

WEARE PLANNING BOARD
Final Minutes of the Meeting
of August 13, 2015

Present: Craig Francisco(chairman), Neal Kurk(secretary), Frederick W. Hippler(exofficio) John Vanloendersloot(alternate), Chip Meany(Land Use Coordinator), Tina Ripley(Minute Taker), Guests: - Paul Doscher, Nancy Cunha, Mike Dahlberg

I. Call to order.

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

II. Conceptual Review.

JMC Co. – Paving at B & B Lane ó Mike Dahlberg said that most of them are probably familiar with Jerry Haynes bark mulch property on B & B Lane. Mr. Dahlberg said JMC Co., owned by Chuck Brown owns the 201 acres that abuts Mr. Haynes property. Mr. Dahlberg said Mr. Haynes property is Map 411, Lot 194 which is zoned industrial and Map 411, Lot 198 is zoned rural/agriculture. Mr. Dahlberg said that Mr. Haynes came in and paved a bunch of area and they came in to get a site plan approved for that much increase of paving and increased business. Mr. Dahlberg said he does have a storm water expansion/treatment plan in place that has been approved by the Planning Board. Mr. Dahlberg said he would like to pave 4,000 sq. ft. on the rear portion of his lot and connect it with 31,500 sq. ft. of pavement on the JMC Co. lot. Mr. Dahlberg said JMC Co. lot is only pervious coverage is only .1% of their 200 acres. Neal asked if Mr. Haynes was buying and Mr. Dahlberg said no. Neal asked if Mr. Haynes was renting the property from JMC Co. and Mr. Dahlberg said yes. John asked what was there now and Mr. Dahlberg said it was solid gravel. Neal said basically Mr. Haynes rents the land but never uses it and he is not proposing to do anything on the 31,500 sq. feet. Neal asked if Mr. Haynes would be using it for storage? Mr. Dahlberg said Mr. Haynes would be using it for storage. Neal asked about the existing gravel area and asked if it was artificially graveled? Mr. Dahlberg said it is natural gravel, it was a gravel pit. Neal asked if the heights are the same? Mr. Dahlberg said they are roughly the same grade as the existing paving is. Neal asked if he would need to have a ramp down or a ramp up. Mr. Dahlberg said on the other side of the hump that was there, it is the same grade. Neal asked Craig if there is an issue with paving so close the property line? Craig said he was trying to figure out how to go up to 75% paving. Mr. Dahlberg said lets break this down to two parts ó 1) the lot lines that separate it. Mr. Dahlberg said this is an issue for paving on Hayes right now, can the Brownø pave their portion since they are under the 10%? Craig said they are going to need to see what is 50% of the paved area, like wetlands, buffers, etc. Mr. Dahlberg said they are not even close. Mr. Dahlberg said there is already a permit in place. Mr. Dahlberg said if they wanted to pave 31,500 sq. ft anywhere on the property, would they have to come in for a permit? Craig said yes. Mr. Dahlberg asked why and Craig said change of use. Craig said they would need a site plan. Mr. Dahlberg said no, what if they just paved the path. Neal asked if paving is considered a structure or something such that it is subject to setbacks? Chip said he donø

think it is subject to setbacks. Craig said according to the Site Plan Regulations, an expansion of 200 sq. ft. or greater to a parking area or driveway would require a site plan. Mr. Dahlberg said what if it is not a parking area and they just stored logs on it? Craig said they would still need to see a site plan. Craig said any expansion of use of site where there is significant effect on the quantitative or qualitative requirements of these Regulations or the Zoning Ordinance. John said looking at the existing gravel on Map 411, Lot 194, what is going to happen to the existing drainage ditch if that is paved over? Mr. Dahlberg said it is just north of the hashed area, there is a little berm that says the drainage easterly that intersects that, to the west of that is a pretty good square that 99% of the pavement. Mr. Dahlberg said if they want to go thru with this, they will need a conditional use permit and both will need an amended site plan. Craig said yes. Craig asked where all the water will go from that area. Mr. Dahlberg said he shot all the grades and all the berms that were in place from when Danielø had it as a gravel pit. Mr. Dahlberg said it is a vegetative berm about 350ø long. Mr. Dahlberg said it is about 200ø from the wetlands. Neal said forgetting the existing land on lot 198, if the proposal is to pave the existing gravel surface area which is not compacted, doesnø that put him further in violation of the amount of land that he can pave? Mr. Dahlberg said yes, but he already has a treatment plan in place. Mr. Dahlberg said they can demonstrate that thru the grades they shot that none of it increased paved area is going to drain that way. Mr. Dahlberg said it will be draining to the east, south-east.

Craig said he would like to do a site walk of the property. The Board scheduled the site walk at 6:00 pm on September 24, 2015. Chip asked if he doesnø turn in his application, the site walk would be cancelled for that day. Craig said yes. Mr. Dahlberg asked what his submittal deadline is? Chip said it is 21 days prior to September 24th. Neal said that he is concerned about the drainage, all of the drainage from the newly paved area would go onto the other property. Neal said it is five years later, the lease is over and it is not renewed and the other guy wants to do something with his property, is there a problem with the water flowage now? Mr. Dahlberg said yes. Neal asked if it artificially changed the direction? Mr. Dahlberg said no, it is the natural grade that is out there. Neal asked without paving it or doing anything else, the water from the logging property is going to the Brown property? Mr. Dahlberg said, sorry he misunderstood. Neal said Craig was saying since it was not flowing thru the existing treatment or drainage they wouldnø have to do anything else. Neal said that is something the agreement between those two guys should really cover. Neal asked, under our ordinance, they can pave 100% of a lot provided that the water is thru engineered plans going into the aquifer on that or near that lot. Craig said yes as if it is paved 10%.

Nancy Cunha – 115 Buzzell Hill Road ó Craig said Ms. Cunha has property on 115 Buzzell Hill Road which is a 37 acre lot that she would like to subdivide. Ms. Cunha said they are looking to subdivide off 10 acres for her son to build a house. Ms. Cunha said they have a deeded right-of-way thru their driveway, along with a piece of property that does go to the road that is 185ø piece of pie. Neal asked where the deed right-of-way is and Ms. Cunha showed them on the map. Neal asked if Buzzell Hill Road was paved and Ms. Cunha said no. John asked how much has changed from 1998

to today on this map. Chip said probably not much. John asked if there was a house on the 37 acre lot and Ms. Cunha said yes and showed them on the map. Ms. Cunha said she is not actually show where exactly the house would be since it would depend on how they would get access to it. Craig said according to zoning you need 250ø of frontage and therefore to subdivide you will need a variance. Neal said thinks what the Chairman is saying without a variance this Board can not act favorably on your application. Neal said it would have to be denied since it violates the rules. Neal said if you can show why due to the special circumstances of the land you will suffer unnecessary hardship you can get a variance. Frederick asked if her son would be using the same driveway. Ms. Cunha said that is possible or the pie part that is on the far side near the other property a driveway could be put in, but there is a steep hill there. Chip said if she can get the road frontage waived by variance from the Zoning Board she can do a conditional used for the driveway and have a shared driveway. Craig said she canø have a shared driveway. Chip said when it is a shared driveway but right-of-way and legal who owns the right-of-way, but if it is on her land then she owns it but then it canø go to the next person. Neal asked if there was any chance she could buy the right-of-way? Neal said the easiest way is to acquire the right-of-way and legal own it and go to the Zoning Board and get permission to waive the 250ø requirement.

III. WORK SESSION

Mount Dearborn Road ó Neal recused himself since he is a neighbor and friend of the property owner. Mr. Doscher said this is a 60+ acre parcel of land on Mount Dearborn Road owned by Martin Family Trust which is Terry Knowlesø motherø family trust. Mr. Doscher said there was a subdivision approved awhile back, when that was approved the larger of the two parcels (5 acres with a house where Ms. Knowlesø brother lives) and the larger parcel which is behind it. Mr. Doscher said originally the surveyor put not buildable on the larger 50+ acre lot which was not the intent of the subdivision. Mr. Doscher said she indicated when she was here she had no plans to build on and he thinks that is maybe why it got put on the plan. Mr. Doscher said they came back to the Board January 22, 2015 and ask that not buildable be removed from the plan. Mr. Doscher said the Board voted to approve that. Mr. Doscher said at that time she indicated that she intended to put that parcel under conservation easement by selling that easement to the Piscataquog Land Conservancy. Mr. Doscher said they are trying to raise the money to purchase the easement and the property joins the Walker Conservation Easement on the east, Martin Conservation Easement on the south, Mr. and Mrs. Knowles conservation easement to the southwest. Mr. Doscher said it is a large parcel of land on Mount Dearborn Road they are trying to see stay conserved as open space and wildlife habitat. Mr. Doscher said they have a problem because their appraiser looked at the plan and saw proposed conservation easement and then looked at the minutes of the Planning Board meeting and he couldnø reach the conclusion that the land wasnø already under conservation restriction by virtue of the minutes of the meeting and the note on the plan. Mr. Doscher said it was not the intent to put the land under conservation restriction by the Planning Board approval but the intent is a conservation easement is to be bought by Piscataquog Land Conservancy which would permanently put the land into

conservation. Mr. Doscher said they have a problem because they can't pay her a value that is the appraised value that they thought the property had as long as the appraiser isn't sure the land isn't conserved. Mr. Doscher said he would like clarification from the Board. Craig said the easiest way would be to remove the note all together and come back to the Board with a new subdivision plan. Mr. Doscher asked if the note comes of the plan, can you look at this lot and say this is an approved lot? Craig said to submit a new subdivision plan taking the note off and the purpose is to 44.1 on plan number 1 is approved as a non-buildable lot and 44.1 on plan number 2 is approved as a conservation lot this plan is approved as a building lot. Mr. Doscher said remove all the notes and leave it clean. Craig said since there are already two plans recorded, you have to reference those and say this plan supersedes those. Mr. Doscher said it has the 250' frontage. Chip said the application will be due by September 3, 2015.

Voluntary Merger – John & Jill Flanders, Flanders Memorial Road ó Chip said John Flanders is all the way to the end of the road on the left hand side. Chip said it is right across from Clinton Grove Academy. Neal said he is not sure what the two lots are that Mr. Flanders is merging. Craig said the lots are Map 407, lots 81 and 82. Craig asked if there were buildings on the lots. Neal said there are buildings on at least one of them, as his house is there. Craig appointed John as a voting member. The Board looked at the map. Neal moved to approve the voluntary merger application presented by John and Jill Flanders to merge Map 407, Lot 81 and Map 407, Lot 82. John seconded. Motion passed. All in favor.

Voluntary Merger – Joan Macauley, View Road ó Craig said this is Map 203, Lot 87 and 88. Neal asked who this was for? Chip said Joan Macauley. Neal moved the application dated July 10, 2015 of Joan Macauley of 56 View Road to merge Map 203, Lot 87 and Map 203, Lot 88. John seconded. Motion passed. All in favor.

IV. OTHER BUSINESS

Revision of Subdivision Regulations ó Craig said right now we charge \$5.00 for a butter certified letter. Craig said site plan notification is also \$5.00 for certified letter. Neal asked where is said this and Craig said on the application. Chip said they are charging \$8.00 for conditional use and there should be some standardization across the board. Chip said most towns are charging \$10.00. Tina Ripley asked if they are sending them certified, return receipt for letters and Chip said no, certified, registered mail. John asked how much they were losing and Chip said about \$4.00-\$5.00 on each one. Craig said right now a subdivision gets a list submitted with it and Chip or someone types the information in to make mailing labels to send out the certified letters. Craig said he would like to change the checklist to include two sets of mailing labels. John asked if the increase would cover the costs? Chip said pretty near. Neal asked what it would the fee have to be just to cover our cost excluding your time and Chip said about \$8.00. Chip said the conditional use notification is at \$8.00. Chip said the reason it doesn't affect his budget is because it is pass thru. Chip said when he collects the \$5.00 he is covering just the bare basics of mailing the letter, it doesn't include paper, ink, envelope, etc. Chip said some of that is covered by his salary and some of it is covered by the application.

Chip said they are losing money on postage. John said he wanted to know what Chip's man hours are to process one application with four abutters. Chip said about four hours. John said the postage costs on average is \$8.00. Neal said no, that would include some labor. John said the actual monetary cost is \$4.00 plus the incidental stuff like ink, paper, envelopes. John asked if the paper, envelope, etc. was covered under a general budget and Chip said no, it is all pass thru. Neal asked if the concept of charging these fees, that part of Chip's time spent on the applications shouldn't be paid for by taxpayers but should be paid for by the people using the service or is the concept we setup Chip and he serves everybody whether you happen to use his service this time or not they are available if you wish to subdivide. John said he is already being paid to do this work is the way he is thinking of it and we as the Town Office order stationery supplies (paper, pens, toner, etc.), does it come out of your specific budget or a general line budget? Chip said it depends since he has two departments (Land Use and Building). John said so that is why you submit your own purchase orders for supplies and Chip said yes. John said so it is not coming from a general budget where the Selectmen can dig into it and Chip said no.

Craig said in his opinion Chip gets paid X amount of dollars, part of the amount is dealing with people who call and ask for a subdivision the Town of Weare is paying for that and that is not getting paid as part of the application. Craig said people bug Chip to figure out what is needed on an application then the applicant should pay for it. Frederick said he agrees with Craig. Craig said his salary is talk to with Bill Drescher, people on the phone. Neal asked if Craig was talking about his Land Use Coordinator salary and was told yes. Craig said the time Chip spends on an application should be paid by the applicant. Neal said then \$10.00 isn't enough. Neal said Chip spends four hours to process an application, assuming he is paid \$10.00 an hour, that means the fee has to cover \$40.00, not per abutter, but the total. Chip said there is an assumed assumption that some part of your taxes as a citizen is paying for some of this time for him to answer questions. Neal said they are talking about the time he spend dealing with a particular individual application. Chip said the only thing you need to deal and the question you need to ask is are breaking even on mailings or losing money. Chip said at the present time of \$5.00 you are losing money.

Frederick made a motion to raise the abutter notification fee to \$10.00. John seconded. Neal said he couldn't support it since there is no relationship to between the \$10.00 and the actually costs. Neal said he believes they should at least cover the costs and the postage. Neal said the motion in effect says "recovering our cost currently, out of pocket cash flow, and anything over \$5.00 goes to pay for Chip's time to deal with an individual application, so when you do the budget so instead of having to raise taxes to pay Chip's salary you are going to pay part of his salary with taxes and part of would be paid with other revenue". Frederick said why should all the taxpayer's pay for Chip's time and materials, stuffing the envelopes for an individual applicant? Neal said in that case, he thinks they need to keep the abutter notification at what the costs are and the base fee should be changed. Neal suggested that a finance person look at the numbers to figure it out. Craig said he doesn't think they need someone to spend several hours on figuring this out. Craig said most other towns charge \$10.00. Neal said he would like to raise the

lot line adjustment base fee to \$125.00 and subdivision base fee to \$250.00. Craig said he would like have the recording fee of \$35.00 made out in a separate check to the registry of deeds instead of the Town.

Frederick's motion is to raise the abutter notification fee from \$5.00 to \$10.00 for subdivision, lot line adjustment and design review. John seconded. Motion passed. All in favor.

Neal moved to delete the \$35.00 recording fee in lot line adjustment, subdivision and substitute with two separate checks made out the Hillsborough Registry of Deeds to cover the recording fees and LCHIP surcharge. Frederick seconded. Motion passed. All in favor.

Neal moved to delete under design review the \$35.00 recording fee. Frederick seconded. Motion passed. All in favor.

Craig moved to add on appendix 3, #7 and printed on two sets of mailing labels. Neal seconded. Motion passed. All in favor.

Frederick moved to delete on Appendix 4 the Conceptual Discussion (with plans) fee of \$50.00. Neal seconded. Motion passed. All in favor.

Site Plan ó Craig said he would like to change the notification fee on page 25 from \$5.00 to \$10.00 to be consistent with the subdivision regulations. Frederick made a motion to change the notification fee under site plan review formal submission requirements from \$5.00 per notice to \$10.00 per notice. John seconded. Motion passed. All in favor.

Craig Franciso said on page 31, Abutter Notification List, he would like to discuss adding the mailing labels. John read a list of correct names and addresses of all current abutters and printed on two sets of mailing labels. Neal suggested adding a paragraph after R in addition, you need to submit two sets of printed mailing labels which are printed the addresses for any person who appears in A, P or R. John motioned to add two sets of printed mailings for any person who appears in A, P or R on the abutter notification list. Frederick seconded. Motion passed. All in favor.

Conditional Use Permit ó Frederick moved to change the conditional use permit certified letter fee from \$8.00 to \$10.00. John seconded. Motion passed. All in favor.

Neal moved to add and, in addition, provide two sets of mailing labels with names and addresses of each of the above individuals or organizations included to the conditional use permit application fees, abutters list. Frederick seconded. Motion passed. All in favor.

Craig closed the public hearing.

V. MINUTES

Neal said need to change page 1 under subdivision, 5th line ó reclosing to recusing. John said need to change page 1 under subdivision, 4^h line recluse to recuse. John said need to change page 1 under subdivision, 5th line recluse to recuse. Neal said need to change page 1 under subdivision, 4 lines up from the bottom, Art they are to Art said they are. Neal said need to change page 2 under subdivision, 1st paragraph, 2nd to last line, donø to doesnø. Neal said page 2 under subdivision, paragraph 3, change motion to moved. Neal said page 2 under subdivision, last paragraph, 8th line, need to change is to are. John moved to accept the minutes as amended. Frederick seconded. Craig abstained. Motion passed. One abstained.

VI. ADJOURNMENT

John moved to adjourn the meeting. Frederick seconded. Motion passed. All in favor.