

FINAL



## WEARE PLANNING BOARD

### MEETING MINUTES

April 28, 2022

**PRESENT:** BRUCE FILLMORE, JR., VICE CHAIRMAN; FRANK (CHUCK) BOLTON; WILLIAM (BILL) STOCKHAUS, SECRETARY; SHERRY BURDICK, EXOFFICIO; RAY MENARD, ALTERNATE; JOHN (JACK) MEANEY, ALTERNATE; PAUL GANNON, ALTERNATE; NAOMI BOLTON, TOWN ADMINISTRATOR & INTERIM LAND USE COORDINATOR

**ABSENT:** CRAIG FRANCISCO, CHAIRMAN; DANI-JEAN STUART, ALTERNATE.

**GUESTS:** Eamon Moran, Randy Dearborn, Darcy Dearborn, Shawna Dearborn, Dan Higginson, LLS, Tom Drews

#### **I. CALL TO ORDER**

Vice Chairman Bruce Fillmore called the meeting to order at 7:00 pm. and welcomed those present to the April 28, 2022 meeting of the Weare Planning Board.

#### **II. DISCUSSION/HEARINGS:**

**CONTINUED: Expedited Site Plan Review:** Marico, LLC d/b/a Weare Real Food Market; Owner: Marek Rivero – 65 North Stark Highway, Tax Map 203-032, Commercial Zone. Application is to allow changes to allow the sale of food and drinks on property using food trucks/trailer.

Vice Chairman Fillmore stated that first on the list tonight is an expedited site plan review. This application has been withdrawn by the applicant.

In the absence of the chairman, Vice Chairman Fillmore appointed Jack Meaney as a voting member for the purpose of tonight's meeting.

**Site Plan/Design Review:** D&F Development (David Giovagnoli); Architectural Design Approval; 86 Reservoir Drive, Tax Map 201-007. Application is pursuant to Article 22.9 new building in any village district requires that the exterior of all structures within the designated village districts shall be architecturally compatible with the historic building details in those districts.

Vice Chairman Fillmore stated that in all the years he has sat on the Board this is the first time we have heard one. We don't have a real application for such a request so we are using the design review application.

David Giovagnoli was present. Mr. Giovagnoli stated that he just purchased this property at 86 Reservoir Drive. It contains an existing trailer that is in pretty rough shape. The garage is also in rough shape and has holes in it. The plan is to take down both buildings and replace it with a duplex. For architectural design review Mr. Giovagnoli attached pictures of some of the neighboring houses. There are some ranches, some capes and some colonial style structures. He is proposing a two story colonial with a portico over the front doors. Colors are traditional black roof, black shutters. Vice Chairman Fillmore asked if the picture supplies is pretty representative of what is going to be built there. Mr. Giovagnoli replied yes, other than the colors. He is looking at a soft green, nickel. Vice Chairman Fillmore stated that a couple

of things that come to mind. He has no issues with vinyl windows but they make a Cambridge trim for vinyl windows that is 3 1/2" flat stock with an old window stool like the old colonials do. It comes all preassembled on the window. The stool on the bottom has a channel underneath, like a regular j-channel built in j-channel. It looks more realistic like a wooden window. Vice Chairman Fillmore stated that he would like to see those at least on the front of the house. They do the same thing around the doors. Another thing, underneath the soffit would like to see the flat piece that goes up to the soffit. The other thing is that the porch posts look thin. They would like to see a 6 x 6 post for the porch, either square or a turn post. The last thing, on the corners, the vinyl extruded corners he would like to see PVC board, like 6-8". It would make it look more historic. To verify there will be 12" overhang on the gable ends and up the rakes. Mr. Giovagnoli stated yes. Vice Chairman Fillmore closed the public hearing.

**Jack Meaney moved, Frank Bolton seconded to approve the architectural design review for 85 Reservoir Drive with the following conditions:**

- 1" x 6" below the soffit on the wall
- 3 1/2" flat trim around the windows with stool – Cambridge
- 3 1/2" flat trim on doors
- 6" x 6" porch posts not the turned thin ones
- 12" gable roof overhangs
- 6"-8" PVC corner boards

**Vote: Passed 5-0-0**

**Conceptual Hearing:** Land Surveyor Dan Higginson was present for a conceptual hearing for property owned by Randall Dearborn. Mr. Higginson handed around a sketch. Mr. Higginson explained that they have a 16 acre lot and they would like to cut off the house on a 5-acre lot with a 10 acre backlot of vacant land. There is enough road frontage as it is paved to do the 50' for the backlot and 250' for the front lot. The lot is located on Old Francestown Road. There is currently a house that will be on the five acre lot. There is a road to the back that has a wetland crossing that was done many years ago, pre permitting. He doesn't anticipate any issue with that. Mr. Higginson stated that the biggest stumbling point that he has is he has to meet the soils-based lot loading which is somewhere around 2 acres per lot. To the best of his knowledge that has to be contiguous. He thinks he has those areas if they don't they will seek a variance for that. But the existing house and the proposed house, neither of them will be on the contiguous minimal buildable area. Mr. Higginson doesn't believe that is a problem but wanted to come and ask the board about it before they get too deep into it. They certainly will meet all the regulations for the State for septic, well and house setbacks, so they can fit them into envelopes that are smaller than the minimal buildable area they just won't be on the minimum buildable that is required by the town. They are also proposing a shared driveway for the two lots. Vice Chairman Fillmore stated the biggest question is, can you put the house in the area of the lot that doesn't meet the minimum lot size requirement of Article 14? Mr. Higginson stated that he certainly can. Vice Chairman Fillmore followed up, do you have too. Mr. Higginson replied, exactly that is the biggest question for this board. If he can't meet the minimum contiguous area then that's a zoning matter. Those were the issues that Mr. Higginson needs clarification on and that is why he wanted to come to the Board. Vice Chairman Fillmore stated that he doesn't believe in Article 14, we have a minimum lot sizing area that they have to meet, even though if the lot's 5 acres they still need to meet this minimum lot sizing area for the buildable land. Mr. Higginson asked, and it has to be contiguous correct? Vice Chairman Fillmore read Article 14 and it does say that the entire area must be contiguous non-wetland soils, but it does not say that the house has to be in that area. It can be somewhere else that meets all the setback requirements. Mr. Higginson replied, which is what they are proposing for both of the houses. It is a unique piece in that there are a couple of streams that cut through the property, that kind of chunks it up. Mr. Higginson, reiterated, so if we can meet the regulations and the houses are situated outside of the minimum area then it's not a big deal. Vice Chairman Fillmore agreed. Mr. Higginson asked, no issue with the shared driveway? Board replied not for 2 lots, but reminded Mr. Higginson to have maintenance agreements made. He agreed.

**Dollar General:** Vice Chairman Fillmore stated that he drove by this the other morning and it dawned on him that siding didn't look quite right. So he came down to the office yesterday morning and viewed the file. The site plan that was in the file was viewed and there is an exterior finish schedule on it. Everything on the exterior finish schedule calls for hardy plan siding. On the application, item #7 calls for elevation views or photographs of all buildings indicating the dimensions and surface treatment, which is what that plan accomplishes. He compared plan to what is on the building. He spoke to Romeo (the building inspector) to see if the building file had anything in it as far as what was going on the building and he said no. The permit was not issued that contradicts what the Planning Board approved. The plan was submitted to meet what was on the checklist for the site plan so this plan is part of the approved site plan. Selectman Burdick added, so there is not hardy board on the building now. Vice Chairman Fillmore stated that no there is not. He then asked Romeo to go down there and notify them immediately that what they have on the building is not according to the site plan approval. He wanted them to be on notice the minute it came to light to allow as much time as possible to try to rectify it. When Romeo went down there they were looking to see about getting an occupancy, but there are no plantings, there is a detention pond that needs to be finished, the base coat of asphalt is down and has been striped, all the labeling for handicap parking is on it, even though it is not the finish course; which is fine they know they have to put a finish coarse on there; light poles aren't up; dumpsters fence isn't in there and none of the loam or grass has been planted. They are looking to occupy the building and open it as soon as they possibly can. After speaking the Chairman Francisco and Town Administrator Bolton, Vice Chairman Fillmore felt that there is no reason that they couldn't bond what needs to be done because none of it, with the exception of the light poles, which they say will be done tomorrow, is safety issue. The building inside is 100% complete. All the exit signs are up. All the exit lighting is up. The bollards are there in the front, but the ones for the well and tank are not in yet, but that can be blocked off for now as it is the service entrance and there is no public parking there. Selectman Burdick asked what is going to be done with the siding. Vice Chairman Fillmore stated that because it is part of the approved site plan, we have two options. They can bond fixing it to include the outstanding items and corrective siding or if they don't want to correct it they can return to the Board for an amended site plan as it was part of the site plan approval. What is on the building currently is something similar to stucco and it looks like stucco from the street. Vice Chairman Fillmore stated that they matched the color but didn't match the materials. It is a material that has a base layer. It's an insulation board body fastened onto the building. Then there is a wire mesh component that goes on top of the insulation board and then finished material is placed onto that and painted. There is no complaints about the color scheme. The mid color and the blue color on top are not what was proposed. The bottom is correct. The dilemma is that what was approved for the site plan needs to be there before issuing the occupancy. He will need to bond it to get a temporary occupancy, while he comes back to the Planning Board for an amended site plan.

Eamon Moran, president of the Aubuchon Realty Company, owners of 455 South Stark Highway. Mr. Moran stated that Vice Chairman Fillmore did a very nice job summarizing the scope of work that needs to be completed. He would like to address the Board and the siding issue. It was quite a live subject matter. As we have all experienced over the last year or two there are supply chain issues across the Board. He was sitting here with the Board last July when the topic of the earth tone colors of the building came up, so they modified the architectural plan, came back in and got it approved. That building had a metal siding component, a hardy siding board component and then the nichiha. Mr. Moran explained that when they were notified by their siding company that the color, bronze, that the Planning Board had approved and put in its condition, was not available and would not be available for some time. He owed this building to Dollar General before that so he couldn't do that. He went through the various options of what was available through the vendor and the ability to control color was this exterior insulated fastened siding which he is referring to as EFUS (the acronym). It's a more expensive sort of material. It takes more time to put on but what he could control the color of it. He went to Sherman Williams and found the color that was approved and gave it to the person that was painting the building in an effort to accomplish the Board's reference to color tone, being the earth tone and bronze color. Mr. Moran asked what the mechanism is for a minor site plan approval and does it require another public hearing. Vice

Chairman Fillmore replied yes it does for any modification, even a minor one. He wouldn't classify this as a major modification, but the Board would be remiss in not doing a public hearing. Mr. Moran stated his reason for asking is that he was wondering if he could this approved tonight. Vice Chairman Fillmore stated, not we can't we haven't posted this, it's not a public hearing. We can't modify the site plan tonight. We can talk about how to bond it and get to where you need to be, but we can't discuss approving any modifications tonight. Mr. Moran stated that he understands and appreciates the Board hearing him tonight. Mr. Moran stated that Romeo (the building inspector) has been a stand up individual and has come down to the site on a moment's notice to have things looked at. Mr. Moran continued by adding that why this didn't come to you early was that when he opened up the zoning code and building design, section K and then #4, A-F, they went through the individual items and thought that all the Board needed was this color and not the specific kind of siding. He admits he should have come before and asked for clarification on not just color but materials. Mr. Moran stated they will come back with the updated rendering. Vice Chairman Fillmore stated that tonight the Board needs to put a number on this project to get Mr. Moran out of here for tonight. Mr. Moran proposed \$46,650, in a cash surety bond. Mr. Moran handed out the information as to how he arrived at the number. Vice Chairman Fillmore stated that we need a number for the exterior finish, as it currently doesn't match. The plan is to take the total number that is arrived at and double it. Vice Chairman Fillmore stated that he would like to sweep the parking lot and to install some orange fence until the concrete can be fixed as it is rough and uneven that could be a trip hazard. The equipment should be moved and some cement blocks at the rear loading area to block off the LP gas tank. Keep the water bubblers posted as "Non potable" or out of use until the water test results come back. The poles will go up at 9 AM tomorrow morning.

The outstanding items and prices to come up with a bond numbers were as follows:

- |   |                 |
|---|-----------------|
| • Exterior building finishes do not match | \$25,000        |
| • Final paving and striping not complete  | \$26,500        |
| • Landscaping not installed               | \$15,000        |
| • Trash enclosure not installed           | <u>\$ 5,150</u> |
|   | \$71,650        |

Vice Chairman Fillmore stated that when we do bonding we don't use just the dollar amounts. Mr. Moran stated that he will wire whatever the number is tomorrow morning. Vice Chairman Fillmore wants to be reasonable. But also wants Mr. Moran to know that the bond won't be released until done completely. The Board talked about \$125,000 - \$110,000 to be reasonable. Mr. Moran stated that \$110,000 falls within reason. Tom Drews, owner of Dollar General would like to see it pretty much done by Memorial Day weekend. The Board agreed to July 1<sup>st</sup> deadline. **Jack Meaney moved that ARC Commercial Realty (Aubuchon Realty) agree to a Temporary CO (certificate of occupancy) with the following conditions: 1. Bond be wired for \$110,000 (cash); 2. Sight poles be installed tomorrow; 3. Bonding to cover final paving and striping, landscaping, and trash area; 4. The bollards and dumpster area are to be enclosed; 5. The breakers will be marked and done tomorrow; 6. Final water test all to be completed by July 1, 2022; 7. Once everything is done the bond will be released; Selectman Burdick seconded the motion.** Tom Drews, owner of Dollar General asked if there was any way that they could do a soft opening, without advertising this weekend as the Building Inspector will not be back until Monday. The Planning Board stated that they can't make that decision. Mr. Moran asked if it made sense for a site walk. The Board members stated that they can go there on their own. **Vote: 5-0-0**

### III. MINUTES:

April 14, 2022: **Frank Bolton moved; Jack Meaney seconded to approve the April 14, 2022 minutes as amended. Passed 4-0-1 (Pastor Stockhaus)**

### IV. OTHER BUSINESS

Capital Well Monitoring Reports: Frank Bolton stated that in the last minutes there was a paragraph about monitoring wells at B&B Lane and he went into the town office to look into it. Mr. Bolton did that and reported that there were no records found. He feels that is something that needs to be pursued eventually. Vice Chairman Fillmore asked how we can do that. Town Administrator Bolton stated that Zoning

Enforcement Officer, Tony Sawyer contacted Capital Well Company. The reports are being electronically sent to the owners from the State. Mr. Sawyer asked Capital Well if they could forward copies to the Town and they agreed.

**V. NEXT MEETING:**

May 12, 2022

**Being there was no further business to come before the Board, Frank Bolton moved, Jack Meaney seconded to adjourn the meeting at 8:12 pm. Passed 5-0-0**

A True Record

*Naomi L. Bolton*

Town Administrator Bolton

From her notes & YouTube Video