

Final



WEARE PLANNING BOARD  
MEETING MINUTES  
June 24, 2021

**PRESENT:** BRUCE FILLMORE, JR., VICE CHAIRMAN; JOHN (JACK) MEANEY, EX-OFFICIO; FRANK (CHUCK) BOLTON; WILLIAM (BILL) STOCKHAUS, SECRETARY; RAYMOND (RAY) MENARD, ALTERNATE; NAOMI BOLTON, INTERIM LAND USE COORDINATOR  
**ABSENT:** CRAIG A. FRANCISCO, CHAIRMAN

**GUESTS:** Art Siciliano, John Hardy, John Nikias, Matthew Bombaci, Eamon Moran, Andrew Batey

**I. CALL TO ORDER**

Vice Chairman Fillmore called the meeting to order at 7:00 pm. and asked that those who have not been vaccinated to please wear a mask.

Town Resident: John Nikias, 106 East Shore Drive, has lived in town for forty years. He spoke to the Board in reference to short term rentals. Other towns have regulations with respect to them. Mr. Nikias has witnessed a two bedroom septic home that recently rented out to 18 people on Tuesday, and yesterday, 23 people. Mr. Nikias asked the Board if they are aware of this problem. He himself is just beginning to understand the logistics of it.

Vice Chairman Fillmore responded, personally, he is aware of this issue because he designs septic systems for a living. It is happening all over the State. The Board is preparing to propose an article during their zoning amendment session, mid December. He invited Mr. Nikias to be involved in the process.

Mr. Nikias shared he has been in contact with other NH towns who have outlawed these arrangements all together. He discovered a State of NH Conference, *Municipal Regulation of Short-Term Rentals NH Office of Strategic Initiatives Spring Planning and Zoning Conference 2019*, a 26-page document, to send to Town Administrator Bolton. She will forward to the Board. Mr. Nikias is concerned with people from, for example, California who are purchasing NH property for the sole purpose of rental income. This conflicts with residential zoning when used commercially.

**II. DISCUSSION**

**A. Subdivision (continuation from May 27, 2021)** : Alfred B. Lauder (Arthur Siciliano, Agent) 238 Quaker Street & John Connor Road, Tax Map 405-001, Res & RA Zone, Application is to subdivide existing lot 405-001 containing 28.02 acres located on Quaker Street into 3 lots (6.5 with existing home; 11.52 & 10 acre vacant lots).

Art Siciliano presented revised plans to the Board. Revised lot lines between Lot 1.1 and 1.2 along with a 552 foot driveway for Lot 1.1. The property division has moved 38 feet. Monuments have not been set. Vice Chairman Fillmore suggested adding a tie line between the found iron pipe and found drilled hole. Art agreed and will make the numbers more legible.

Vice Chairman Fillmore asked the Board for questions/comments. There was none.

Vice Chairman Fillmore asked for the public at large or abutters to speak. There was none.

Vice Chairman Fillmore closed the public hearing at 7:10pm.

Vice Chairman Fillmore addressed the outstanding conditions such as:

- add tie line to stonewall - second course in off of John Connor Road on the southerly side
- driveway profile enlarged to be legible
- front (road side) bounds need to be set along with many out back, 13 total monuments identified as MTBS
- Art stated they will be drilled holes.

**Secretary Stockhaus moved, Jack Meaney seconded to approve with conditions with the tie line on the southern wall between the DHF and IPF, driveway text enlarged, and monuments set along the road as well as all 13 monuments set, identified as MTBS. Passed 4-0-0**

**B. Lot Line Adjustment (continuation from May 27, 2021):** Merrill Shepard, Timothy Farmer Rev. Trust & Kurt & Deb Makarian (Arthur Siciliano, Agent) – Misty Lane & Waterman Road, Residential Zone Tax Map 101-128, 101-060 & 401-001. Application is to eliminate tax #101-128 by annexing 3.16 acres to 101-060 and 1.85 acres to 401-001.

Art Siciliano presented lot line adjustment plans to the Board. Before Lot 101-128 is 5.01 acres; Lot 101-60 is 2.199 acres, and Lot 401-001 is 2.33 acres. The purpose is to eliminate Lot 101-128. None of the lots are in an aquifer protection area. Lot 101-128 is in a flood zone. Parcel A 3.16 acres of Lot 101-128 will annex to Lot 101-60 bringing it to 5.359 acres and Parcel B 1.85 acres of Lot 101-128 will annex to Lot 401-001 bringing it to 4.18 acres. A tie line is needed between the granite bound monument on one side of Putney Brook and across on the other side, MTBS. Property line to be delineated by the center of the brook.

Vice Chairman Fillmore asked the Board for questions/comments. There was none.

Vice Chairman Fillmore asked for the public at large or abutters to speak. There was none.

Vice Chairman Fillmore closed the public hearing at 7:23pm.

Vice Chairman Fillmore addressed the outstanding conditions such as:

- add a couple tie lines on each side of the brook
- remove distances near the brook, use center of brook as property line
- monuments to be set, except for ones in pavement to be iron rods

**Secretary Stockhaus moved, Jack Meaney seconded to approve with conditions: monument pylons on each side of the brook, remove dimensions for the center of the brook, and the monuments to be set, except for the pavement ones to be iron rods. Passed 4-0-0**

**C. Site Plan Review & Conditional Use Permit:** Denis Lessard (Owner); Aubuchon Realty Company, Inc. (Applicant) – 455 So. Stark Highway, Tax Map 412, Lot 248, Commercial Zone Application is for the redevelopment of the current property to propose a 10,500+/- SF retail store.

Matt Bombaci, PE, Bohler Engineering, Southborough, MA. spoke representing applicant Eamon Moran, President of Aubuchon Realty Company, Concord, Ma. Conceptual Review was on March 11, 2021. Proposed is a 10,500 SF retail store for 455 S. Stark Highway. Waiver needed for the parking count, 32 provided, 42 are required under Site Plan Regulations, more parking area is available for future use. A sign waiver is not applicable for this application.

Vice Chairman Fillmore asked the Board for comments on the parking waiver. Frank Bolton and Jack Meaney agree with the waiver.

**Secretary Stockhaus moved, Jack Meaney seconded to accept the waiver. Passed 4-0-0**

**Jack Meaney moved, Secretary Stockhaus seconded to accept the application for Aubuchon Realty Company for property, Map 412 Lot 248, 455 South Stark Highway. Passed 4-0-0**

Matt Bombaci explained the retail store building is 10,500 SF with 32 parking spaces. No parking in front of the building, parking beside it. This creates a 50-foot landscape buffer between the building and the road. Parking, loading, dumpsters, trucks to the rear of the building, screened with a solid wood fence. Landscaping to include 41 shrub plantings, 7 new trees, shrubs along entire front base of the building. Existing trees along south side of property to remain. Grayish Hardy Plank siding, Vice Chairman Fillmore was not in favor of the blue colored siding depicted on the plan. The plan has one driveway curb cut off Route 114, permit submitted to NHDOT. Predicting less than 100 vehicle trip generations, in and out, at peak times. For storm water management there are two infiltration basins, grass bottom. Conditional Use permit need greater than 10% impervious coverage, they are 13.7%. No outside storage of anything environmental, amendable to NO outside storage. Septic system, designed by Bill Evans, is out front and the well out back. Thomas E. Sokoloski, NH Certified Wetland Scientist #127 completed the site investigation and found no wetlands on or adjacent to the property.

Vice Chairman Fillmore suggested a Site Walk to the Board and stated the Town of Weare's engineering firm, Keach-Nordstorm Associates Inc., will review the proposed storm water drainage plans. He stated it is a good use of a commercial zone.

Frank Bolton asked in relation to the plan criteria what it could "not be" as a general retail store. Matt Bombaci responded it would not be a supermarket. It fits the realm of general retail goods, for example, like a Dollar General, etc.

Vice Chairman Fillmore stated what is proposed is all allowed uses in a commercial zone.

Secretary Stockhaus asked if the tenant had a timeline. Eamon Moran replied negotiations for a tenant have not begun. He anticipates 3 – 6 months.

Eamon Moran will not know until he has the permits to be able to approach tenants. He identifies the market place for a hardware store, auto parts or a Dollar General, Family Dollar type store.

Vice Chairman Fillmore asked the Board for comments/questions. There was none.  
Vice Chairman Fillmore asked the public at large to speak. There was none.

Vice Chairman Fillmore asked abutters to speak. Andrew Batey, 477 South Stark Highway, stated he is the only resident in the dual zoned area. He does not generally have an issue, but he would like to know what is going to be next door to him. He commented does Weare need a fifth or sixth general retail store.

Vice Chairman Fillmore asked for a second round of the public at large to speak. There was none.

Vice Chairman Fillmore closed the public hearing at 7:53 pm. and reiterated the plan to be sent to the Town Engineer for review.

Frank Bolton stated it would be nice for the public and the Board to know what is going in. Vice Chairman Fillmore stated with the reduced parking, there would be a proposed list of uses suitable for the plan. It would have to be stated on the final plan.

Andrew Batey was invited to the Site Walk for Thursday, July 15, 2021 at 6:30pm. Matt Bombaci to stake the four corners of the building.

John Hardy, John Hardy & Sons Construction, 35 Hejo Road, presented the Board with three driveway permits on Sugar Hill Road with 30 ft. openings each. Also, three temporary openings for utilities for each lot. Stonewalls to be returned when done. Lots 403-19-1, Lot 403-19-2 and Lot 403-19-3 have 200-foot frontage. These three lots were approved years ago. Properties to have underground utilities.

Jack Meaney asked John Hardy if he has already discussed the driveway permits with DPW Director Knapp. John replied yes, he has filled out the applications.

Vice Chairman Fillmore clarified three, thirty foot stonewall removals for driveways, and three temporary removals for utilities. Stonewalls to be returned when done.

Frank Bolton asked if a driveway could be shared to spare a stonewall. John explained driveways are spaced apart on the property lines.

**Secretary Stockhaus recommends, Jack Meaney seconded these three lots on Sugar Hill Road, Lot 403-19-1, Lot 403-19-2, Lot 403-19-3, three stonewall removals for three driveways with 30 ft. openings, along with temporary openings, stonewall removals, for utilities to be restored when done. Passed 4-0-0**

### **III. OTHER BUSINESS**

Jack Meaney explained All Clear has not cleaned anything up. Piles of debris, building demolition, septic system remnants and trash. Along with old rotten dumpsters thrown about. Vice Chairman Fillmore noted he is in violation of the site plan. Additionally, there is a secondary business, a towing yard, which is also in violation. Notification letters to be sent.

### **IV. MINUTES**

**June 10, 2021 Minutes: Jack Meaney moved, Secretary Stockhaus seconded to accept the minutes of June 10th as written, passed 4-0-0.**

### **V. NEXT MEETING**

July 15, 2021 Site Walk at 6:30pm 455 South Stark Hwy; July 22, 2021 next meeting;  
Thursday, July 8, 2021 No meeting

**Being there was no further business to come before the Board, Vice Chairman Fillmore moved, Jack Meaney seconded to adjourn the meeting at 9:15 pm. Passed 5-0-0**

A True Record

*Karen Nelson*

Karen Nelson transcribed from  
You Tube Recording, TA Bolton notes