

## Final



### WEARE PLANNING BOARD MEETING MINUTES April 22, 2021

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

**ABSENT:** FRANK (CHUCK) BOLTON

**GUESTS VIA ZOOM:**

For Conditional Use Permit, Jordan Estrada Case: Jordan Estrada, Kelley Stonebraker, Tom Page

**ZOOM HOST:** Town Administrator Naomi Bolton

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

The Chairman called the meeting to order at 7:05 pm. The Town of Weare is still following CDC social distancing guidelines; this meeting was conducted via Zoom. Chairman Francisco appointed Ray Menard as a member.

#### **II. DISCUSSION**

**A.) Continued Hearing(s):** Frank Burl, Rockland Road & Route 77 – Tax Map 202, Lot 094 – Subdivision (continued from January 14, 2021)

Dan Higginson requested application withdrawn.

**B.) Conditional Use Permit:** Applicant: Jordan Estrada, Owner: Louis Page, Location: Bart Clough Road, Tax Map 409, Lot 20 Request: Applicant is requesting a conditional use permit to expand the use of an existing non-conforming private road to build a single family residential home without upgrading the private road to a Class V road.

Chairman Francisco stated the Board is in receipt of information from the Town Attorney. Conditional Use Article 37.5, building on a private road, is in conflict with existing 17.1.1, No building permits for new homes shall be issued on any private road. The resolution is the stricter ruling applies. A variance is needed through the ZBA. No need for a Conditional Use permit.

Jordan Estrada asserted he has a variance in progress with the ZBA.

Chairman Franciso apologized for wasting his time. The Chair stated on the recent Site Walk, he noticed the existing driveway goes over the property line. This could be an issue that should be investigated.

Jordan Estrada responded after doing some research he found the road was built in 1997, according to the seller, existing house since 1998. This road has been in use for twenty years, prescriptive easement.

Chairman Francisco stated prescriptive easement or adverse possession is for the courts to decide, not the Planning Board. The Chair asked if there were any more questions.

Jordan Estrada replied he would like to verify with Naomi Bolton, Interim Land Use Coordinator, is he all set with the Planning Board, now that his hearing is set for May 4th with the Zoning Board.

Naomi Bolton, also apologized for the misstep and explained this new information was just voted into the town ordinance in March. Abutters will be renotified and he is on the docket for the Zoning Board Zoom meeting for May 4th.

Orr & Reno Attorney, Kelley Stonebraker, stated she would like it noted in the record she submitted a written objection to the site plan approval on behalf of abutter Tom Page, 187A Bart Clough Road.

Jack Meaney questioned since there will be nothing before the Planning Board, no record, should this be submitted to the Zoning Board?

Chairman Francisco stated the only record is this conversation, no action. Jack Meaney clarified it will have to be refiled with Zoning. Chairman Francisco replied yes, for future reference the letter of objection will be filed with the application.

Jordan Estrada added he would like his letter from the seller, in response to the objection, also entered into the record. Chairman Francisco responded yes.

### **III. MINUTES**

March 25, 2021 Minutes: Secretary Stockhaus moved, Vice Chairman Fillmore seconded to accept the minutes of March 25th as amended, passed 5-0-0.

April 8th, 2021 Minutes: Vice Chairman Fillmore moved, Ray Menard seconded to accept the minutes of April 8th as written, passed 5-0-0.

### **IV. WORK DISCUSSION**

Naomi Bolton, Interim Land Use Coordinator stated the Zoning Ordinance, Subdivision Regulations and Building Ordinance changes are processing. Chairman Francisco to work on RFP for the Master Plan.

### **V. NEXT MEETING**

Thursday, May 27, 2021 at 7:00 pm.via Zoom. May 13th Work Session not needed.

**Being there was no further business to come before the Board, Secretary Stockhaus moved, Ray Menard seconded to adjourn the meeting at 7:18 pm.**

A True Record

*Karen Nelson*

Karen Nelson transcribed from

You Tube Recording, TA Bolton notes