



Town of Weare Planning Board

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Planning Board

Craig Francisco, Chairman
Frank Bolton, Vice Chair
Neal Kurk, Secretary
George Malette, Member
Keith Lacasse, Ex-Officio
Dani-Jean Stuart, Alternate
Bruce Fillmore, Jr., Alternate

PLANNING BOARD – FEBRUARY 27, 2014 FINAL MEETING MINUTES

Present: Craig Francisco, George Malette, Neal Kurk, Frank Bolton, Bruce Fillmore, Jr., Chip Meany, Code Enforcement Officer and Wendy Stevens, Recording Secretary.

Guests: John Vanloendersloot, Deb Brown, Art Siciliano, Mike Maxwell, Alice Morris, Paul Marsh, Art Siciliano, Marc Berube, Joanne Meyer and Eric Buck.

I. CALL TO ORDER

The meeting was called to order at 7:01 pm by Chairman Craig Francisco

- II. An Application for Conceptual or Design Review was presented for Deborah L. Brown, Tax Map & Lot 203-108. 3 George Moody Rd.

Ms. Brown stated she owns Moody Pond Marketplace and her purpose for being here tonight is to change her building from a residential home to commercial use. Mr. Kurk asked if it was zoned commercial. Ms. Brown stated yes, the property is zoned commercial however the house is residential. Chairman Francisco asked about the upgrades. Ms. Brown stated the house needs everything. Chairman Francisco stated conceptually he doesn't see any issue. Mr. Kurk asked if the use of the building is for the same stuff that she is doing outside. She stated she has had a couple of people asked about renting the property. She stated her purpose is to transform it into a building with a commercial kitchen with wood fired pizza. She would like to have bistro seating. Mr. Kurk stated if you come in here for one thing, and then you want to change, you've got to come back. Mr. Kurk asked if there will be a lot more traffic. Ms. Brown said yes. Mr. Kurk asked if there is adequate parking. The parking proposal was reviewed. She stated the traffic flow will go in one direction with parking at the south end. Mr. Kurk asked if there isn't adequate parking to house both farmers market customers and restaurant customers. Mr. Kurk stated he has been to the market, and cars are parking on George Moody Rd. Mr. Kurk asked if there was an application for a seven day restaurant? Ms. Brown stated she was just here about the change from residential to commercial. Mr. Kurk asked if you have more people than you have now, where will they park? Mr. Meany stated this is a conceptual meeting.

Vice Chairman Bolton asked why a commercially zoned parcel has a residential house on it? Mr. Meany stated the residence was pre-existing, so it became zoned commercial, but the use of that house was residential. Vice Chairman Bolton stated he sees contradicting uses. Mr. Meany said the more restrictive applies. Chairman Francisco referred to the site plan regulations.

Mr. Malette said he doesn't see any problems with it conceptually, but he would like to see a site plan. Ms. Brown stated she has all of that prepared and was planning to present it after the conceptual meeting. Mr. Kurk again asked how Ms. Brown was going to produce more parking for the additional business activity. Ms. Brown stated that A might replace B and she is considering a 7 day a week business with preserves, bread, fresh produce, etc. Mr. Kurk said, so the farmers market goes away? Ms. Brown said she did not know that, she would have to check with the vendors. Chairman Francisco cited page 15 of the site plan regulations regarding customer service parking. Ms. Brown stated the parking spaces would be at a 30 degree angle. Vice Chairman Bolton asked about the leechfield. Ms. Brown stated this was a redesign that Mike Dahlberg did. There is a tank just outside the south gable

end of the house, and the field is in the middle of the lawn. There is a pipe that goes underneath the driveway. Chairman Francisco stated parking is obviously going to be an issue. Ms. Brown stated she can add parking all the way down towards the entrance to the pit. Chairman Francisco stated if the house is turned into a restaurant, that would need 16 spaces. Then add in the road stand, if the stand is manned, it is 7 spaces, if its manned by 2 people, needs 14 spaces. In theory, she needs 56 spaces. Mr. Malette stated that is just a guide. Mr. Kurk said she needs 8 parking spaces for the restaurant in combination. Vice Chairman Bolton stated she needs 7 or 8 more parking spaces. Chairman Francisco asked how many vendors? Ms. Brown stated she's had up to 35, and they come and go. Ms. Brown stated that she can have somebody direct parking. Vice Chairman Bolton asked if she had a problem with parking in the past, and she said she has had some issues such as people parking on Rt. 114. Mr. Kurk stated if you use the building for a restaurant and a farmers market, some of the people patronizing the farmers market will go into the restaurant, and it could be thin ice. Vice Chairman Bolton asked if she had a concrete plan. Ms. Brown stated she does have a plan. She plans to hire people to help with her developments.

Mr. Kurk asked about signage. Ms. Brown stated her Dad's sign is grandfathered. The Moody Pond Marketplace sign is 10 x 3. Mr. Kurk said the grandfathered sign is larger in square footage than was allowed at that time. Ms. Brown said it didn't have to comply as it was exempt. He stated when you added the new sign, one of those three bars was supposed to come off. The question is now, what additional signage do you want and would be permissible for the restaurant? She asked for 16 square feet for the separate entity. Ms. Brown furthered she has read the sign ordinance two or three times and she cannot decipher what she can do with the different businesses on the property. Mr. Kurk said single lot, one person operating multiple activities. Mr. Kurk presented a scenario, say if Ms. Brown has one building, one section sells jewelry, and another section sells whatever, and a third section sells another thing. Are those three independent businesses? Chairman Francisco said yes. Mr. Kurk responded that there is then no limit to the number of signs, which is silly. Mr. Kurk argued there is only one person in there selling different things, but not every single different thing being sold constitutes a different business. Mr. Kurk clarified the businesses should have nothing to do with each other, and one evidence of that is that it is owned by different people. Ms. Brown stated the businesses are separate and each is its' own entity, even though they may complement each other. Mr. Kurk stated to make sure and read that paragraph when she comes with the sign permit, he read aloud the part about signs being attached to the building. Ms. Brown stated that is one of the loopholes in the sign ordinance, that a sign attached to the building will not be legible from the road, and she would like to be able to put a sign out near the road.

- III. A Subdivision Application was presented for Richard Lavalliere, Tax Map & Lot 412-200, 10 North Riverdale Road. Eric Buck of Terrain Planning & Design LLC came forward to present the application. He stated this application is for the proposed construction of a 48 x 150 foot plumbing and heating supplies building. They have received approval from DES. Mr. Buck presented a map and demonstrated the existing building sitting in the wetlands buffer. They are proposing to remove the large gravel area and install a new warehouse building. Because they are over 20% impervious, DES requires a stormwater mgmt plan and he showed the plan, which includes removing the large gravel area and restoring it with grasses. He stated there will be no added traffic or use, it is only housing plumbing and equipment. Mr. Kurk asked the value of the new building. Mr. Buck stated he doesn't have those numbers, but it is around one hundred thousand dollars. He presented the board with pictures of the building. Mr. Kurk asked about the permits from the state. He stated we did get the shoreland impact permit on January 2nd from DES. Mr. Kurk asked what it the basis for granting the permit. Mr. Buck stated they are only affecting the 250 foot buffer, not the 50 or 150 foot buffers. Chairman Francisco asked if they were reducing the impervious area. Mr. Buck stated yes, 38,000 sf of impervious area, to 32,000 sf of impervious area. Mr. Kurk said the plan submitted states the impervious area is 30,145 feet how does that contrast? Mr. Buck clarified 136,100 is impervious surface within the shoreland zone. There is an existing 38,272 of impervious surface, a majority which 13,000 sf is the existing gravel area. By removing the gravel area, the new building will take up some of that, but the rest will be the 30,145 square feet. Mr. Buck stated he will be placing 12" of loam when the gravel is removed, he wants to make sure the seed mix is going to survive. Chairman Francisco stated he thinks the plan looks pretty nice. Mr. Meany asked about an expedited Site Plan Review.

Vice Chairman Bolton said there's nothing there anyway, it is just an open area. Mr. Fillmore said it is in the site Plan Regulations, so it could be waived. Vice Chairman Bolton asked if we have an aggressive schedule? Mr. Buck stated they would like to begin building as soon as the ground breaks. Chairman Francisco said you cannot waive a Site Walk if the building is over 1,000 feet. Chairman Francisco said either way, it will take a lot of time to notify the abutters, and whether we expedite it or not, it will take the same amount of time. They have to hold public hearings, etc. Mr. Kurk asked how are 3.8 acres in current use? Mr. Buck said current use is the wetlands area. Chairman Francisco clarified wetlands can be placed in current use, regardless of the acreage. Mr. Malette asked to see the paperwork from DES, Mr. Buck replied the shoreland impact permit was in the application. The board scheduled a site walk for March 6th, 2013.

- IV. A Subdivision Application was presented for Daniel Scolardi and Innovative Land Solutions, LLC by Art Siciliano. Chairman Francisco stated he wanted to make sure test pits were done before approval. Mr. Siciliano thought you didn't have to do them for 5 acre lots or over. Chairman Francisco asked him to fill out a waiver. Mr. Malette stated he didn't think they were required. Mr. Malette made a motion to accept the application as complete. Vice Chairman Bolton seconded. Mr. Kurk abstained. The motion passed 3-0-1. Chairman Francisco stated there were comments from the Conservation Commission and they would like to talk to Mr. Siciliano. He stated he would go to the next meeting. The Board of Firewards noted the driveways are in excess of 150' and they need BOFW approval. In addition, plans should locate existing and/or proposed water supply as required in Fire Fighting Supply and Suppression Systems section of Subdivision Regulations. Mr. Siciliano said he would go see them too.

Mr. Siciliano stated Lot 1 will have its own driveway, 2 and 3 will have a shared driveway on Colby Rd. Mr. Fillmore asked what are you going to do with Lot 1 with the well? Mr. Fillmore said he would like to see the septic approval from the state if it becomes available. Mr. Fillmore said they are pretty strict about wells going over lot lines. Mr. Fillmore said you cannot cross lot lines, not on new lots. Mr. Kurk asked how many feet to the end? Specifically the site for the septic and well is how far from the road on Lot 1? Mr. Siciliano responded 250 feet. Mr. Kurk asked what was the width? Mr. Siciliano responded 75 feet. Mr. Kurk responded that's pretty narrow for a house. Mr. Siciliano said a narrow house is 26 feet, and they don't all have to be rectangles. Chairman Francisco asked if he applied for a wetlands permit? Mr. Siciliano stated he has a culvert there. Mr. Siciliano assumed the owner has a permit, but he doesn't know. He will check into it. Chairman Francisco stated he is going to tie the existing access road which starts on 1 and continues through 2 and 3 and goes just past the wetlands. It fades out just before the 4,000 foot area. Chairman Francisco furthered that Mr. Siciliano doesn't show the driveway. Chairman Francisco asked how steep is it coming off of 114? Mr. Siciliano said pretty steep – he is going to have to engineer a driveway. Mr. Kurk asked wouldn't we need to see that before we approve this application? Chairman Francisco responded yes we will. Mr. Fillmore stated it would probably come close to triggering a site specific application. Mr. Siciliano said he would check it out and see where we are at.

Chairman Francisco asked about the copy of the DOT driveway permit issued in 2003. Mr. Siciliano said the lots, if you look at sheet 2, he subdivided four lots off as well. There are two shared driveways for those two lots, and they gave a driveway permit for the remaining property there. Mr. Kurk asked if they ever expire. Mr. Siciliano said as far as he knows, no. Mr. Fillmore stated he does not believe they expire. Chairman Francisco read that the driveway permit expires after a year. Chairman Francisco also clarified the driveway permit was for an owner who no longer owns the property. Chairman Francisco pointed out that the distance to the roadside swale, which he assumes is 12 feet anyway, make sure you take that into account when you do the driveway design for Lots 4 and 5. The driveway has to grade from the edge of pavement to a certain degree. The town driveway permit from 2004 was reviewed, Mr. Fillmore pointed out that it was for a logging company when the parcel was one lot with Boisvert. He furthered that since they are relocating it, they are going to need a new permit anyway.

Mr. Fillmore stated regarding the shared driveways, would it be wise to get copies of driveway easements. Chairman Francisco said yes, and we will have Attny Drescher review them.

Paul Marsh of Colby Rd., an abutter of the NW corner of Lot 1 came forward. Mr. Marsh stated there are many small wetlands identified in the plan and he would like to know what plans are being made to protect those areas. One major concern is that there is nothing indicating if there will be a roadway running between Rt. 114 and Colby Rd. If not, he would like to see a statement to that effect so it doesn't become a thru way. He stated he did not see anything about all lots having a minimum of 200 foot frontage, and he did not see that for any lot in the subdivision (8.1.7). As a prior concern, according to 8.12, hardships, annoyances and inconveniences to abutters, they start their machinery at 6:30 every morning which is kind of annoying. He would like some assurance that they don't start up their machinery until a more considerate time. Chairman Francisco said he agrees with the wetlands, and all he is showing is one little area. He stated a roadway between Rt. 114 and Colby Rd. would be prevented because the lots take up the entire area. Vice Chairman Bolton said they may be gravel driveways, but there will not be a road. Mr. Marsh said if they can figure out how to get a driveway in off Rt. 114, they can figure out how to get a road up to Colby Rd. Alice Marsh stated she was interested in seeing where the lot and septic are going on Lot 1. The only way to get to land is through the wetlands. She did not want to see a driveway going through a larger portion of wetlands to get to the high ground.

Mike Maxwell, 282 S. Stark Hwy, the largest abutter on lot 5. He asked about the viewage for the driveway – he has 6 acres that abuts him. He stated he has tried to obtain a second driveway permit but the 50 foot requirement came into question. He questioned it, tried to obtain a driveway permit at the corner of his lot, and it was inconclusive without having a survey. He furthered that he understood 400 feet of view was required on each side of the driveway. Mr. Maxwell wanted to find out if he obtained a driveway permit for that. Chairman Francisco said in 2003, he had one for three driveways. Chairman Francisco stated the law on driveways is really strange. July 1, 1971, if the lot had more than 500 feet of frontage, you were going to get three driveway permits. If you had less than 500 feet, you were going to get one. Mr. Maxwell just wanted to know how a driveway can be put in there with only 50 feet. Mr. Maxwell said both of their deeds are off by 100 feet, and his abutter has clear cut too close to his property. Mr. Maxwell asked Mr. Siciliano if he performed the survey himself, and Mr. Siciliano said yes. Mr. Maxwell asked if there was a vegetation buffer when putting in a development. Chairman Francisco stated in this case, no.

Mr. Siciliano said as far as crossing the wetland, he stated he believed it would be hard for him to get approval to cross the wetland. He has no intention of going into the wetland. Chairman Francisco asked for him to notate that on the plan. Mr. Siciliano asked him to come up with a note. Mr. Fillmore told him to draw the building blocks in. Mr. Siciliano said he would do a note. Mr. Malette asked to see a wetland stamp on the map. Mr. Siciliano did the wetlands himself, and he will get a stamp on there.

Chairman Francisco stated he wanted to do a Site Walk, but would like to first see a driveway design for Lot 4 and 5, and also a wetland crossing or notation. Chairman Francisco stated to require a wetlands permit for Lots 2 and 3, to require shared documents, easements, to require driveway permits, both town and state are needed. Chairman Francisco asked Mr. Siciliano to address Mr. Marsh as far as work start time. Mr. Marsh asked for work to be started after 7 a.m. Mr. Siciliano responded its pretty temporary.

Chairman Francisco also instructed Mr. Siciliano to talk to the Board of Firewards and the Conservation Commission. Chairman Francisco clarified a temporary logging permit was not a driveway permit. Mr. Siciliano stated there is a large culvert there now. Mr. Kurk questioned he thought culverts were supposed to be removed after logging. Mr. Siciliano didn't know. Chairman Francisco added that the Board of Firewards had specific water requirements.

A site walk was planned for 5:30pm on April 24th. The public is invited to this site walk. Vice Chairman Bolton made a motion to continue the application to April 24th, and to do the site walk at 5:30 at April 24th, 2014. Mr. Kurk seconded. The vote was unanimous.

V. OTHER BUSINESS

Chairman Francisco stated that John Vanloendersloot is interested in joining the Planning board. He moved to town about three years ago, and he wants to be a part of the community. He wants to have a say as to what happens in this town. He doesn't want to just live here. He works at Caterpillar as a project manager where he supplies kits to customers and their equipment. His other job is as an EMT for both the Pembroke and Dunbarton Fire Departments. Mr. Kurk asked why the Planning Board? He answered he saw a vacancy as an alternate on the Planning Board. Chairman Francisco signed the volunteer application and informed Mr. Vanloendersloot that the application will be given to the Board of Selectmen, and his next step will be to go before the Board of Selectman.

Chairman Francisco asked about changing the meeting schedule to the first and third Wednesdays of the month. After some discussion, Chairman Francisco stated that the board was split and asked Mr. Meany to forward that information to Mrs. Bolton.

The January 3rd minutes were reviewed. Chairman Francisco stated to change the date from the 3rd to the 9th. Mr. Fillmore stated the second correction was to appoint him as a voting member. Mr. Kurk made a motion to approve the minutes of the 9th as amended. Mr. Malette seconded. The vote was unanimous.

The January 23rd minutes were reviewed. Vice Chairman Bolton stated that there were a couple of things that they discussed that were not alluded to. They spent half the night on signage, and he was hoping to see more information about that. In the application, they don't have a driveway permit. Mr. Meany stated that what had happened, they had been working with DOT about redesigning the driveway, and they gave them a conditional approval. Subsequent to that, he spoke with Scott Looney, they have approved the design and have a year to make the changes. Vice Chairman Bolton made a motion to approve the minutes as amended. Mr. Kurk seconded. The vote was unanimous.

VI. ADJOURNMENT

Vice Chairman Bolton made a motion to adjourn at 9:10pm. Mr. Malette seconded. The meeting was adjourned.

A true record,

Wendy J. Stevens