

# TOWN OF WEARE

## PLANNING BOARD

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Weare NH 03281

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December 8, 2011 - Meeting Minutes

**\*\*FINAL COPY\*\***

**PRESENT:** Frank Bolton, Vice Chair; George Malette, Neal Kurk, Thomas Clow, Chip Meany, Land Use Coordinator; Sheila Savaria, Recording Secretary.

**GUESTS:** Heleen Kurk, Mike Dahlberg

**I: CALL TO ORDER:**

Vice Chairman Frank Bolton called the meeting to order at 7:00 pm at the Weare Town Office Building.

**II: PUBLIC HEARING:**

Fessenden Lane Road Acceptance: Members of the Board had recently visited Fessenden Lane so they could have a discussion as to whether or not to accept it as a new town road. Tom Clow felt the road looked well done, but questioned if there was enough drainage swale on some of the driveways. Mr. Clow said looking uphill, there looked to be a swale, but there didn't appear to be a good enough swale looking downhill. Chip Meany added that he had a signoff from Jim Donovan, and an approval from Tim Redmond. Frank Bolton had a few concerns about the road. First, there was a broken granite marker that he would like to see replaced. Second, there is signage that should be replaced because he felt it was difficult to find access to the open space and it should be better marked. Also, Mr. Bolton checked the driveways with a 6' level and said 5 of them did not meet specs and there were issues with slopes. All of the houses are not numbered, and there is evident shoulder washout near a couple of the telephone poles. Mr. Bolton suggested to the Board that they improve the inspection methods and revisit the regulations. Neal Kurk said that runoff causes accidents and if the Board approves a road with a greater chance of getting black ice, it wouldn't be a good thing. Also, Mr. Kurk said if the Board changes the rules because they were not followed sends a message to people that they can do what they want and the next person will be held to higher standards, and he does not agree to that. George Malette agreed that there are issues with the road, but none are great enough safety issues to have things redone, and he would not recommend anything be altered.

George Malette moved to recommend approval of Fessenden Lane as a Town road to the Selectmen conditional upon signage in the parking area showing access to conservation land be replaced, and that 1 granite marker be replaced. Frank Bolton seconded the motion. Frank Bolton, George Malette, and Tom Clow voted in favor; Neal Kurk was opposed. Tom Clow added that the signs added should be small and inconspicuous.

Alma Schmid Revocable Trust, Lot Line Adjustment, Lots #203-93 & 408-123, 158 East Road. Frank Bolton stepped down and appointed Neal Kurk as acting Chairman. Mike Dahlberg presented on behalf of the trust. Lot 408-123 is under agreement with the Russell Foundation to be purchased as conservation land. The intent of this plan is to take the back 7.49 acres of lot 203-93 and add it to lot 408-123, making it 137.3 acres. There was a variance granted for lot size for lot 203-93 by the Russell Foundation on November 1, 2011. Lot 203-93 will support the 5 existing 1-bedroom apartments and has state approval. The land has group 1 soils and a flat slope, and it is great for on site septic treatment. The reason for the variance is to protect more of the field and leave it open.

Tom Clow moved to accept the waivers indicated on the application; George Malette seconded. All voted in favor.

Tom Clow moved to accept the application as complete; George Malette seconded, all voted in favor.

Abutters: Frank Bolton asked the Planning Board to make the acceptance of this lot line adjustment contingent upon the fruition of the open space because if it is approved and the open space never comes about, a sub size lot would have been created for no reason.

Neal Kurk closed the public hearing at 7:40 pm.

Neal Kurk moved to approve the lot line adjustment subject to the successful transfer of development of a conservation easement on lot 408-23, until which time the plan shall not be recorded. Tom Clow seconded the motion; all voted in favor.

Frank Bolton stepped back in as acting Chairman.

1<sup>st</sup> Hearing for Zoning Amendments as proposed. Proposed zoning amendments are on file in the Town Clerks office. There was discussion on whether this hearing was just to clarify wording and to make very minor changes, or if the Board was allowed to make as many changes as they want and the 2<sup>nd</sup> hearing would be for minor changes. Mr. Meany told the Board he would speak with the Town's lawyer about the limitations of the changes they were allowed to make and if anything was changed illegally.

Frank Bolton opened the 1<sup>st</sup> public hearing for zoning amendments at 7:50 pm.

Public Comments: Heleen Kurk presented a proposed amendment to the sign ordinance. Ms. Kurk proposed to amend article 34 by changing 34.11 to 34.12 and changing 34.11 to add:

*OPEN SIGNS: Any business may be allowed one single-sided sign not to exceed seven inches by eighteen inches which indicates that the business is open. This sign (a) shall be in addition to any other sign the business is authorized to display, (b) may be internally illuminated by a steady, continuous, non-flashing light of any one color, (c) shall where practicable be placed within, or at the entrance to, the business facing and parallel to a public right of way, and (d) shall in its placement and operation not unreasonably or unnecessarily distract vehicle operators. No permit shall be required for this sign.*

Ms. Kurk said she has been in touch with a lot of committees in town and many feel it doesn't make sense that you can't see if a business is open or not when it is dark out, and a business should be able to, in a quiet way, let the public know it's open. Tom Clow agrees with the amendment and added that these signs are a part of doing business and are not obtrusive. Chip Meany fully supports this amendment and says that not allowing this type of signage is a big problem for him to enforce. Mr. Meany thinks the signs allowed should be limited so signs such as 'Pepsi' signs are not allowed. George Malette added that the language in the article should be clear so that the sign is allowed to be lit. There was some discussion on whether this needs to be a petitioned article or an article from the Board. Mr. Meany will speak with the Town lawyer to get clarification.

After some minor changes made by the Board, Neal Kurk moved that the Planning Board adopt the amendment with the changes discussed (printed as above); George Malette seconded, all voted in favor.

In the absence of Chairman Francisco, the Board only briefly discussed his proposed zoning article changes, and decided not to make any motions to the amendments until they can discuss them with Mr. Francisco. The Board also discussed Neal Kurk's proposed changes and agreed that the wording was suitable.

### **III: OTHER BUSINESS:** Minutes:

Neal Kurk moved to approve the minutes from the November 10, 2011 meeting as amended; George Malette seconded, all voted in favor.

George Malette moved to accept the minutes from the November 17, 2011 meeting as amended; Neal Kurk seconded, all voted in favor.

Building on a Private Road: Chip Meany asked the Planning Board for their opinion on whether he should allow someone to build on a private road. Currently, you cannot build on a private road without a variance.

Neal Kurk moved to recommend to the Board of Selectmen to approve the lot in question as a buildable lot; George Malette seconded. Tom Clow and George Malette voted in favor, Neal Kurk and Frank Bolton were opposed.

**IV: ADJOURNMENT:**

As there was no further business to come before the board, Vice Chairman Frank Bolton declared the meeting adjourned at 9:50 pm.

Respectfully submitted,

Sheila Savaria  
Recording Secretary