) was based. Any dry wells in the area were tapping into a different water table and would not be affected by the proposed drilled well. He also noted that, as a result of the Art. 29 ban on hazardous substances, there was a very small likelihood of aquifer pollution by harmful substances. Any that might inadvertently be on the premises would be inside the buildings in containment areas.

In response to Board member questions, Mr. Dahlberg stated that the proposed hours of operation were 6 am to 6 pm on weekdays, 8 am to 12 noon on Saturdays and none on Sundays. Vehicles might be arriving or departing the site at other times. He noted that visual screening had been improved and that any noise issues would be covered by existing standards.

The chairman opened the session to comments from the public.

Kevin Lefabvre of 16 Depot Street stated he believed the entire site was subject to the site review process as a result of the lot line adjustment request. He questioned whether the application exceeded the maximum impervious cover limitation. The chairman pointed out that requirement could be waived if any water run-off could otherwise be accommodated on site. Mr. Lefabvre expressed concern about contamination of the upper water table leaching into the aquifer, noting that detention ponds increase that risk, as does working on vehicles outside of the buildings or storage of materials outside of the buildings. He believed that monitoring wells put in place now should be used to establish a baseline water quality for future reference. He expressed concern over the validity of the new traffic study, noting that traffic was unusually light during the period of the study.

George Shaker of New Boston expressed concern about the extent of the impervious coverage and its effect on the aquifer.

David Nelson of 10 River Road requested a review of the historical nature of the Riverdale community and the impact on it of the applicant's proposed use of its property. He expressed concern about the effectiveness of the proposed signage, about overflow parking on village roads, and about oil and gas separation and containment. With respect to the latter, he asked that it be by building and not by unit within each building.

Sheila Cleveland read a family letter about the traffic study, noting the very light traffic during the study period and recommending a new study. She suggested that only two additional buildings be approved. She expressed concern about the placement of guardrails, the affect of road salt on the aquifer, the need for baseline data on the aquifer through water testing, and the habitat of the wood turtle. She asked that the condominium association and its owners be obligated to pay the costs to clean up the aquifer if any association member causes its pollution.

Joanne Rumrill read a letter from Tracy Welsh (who lives in the area) noting the light traffic during the traffic study test period. She questioned the adequacy of the firefighting water supply.

Linda Beliveau of 367 Riverdale Road expressed concern about the effect on safety from an increase in traffic. She observed that signage directions and limitations will, as a practical matter, be unenforceable. She suggested there be another, better traffic study.

George Shakier questions the Board's process in light of various studies yet to be done.

Emily Boynton of 11 Riverdale Road said she was disheartened by the Board's process and feared that landowners' concerns would be ignored. She believed that, based on his past behavior, the applicant would not follow any new rules and as a result river and aquifer pollution would follow. She asked that current laws be enforced before the application is acted upon.

Jessica Nelson of 10 River Road agreed with Ms. Boynton. She added that existing outside storage areas had not been cleaned up. (Mr. Meany stated the matter had been referred to the Board of Selectmen.)

Michael Dahlberg, for the applicant, stated that existing outside storage is not a Planning Board matter but rather one for the code enforcement officer. He noted that some neighbors have dumped animal waste onto the aquifer and start heavy equipment early in the morning and pointed out the inconsistency between their words and their actions. He pointed out that the applicant is grandfathered with respect to its existing site but that the existing site will change under this application.

Kim Boothroyd of 422 River Road, New Boston, pointed out that the Riverdale community is coming together in opposition to the application.

John Howard of Bethlehem, CT, whose son lives at 11 River Road was concerned about the building buffer screening and asked for boards and flags denoting building heights to be placed in the appropriate locations. a broad buffer screen.

Michael Dahlberg, for the applicant, stated that there had been no hydrological study, just consultation with a geologist. It was pointed out that a motion adopted at the May 24, 2018, meeting required an environmental study.

The chairman closed the public comment period.

Mr. Kurk asked applicants to prepare a list of specific conditions to be placed on the application that would satisfy their concerns. Mr. Fillmore suggested that the Board give the applicant direction with respect to any remediation required behind existing buildings. Mr. Dahlberg state the applicant would excavate tainted soil in that area, dispose of it properly, and grade and pave the area. The same uses would then continue. Mr. Francisco moved, seconded by Mr. Fillmore, to recommend to the code enforcement office that he have have an environmental engineer inspect the soil excavation and removal process. The motion carried unanimously. Mr. Kurk moved, seconded by Mr. Fillmore, that the application dated May 16, 2018, be accepted as complete. The motion carried unanimously. The chairman stated that lot line adjustment and conditional use issues will be dealt with and voted on along with the application.

The chairman asked for further direction to the applicant, suggesting that the applicant provide a hydrologist's report and provide the Board sufficient time to review plan changes. He noted the current set of plan revisions was received on May 26, 2018, two days before tonight's meeting which was insufficient time for the Board to study the plans. Mr. Fillmore pointed out that the conditional use permit deals with water flows, not water quality. He suggested floors in each bay in each of the proposed buildings slope toward the middle of each bay, with under-door barriers, sealed concrete floors, and no floor drains. This would facilitate the cleanup of any spill. He also suggested banning any work outside of the buildings to further avoid spills that might adversely affect the aquifer. Mr. Kurk suggested the Board further define manufacturing that may not occur in a commercial zone. Mr. Fillmore asked that the proposed gable end doors be limited to building no. 1 or show how traffic flow would not be affected if such doors were to be placed in other buildings. The chairman asked that condominium documents be submitted to Board counsel for review and approval. Mr. Kurk inquired about a pollution clean-up bond to be provided by the condominium association. A question was raised about possible road name confusion. The chairman stated his intention to send a copy of Mr. Dahlberg's June 26, 2018, letter to SNHRPC. David Nelson expressed concern about light and noise emissions from any gable end doors.

Mr. Fillmore moved, seconded by Mr. Kurk, that the matter be continued until the Board's July 26, 2018, meeting. The motion passed unanimously. The chairman asked that abutters' written restriction suggestions be provided to the CEO by July 10<sup>th</sup>.

### **III. LOT LINE ADJUSTMENT**

Steven Baston of 253 Pine Hill Road, tax map 402-3, in a residential zone

Mr. Fillmore moved, seconded by Mr. Kurk, that the application be accepted as complete. The motion passed unanimously. Mr. Francisco moved, seconded by Mr. Fillmore, that requested waivers for contours, soils and wetlands be approved. The motion passed unanimously. Mr. Fillmore moved, seconded by Mr. Kurk, that the application be approved on condition that two granite bounds be set. The motion passed unanimously.

### **IV. LOT LINE ADJUSTMENT**

Thurber House LLC and Winter House LLC, tax map 105, lots 12 and 36, 55 Thurber Road and 41 Winter Road

Mr. Fillmore moved, seconded by Mr. Kurk, that the application be accepted as complete, and the motion passed unanimously. Mr. Francisco moved, seconded by Mr. Fillmore, that the requested waivers for wetlands, soils and contours be approved, and the motion passed unanimously.

It was pointed out that lot line adjustment proposed would create a single lot divided by a road and lack common frontage along that road. Mr. Fillmore moved, seconded by Mr. Francisco, that the matter be referred to town counsel to determine its legality under the zoning ordinance and that the matter be continued until the Board July 26, 2018, meeting. The motion passed, 2 . 1 . 0.

## **V. ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

Neal M. Kurk, Secretary