

FINAL



WEARE PLANNING BOARD  
MEETING MINUTES  
November 19, 2020

**PRESENT:** CRAIG A. FRANCISCO, CHAIRMAN; BRUCE FILLMORE, JR., VICE CHAIRMAN; NEAL KURK, SECRETARY (via phone); WILLIAM STOCKHAUS, ALTERNATE; KELLY DEARBORN-LUCE, LAND USE COORDINATOR

**GUESTS:** Higginson Land Services, Daniel Higginson, Don Rogers, Heather & Mark Roberts, Mary Young, Vinnie Iacozzi, Marek & Matt Rivero, Tom Langlois

**I. CALL TO ORDER**

The chairman called the meeting to order at 7:05 pm, then explained due to Covid-19 orders from Governor Sununu's Stay at Home 2.0 directives, the meeting will be conducted with appropriate guidance and layers of protection. The chair appointed Alternate Stockhaus as a voting member for the meeting.

**II. DISCUSSION**

A.) Continuation of Application for a Proposed Subdivision from Frank Burl on Rockland Road and Route 77, Tax Map 202, Lot 94. Applicant requests a continuance.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to continue the Burl subdivision until December 17<sup>th</sup>. Passed 4-0-0**

B.) Application for a Subdivision

Donald and Judith Rogers of 285 Deering Center Road, Tax Map 411, are looking to subdivide Lot 6 in the residential district creating one additional lot.

The applicant requested five waivers with respect to details for the remainder of the lot, #7. Building and all other setbacks, #11. Total areas of the parcel be shown, #13. Topography, #14. Delineated wetlands, and #15. Mapping of all soil types.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to grant the waiver request, appendix 3. Passed 4-0-0**

**Vice Chairman Fillmore moved, Alternate Stockhaus to accept the application as complete. Passed 4-0-0**

Daniel Higginson stated they are looking to remove 2.3 acres out of a 24 acre lot. Soils and Slopes with over 100,000 sq. ft., State permitted NHDOT approved driveway, drill holes set in stone wall, 2 pins/set, note to say not NHDES subject approval, Legend to be placed on the plan, NHDOT permit to be noted on plan.

Chairman Francisco asked for public comment. There was none. Public comment was closed.

Abutters list, missing 411-379, 411-12, also Lot 444-6.2 needs to be 411-6.2.

Tom Langlois, 294 Deering Center Road, asked to speak, Chairman Francisco granted. Tom Langlois asked for clarification on waivers. Chairman Francisco explained waivers were granted for showing the boundary, wet lands, topography and soil types for the entire parcel. They were shown for the lot to be removed, not the entire parcel. Tom Langlois lives across the street. He asked if setbacks, frontage and number of acres were missing from the plans. Chairman Francisco replied, no, not on the lot to be created.

Chairman Francisco closed public comment.

**Chairman Francisco moved, Vice Chairman Fillmore seconded to grant approval for the subdivision plan prepared for Donald K. and Judith M. Rogers, Deering Center Road, Tax Map 411 Lot 6 with the following conditions noted on the overall Plan:**

- receipt of the NHDES subdivision with approval number noted
- add the NHDOT permit number
- add a Legend
- set the 2 monuments, set 2 rear corners
- add note # 11. no wetlands on the lot
- change wording, lot line adjustment to subdivision
- change acreage to 22 acres
- add two missing abutter lot numbers
- change the Tax Lot number in the subject lot
- add major contour labels

**Passed 4-0-0**

C.) Continuation of the Site Plan/Change of Use application from Marico LLC (Marek Rivero) on 65 North Stark Highway. Tax Map 203, Lot 32 in the Commercial District. Applicant would like to renovate space for a retail business.

Marek Rivero stated he updated the purpose for his market. Chairman Francisco read the updated purpose as follows: The Real Food Market will sell pre-made food and drinks prepared off-site as well as groceries and crafts as if the Farmers Market is taking place inside. There will be no public restrooms available in the retail space. The space is not intended for consumption of the food and drinks sold during the operating hours of the Farmers Market. The Real Food Market will function as a storage and retrieval area for the vendors and not will operate as a retail store.

Vice Chairman Fillmore stated on the new site plan where it says Retail Market and Retail Store. Change Retail Store to Market Store. Chairman Francisco comments the Retail Store is open when the Farmers Market is closed. The updated purpose must be noted on the Plan. Alternate Stockhaus suggested it be placed under Real Food Market, Retail Store can be omitted.

Chairman Francisco asked what is the rest of the building to be used for. Marek Rivero replied residential, he will be the only person living there, only changing the original retail space.

Chairman Francisco asked for public comment. There was none. Public comment closed.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to approve the amended site plan for 65 North Stark Highway with the following conditions:**

**On the site plan page-**

- **remove the wording retail store**
- **insert paragraph stating proposed purpose**

**On the second page-**

- **put a k after star, correcting the spelling of Stark**
- **place title on the top of the page**
- **add Site Plan for Tax Map and Lot number**

**Passed 4-0-0**

D.) Continuation of the application for a proposed subdivision from Thibeault Corporation for property on Clough Park Road. Tax Map 409, Lot 104. The property is in the Rural Agricultural District. The subdivision will create one additional lot.

Vinnie Iacozzi presented revised plans to the Board, a two sheet mylar set with changes made. A lot line adjustment and the site plan. The discussion centers on the flood zone, a huge water storage area, delineated according to the US Army Corp of Engineers map. Wetlands boundary is also the edge of the flood storage easement, deed to reflect.

Chairman Francisco notes the flood zone is down from the bridge with some contour. The Board reviews the plan's contour lines following the deed, they need to be detailed properly according to the surveyor.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to approve the four waivers for subdivision Map 409, Lot 104 for topography, wetlands, soils and building setbacks on the remainder parcel. Passed 3-0-0. No response from Secretary Kurk.**

**Alternate Stockhaus moved, Vice Chairman Fillmore seconded to accept the application as complete. Passed 3-0-0. No response from Secretary Kurk.**

Vice Chairman Fillmore questioned the flood elevation and how it should be noted. Chairman Francisco suggested it be shown on the site plans. Vinnie Iacozzi to have the flood elevation delineated as part of the easement. Noting the easement elevation contour 320.

Chairman Francisco asked for public comment. There was none. Public comment was closed.

Chairman Francisco requested when the final plan is delivered, provide a copy of the original deed to verify the easement line. Vinnie Iacozzi points out the flood storage easement is three feet below the flood elevation.

Secretary Kurk reminds Chairman Francisco that he wanted a federal permit/permission/document on this project. Vice Chairman Fillmore explains that is what they are talking about the Army Corp of Engineers flood elevation zone limit. Chairman Francisco stated the federal document is in the deed.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to approve the plan with the following conditions:**

- **corrected text for road classification**
- **soil scientist stamp on the Plan**
- **Army Corp of Engineers flood easement line properly delineated**
- **copy of the deed for the file**
- **add a note to the Plan describing the flood easement the Army Corp has**

**Passed 4-0-0**

Vinnie Iacozzi made the Board aware the subdivision is going to be a two sheet mylar and the lot line adjustment is one separate, recording three sheets. Chairman Francisco clarifies two different plans. Vinnie Iacozzi responded yes, sheet one and sheet two and then sheet one.

E.) Volunteering merger application for Alex & Rebecca Graziano, 112 East Shore Drive, Map 104, Lots 6 & 7, Hillsborough County Registry of Deeds Book 9351, Page 66. There is a building on Lot 6, nothing on Lot 7.

**Vice Chairman Fillmore moved, Alternate Stockhaus seconded to approve the lot line adjustment voluntary merger, Map 104, Lots 6 & 7, provided that there is no mortgage on the lots. If there is, then the consent of the mortgagers is forthcoming. Passed 4-0-0**

### **III. WORKSHOP DISCUSSION**

A number of previously discussed items were considered including private roads, kennels, penalties, mixed use in certain districts and driveway permits.

Public Hearing on Proposed Zoning Amendments to be held on December 10, 2020.

Hilbren Road Monuments – Town to set 6 that may have been destroyed during mowing, but the owner and/or surveyor will be responsible for the other monuments. A letter is needed from the surveyor stating all monuments have been properly placed.

### **IV. MINUTES**

October 22, 2020 Minutes: tabled

November 12, 2020 Minutes: tabled

November 19, 2020 Minutes: Site Walk tabled

### **V. NEXT MEETING**

Thursday, December 10, 2020, 7:00 PM at the Town Office building.

**Being there was no further business to come before the Board, Vice Chairman Fillmore made a motion, Alternate Stockhaus seconded to adjourn at 9:10 pm. Passed 4-0-0**

A True Record

*Karen Nelson*

Karen Nelson transcribed from

You Tube Recording and notes