

WEARE PLANNING BOARD
Final Minutes of the Meeting
Of November 12, 2015

Present: Craig Francisco (Chairman), Frank Bolton (Vice Chair), Neal Kurk (Secretary), Frederick W. Hippler (Exofficio), John Vanloendersloot (alternate), Chip Meany (Land Use Coordinator), Tina Ripley (Minute Taker)

Guests: Scott Sidusky, Mike Pelletier, Debbie Brown.

I. Call to order.

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

II. Voluntary Merger: Charles E. MacKenzie, 62 Chipmunk Falls Road, Map 401, Lots 85, 71, 76 & 84 in an R/A Zone

Craig said Mr. MacKenzie is merging Lots 85, 71, 76 and 84. Chip said Mr. MacKenzie is one of the original members of Chipmunk Falls community. John asked why Mr. Mackenzie was doing it and Chip said he just bought all the lots and wants to combine them. Neal moved that the Planning Board approve the voluntary merger of Map 401, Lots 85, 71, 76 & 84. Frederick seconded. Craig appointed John as a voting member. Motion passed. 5-0-0.

III. Other Business

Removal of Stone Wall on Colby Road -

Frederick said looking at the picture; it looks like there might be wetlands near the stone wall. Mike Pelletier said it was disturbed soil. Craig asked how much of the stone wall are you looking to remove. Mr. Pelletier said they looking to remove 30ø John asked for what purpose and Mr. Pelletier said so they could taper in off the road for a driveway. Neal asked what would happen to the rocks they are removing and Mr. Pelletier said adding them back onto the property. Neal moved that Planning Board recommend to the Board of Selectman the application of GM Investment Corp. removal up to 30ø of stone wall plans presented to us dated 11/12/15 be recommended for approval by the Board of Selectman. Frederick seconded. Motion passed. 5-0-0.

Conceptual Review; Scott J. Sidusky – 855 South Stark Highway

Scott Sidusky said one of the 11x17 sheets was a previously approved permit by a previous owner when there was a hobby shop in the barn and a single family home. Mr. Sidusky said he has a copy of the plan that was turned into DOT and there is no right-of-way shown. Mr. Sidusky said the other 11x17 is more to scale of the building and what he plans to do with the parking spaces. Mr. Sidusky said he is proposing an auto repair garage/NH State inspection station. Mr. Sidusky said all the equipment and vehicles will need to be removed to allow room for up to 10 cars. Mr. Sidusky said is it 88ø from the

barn to the guard rail. Mr. Sidusky said he is not sure if he meets the frontage needed. Craig said you have an existing lot of record so it will be a pre-existing non-conforming lot and won't matter. Neal asked when the previous plan was approved and said it was approved by Hiram Morrill, Assistant District Engineer for the State in 1994. Neal asked if the plan was implemented and Mr. Sidusky said he thinks it was. Neal asked if it was Mr. Sidusky's intent to operate as a full-time or part-time business and Mr. Sidusky said 40 hours a week, 37.5 is the minimum for the State inspection station and Saturday would be optional. John said he is concerned where the parking is and people backing out onto the highway. John said there is not a lot room and the house is maybe 12-14' from the pavement. Craig said the zoning regulations, state a parking space is 9'x18'

Frank said he would like to have a site walk and Craig said he would agree. John asked where the garage would be going and Mr. Sidusky said the barn and the entrance would be on Route 77. Mr. Sidusky said the door opening has to be 12'x25' to meet state requirements. John and Neal said they were concerned about safety. Craig mentioned Route 77/114 Intersections has more accidents than any intersection in Town. Mr. Sidusky said he made a ramp to the lower lot and said he will be moving some of the items down there. Neal asked how close with the vehicles be to the stream and Mr. Sidusky said 75'-100' to the stream. Neal asked what the distance was between storage and anything else. Craig said 50' setback and 25' buffer. Craig said it would be 25' without disturbance of the stream. Neal asked Mr. Sidusky to check with Chip on the junkyard issue, while it is legal under 24.3.7 of the zoning ordinance for there to be motor vehicles equipment sales and service in the commercial zone, excluding junkyard. Neal asked what would happen if you put the garage door on the side of the barn where the parking is and extend the parking area? Neal said it would allow people be safely off the road and drive into the garage. Mr. Sidusky said he would have to redo the barn and tear the floor out and redo it to reinforce it. Craig said another issue would be snow storage during the winter with sand and salt going into the stream. Craig said any snow storage would have to be away from the 25' buffer. Craig said he would recommend talking with DOT before doing engineering plans. John said he thinks the first step would be DOT. Neal said the Conservation Commission may have issues with the storage of the vehicles on the lower lot and fluid going into the stream.

IV. Article 3.12.1

Craig said 673:30 is not the right RSA and said it is RSA 674:39. Craig read RSA 674:39 III, page 74 in green book. Craig said town council recommending taking this RSA out of zoning and putting it under subdivision and site plan. John said he would like more of a guideline for substantial completion. Frank said they need some reasonable amount of time. Craig said they will get legal opinion.

V. Zoning Ordinance Amendments

Article 4.1 Definitions

Craig said they either need to remove Article 34.2 or they fix this one. Craig said he doesn't think they need two definitions if they are exactly the same. The Planning Board decided to remove Article 34.2 sign definition and move it to the 4.1 sign definition.

Article 17.3.7 Craig said possibly add bed & breakfast here or Article 19 special exceptions or neither. John said if they are going to allow it, he thinks it would be better under Article 19. Neal said he agrees with John. Craig said you do realize you have to go to the Zoning Board for a special exception and then come back to the Planning Board with a site plan. John is now saying it would be better under Article 17. Frank said he is okay with putting it in Article 17. Neal asked what the purpose is of the special exception. Neal said from his understanding if you meet the criteria it is automatic. Craig read parts of the special exception application. Craig is going to get a definition from Town Council. John read a description of bed & breakfast, RSA 175:1 VI (alcoholic beverages).

Article 22.9 Craig asked Chip confirmed if "exterior of all new homes and commercial buildings" was changed to "exterior of all structures". Tina Ripley confirmed it was changed to "exterior of all structures" per proposed zoning changes for 2015.

Article 27.3.9 Craig said the Conservation Commission would like the open space property line to be blazed and boundary marked every 50'. Craig said they should also put signs on the buffer strip if it is part of the lot. Neal asked if Craig wanted to require blazed markings in the buffer strip and Craig said yes and the open space. Neal asked why and Craig said a buffer strip is the same. Craig read part of Article 27.3.9.

Article 27.3.11 Craig said the Conservation Commission on page 37, third line down would like to remove "by the town". Neal said many Conservation Organizations don't take 10 acres or 20 acres unless it fits into their plans. Frederick & Neal said they would rather leave it in.

VI. Public Hearing on Changes to Sign Ordinance – Article 34

Craig opened the public hearing.

Article 34.2 will be moving to 4.1. John said he agrees with Neal's point that "season" being too vague. John said he agrees with taking out season but doesn't see how it will be enforceable. John said to him a temporary sign is a sandwich board sign. John said a temporary sign should only be displayed during daylight hours. Neal suggested just taking out just a season and leaving the rest.

Debbie Brown, owner of Moody Brown Market Place, she said she has been written up for a situation with a seasonal signs. Ms. Brown said a season for her depends on the weather. Ms. Brown said she has a garden center which depends on the weather. Ms.

Brown said she sells Christmas trees which starts Friday after Thanksgiving and goes until Christmas. Ms. Brown said she finds it hard to take that verbiage out of the Article. Craig asked her what the difference would be to having a seasonal sign up selling Christmas trees or garden center or a sign up for a certain specific short term purpose. Ms. Brown said she didn't want it to be more restrictive. John said that Ms. Brown's business is the perfect example of why we should have a defined time.

John said he is concerned about the businesses that keep them up year round. Frederick said he thinks she will be fine if they take out seasonal. Ms. Brown said she is more concerned about the businesses that are more seasonally like selling cord wood, mowing lawns. Craig also said he didn't think she would have an issue. Ms. Brown said she would like to be a successful business owner in Town.

Article 34.3.1 ó Craig said sign had to come to the Planning Board for approval and said the sub-committee requested this be removed. Neal asked what happens when a person that is denied is upset. Chip said they can appeal to the Zoning Board. Neal asked what happens if you approve a sign and a neighbor disapproves of the sign. Chip said they can appeal to the Zoning Board. Neal said he is fine with the sub-committees recommendation of removing this.

Article 34.4.1 ó Craig said one of things the subcommittee wanted to do was allow internally lit signs in commercial and industrial zones only. Craig said they also wanted to remove "unless the planning board otherwise determines". Neal said to some extent this changes the character of Weare. Neal said he feels that they should be on only during open business hours. John said if we limit the time when internally lit signs are on, then we should also limit the time when externally lit signs are on. Neal said that he agrees. It shall now read as "The illumination of any sign shall be from a steady or continuous, non-flashing light. Internally lit signs are allowed in the Commercial and Industrial Districts only. Externally lit signs shall have a shielded white light lit from above, and the lighting shall illuminate the sign only, without the light source being visible from any residential dwelling or roadway; the light source shall be placed as close as practical to the message portion of the sign; and no light shall escape from above the fixture".

Article 34.4.2 ó Neal said the hours of operation that were agreed upon when the site plan was approved are violated frequently. Craig said if the signs were up before we had the ordinance they are grandfathered. Neal said he is not so sure about the illumination. John said one of the arguments that he has read is, is the sign is there for marketing purposes and the business would be missing that marketing opportunity if the sign wasn't lit. Neal said maybe it should be changed to dark hours. Craig said in some places it is used for a security light. John suggested they remove it. Frederick said he agrees.

Article 34.8 ó They changed the title from proportion to free standing signs and put independent back in.

Article 34.9 prohibited signs ó Craig said they thought about adding directional signs (Article 34.12) to here. The Planning Board decided to remove Article 34.12 and it will go under Article 34.9.1.

John moved to continue sign ordinance to next meeting on 11/19/15. Frederick seconded. Motion passed.

VII. Adjournment

John moved to adjourn. Frederick seconded. Motion passed.

Respectfully submitted,

Tina Ripley
Minute Taker