

DRAFT

**TOWN OF WEARE, NEW HAMPSHIRE
PLANNING BOARD MEETING MINUTES
September 12, 2019**

Present: Craig A. Francisco (chairman), Bruce Fillmore, Jr., (vice-chairman), Neal Kurk (secretary), Frank Bolton, (member), Jack Meaney (Ex-officio) and Kelly Dearborn-Luce (Land Use Coordinator). Also present: Charity Gagnon, Dennis R. Dupuis, Elizabeth Hoffman, Benjamin Knapp.

I. CALL TO ORDER

The chairman called the meeting to order at 7:05 PM.

II. Continuation of Conditional Use Permit for a Hobby Breeder Kennel in a Rural/Agricultural (RA) District. Hobby breeder, Ms. Charity Gagnon of 231 Old Francestown Road; Tax Map 411, Lot #354, stated she purchased three bark collars the day after the last Planning Board meeting, just under two weeks ago, for the three dogs deemed necessary and has seen a significant improvement ever since. At the scheduled site visit, the chair said there isn't much more this resident can do in terms of the dogs barking less and agreed the addition of bark collars was a positive step taken by the owner. The chairman opened comment to the public. Elizabeth Hoffman, of 226 Old Francestown Road, approached and said she heard the dogs bark several times throughout the morning and afternoon earlier before tonight's meeting. She also explained the noise she hears has only grown louder over the past few years. Mr. Bolton confirmed that, outside of regular business hours, police enforcement the only recourse when loud barking occurs for more than half hour. Mr. Kurk cited both the Town's definition of a kennel and the noise ordinance. The chairman then read *Article 17, Section 17.3.12.2 EXISTING NON-CONFORMING USES* aloud from the Town of Weare Zoning Ordinance, shown here: *"Alteration or changes in the use of land and/or structures for existing non-conforming kennels may be permitted by the Planning Board as a conditional use permit provided that the Board determines that (1) there is no change in the nature and purpose of the original use; (2) the proposed change or alteration will not have a substantially different effect on the neighborhood; and (3) the proposed change does not result in an increase in the level of non-conformity or, if it does, that any such increase in the level of nonconformity is offset by corresponding public benefits such as mitigation of some impact on adjacent properties or improvements in infrastructure that address health and/or safety concerns. (Added 3-13-2017)"* This kennel has been operating for seven years and additionally, the Zoning Ordinance states five kennel breeding dogs are allowed in a RA district, therefore, there is no change-of-use application needed to operate this hobby kennel. Mr. Francisco moved, per the definition 4.1 KENNEL in the Zoning Ordinance, which states *"Shall mean a building or land used for the commercial boarding or breeding five or more dogs whether for profit or not"*, that no conditional use permit is required. Mr. Fillmore seconded, with no further discussion. The motion passed with 4 votes in favor, and one abstention.

III. RENOVATION BUILDING PERMIT Quiltar Professional Services, LLC. of 840 So. Stark Highway; Tax Map 408, Lot #165. Mr. Dennis Dupuis explained briefly to the Board about a new constructed deck design and renovations proposal for a 840 South Stark Highway. The new design would be a 64' long, seasonal only deck with 15 chairs/4 tables; the addition would offset seats that existed before the a recent kitchen renovation and would still be under the

allowable regulation of 104 maximum seats; decks will not be accessible from the parking lot. After discussion amongst the Board, it was determined this application will require a site plan, as accessory structure is not under the allowable 100 square feet according to state site plan regulations. Ms. Dearborn-Luce informed the Board the Fire Chief also wants a seating plan, and other pertinent requirements documented in writing.

IV. SUBDIVISION REGULATIONS Benjamin Knapp approached the Board to ask for a reconsideration of the regulation requirement that requires only a 20' wide maximum width regarding new road construction. Wider roads are safer and require less maintenance. The Board was asked to increase the allowable road width to 22' and require payment for new road construction to be the subdivision builder's responsibility. The chair stated this will go under the Board's review, as well as cistern regulations, once the Fire Chief comments are received.

V. CLASS VI ROAD STANDARDS

Mr. Meaney addressed members of the Board concerning a need to update standards for Class VI Roads to thwart problems in the future. Town of Canaan, Vermont has a packet that the Town can mirror and put into the building code regulations. It is a real problem presently and we need to be proactive and resolve this issue as soon as possible. Final decisions on these matters are given to the Board of Selectman, and although an applicant can appeal to the Zoning Board of Adjustment, the Board of Selectman still has final vote. A designated town road does not automatically require that the town has to maintain it and generally, the rule should be that at the creation of any building on Class VI roads, rigid standards must be met. State statutes require that new driveways on Class VI roads must be maintained by owners. Mr. Fillmore said that variances might not be required, because it is not possible to dictate to the Zoning Board prerequisites to allow a variance. The problem with building on Class VI roads in the past has been that the Planning Board gives recommendations, and then the advice is not taken into consideration when the vote is made by the Selectman. Troubling issues are (1)no expense to the town (2) the roads are inappropriate for development (3) services must be provided by fire and police and the roads somehow must be maintained. Concern is there if allowance of building on these roads, it would encourage building in the Town. Another way to look at the matter is that there will now be restrictions set, and guidelines will be adhered to correctly. A NH Department of Transportation plan is needed as well, and state regulations will provide protections. Ms. Dearborn-Luce asked a regular form to be put in place for the permit application, if standards requirements are met.

VI. MINUTES Chairman Francisco reviewed prior minutes and the Board made the following motions:

- July 25, 2019; Mr. Kurk moved to approve minutes with amendments noted. Mr. Francisco seconded, motion passed; 5-0-0.
- August 22, 2019; Mr. Kurk moved to approve minutes with amendments noted. Mr. Meaney seconded, motion passed; 5-0-0.

VII. ADJOURNMENT Mr. Kurk moved to adjourn at 9:05 PM, seconded by Mr. Meaney. The motion carried, 3-0.

Respectfully submitted,

C. Provencher, Transcribed from notes