



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
15 Flanders Memorial Road
P.O. Box 190
Weare, NH 03281
Phone: (603) 529-2250
Fax: (603) 529-4554

Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
AUGUST 30, 2007
(Approved as written 9/27/07)**

PRESENT: Paul Morin, Chairman; George Malette, Secretary; Tom Clow, Exofficio; Craig Francisco; Naomi L. Bolton, Land Use Coordinator

GUESTS: Robin Morrell; Glenn Morrell; Scott Hogan, Attorney; John S. Krupski, Attorney; Wayne Daniels; Brian Haynes, Promised Land Survey; Jan Snyder; John Flanders; Robert DeStefano; Jeffrey Wright; Cheryl Wright; Art Siciliano, LLS; Erik Hagstrom; Ian Mickle; John Boisvert; Joseph Nelson; Peter F. Vaast; Carl Foley, Meridian Land Services; David Plante, PSNH; Ken Pyzocha, Ambient Engineering; Chuck Young, Ambient Engineering; Mike Dahlberg, LLS.

I. CALL TO ORDER:

Chairman Paul Morin called the meeting to order at 7:00 PM at the Weare Town Office Building.

II. APPROVAL OF MINUTES:

AUGUST 9, 2007 MINUTES: George Malette moved to approve the August 9, 2007 minutes as amended; Tom Clow seconded the motion, all in favor.

III. PUBLIC HEARINGS:

ERIK HAGSTROM REVOCABLE TRUST (ART SICILIANO) – CONCEPTUAL HEARING, 422 FLANDERS MEMORIAL ROAD, TAX MAP 404-069: Chairman Morin opened this hearing at 7:10 PM. Chairman Morin further explained that a conceptual is a very basic hearing. A conceptual hearing is non-binding on either party, no abutters have been notified. It is the opportunity for the applicant to obtain some information and/or suggestions. Art Siciliano and Erik Hagstrom were present. Mr. Siciliano explained that Mr. Hagstrom owns property on the north side of Flanders Memorial Road in the Clinton Grove Village District. There is a historic overlay in this district. There are existing sheds and buildings on the property. The proposal is to subdivide the property into two lots. They are here tonight on the suggestion of the ZBA. They went to the ZBA looking for a special exception from the required setback from the building to the proposed property line. The suggestion made by the Zoning Board was to have a joint ZBA and PB meeting. The other issue is that this property is in a split zone it is the village and rural agricultural zone. The new

house that is being proposed to be built is in the RA zone. The new house should comply architecturally. Mr. Siciliano stated that he will be applying for a joint meeting with both boards. Chairman Morin closed this hearing at 7:25 PM.

ARTHUR SICILIANO – CONCEPTUAL HEARING, 47 PINE HILL ROAD, TAX MAP #202-010.001: Chairman Morin opened this hearing at 7:26 PM. Art Siciliano was present. Mr. Siciliano explained that he is looking to establish a wholesale car business. He explained that he applied to the State for a license to buy cars at auctions. What the Town does once you apply is to contact the Town to see if it meets the zoning requirements to see cars at your house. Chip Meany, Code Enforcement Officer was contacted and Mr. Meany told Mr. Siciliano that he needed a variance. Mr. Siciliano stated that he didn't think he really needed to apply but did anyway. He was denied and understands that after going through all the process why he was denied, but he really doesn't feel he need to go there. The ZBA didn't think they could limit the number of cars. The abutters were there and overall their concerns were how big the operation would get. Mr. Siciliano went back to Mr. Meany to explain that he was only trying to get this license to be able to attend auctions and to buy cars. Mr. Siciliano stated that he was sorry that he went to the Zoning Board and feels that he should go for a site plan review and the reason he says that is that everyone is allowed to sell cars. Selling cars are allowed in any district. There is no where in the zoning that prohibits anyone from selling a car. Mr. Siciliano quoted an RSA that allows an individual to sell up to 4 cars. Mr. Siciliano stated that his plan is to sell up to five vehicles in one year. Chairman Morin felt the board should send an inquiry to Chip Meany, Code Enforcement Officer and have him elaborate all of the reasons why he felt this was not permissible and that would be a good starting point for the board. Mr. Siciliano stated that was fair. Chairman Morin stated that Mr. Meany is also welcome to attend the meeting that this would be taken up at. Chairman Morin closed this hearing at 7:40 PM.

HIGH ROCK DEVELOPMENT – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 110-077: Chairman Morin opened this hearing at 7:41 PM. Art Siciliano was present. Chairman Morin stated that before the board jumps into anything technical, he would like to focus on the submittals to and correspondence from Attorney Drescher. The board took a few minutes to review the letter from Attorney Drescher. Attorney Scott Hogan for High Rock Development and Attorney John Krupski for Daniels Lake Development were present. Chairman Morin asked both attorneys if they were familiar with the letter. Both gentlemen responded yes. Chairman Morin asked Mr. Siciliano if he was familiar with the letter. Chairman Morin asked Mr. Siciliano if the plan that is in front of the board, is that all of the land has been conveyed or is there land to be conveyed? Mr. Siciliano stated that it is really probably a legal question. Chairman Morin asked Mr. Siciliano, the boundaries shown on your plan are based on what? Mr. Siciliano responded, they are based on surveying tax map 110 lot 77. Chairman Morin asked if there was a meets and

bounds description on the deed. Mr. Siciliano stated that there was an old deed with all the lots around the lake subtracted from it.

Attorney Scott Hogan stated that the purchase and sales agreement for the sale of this property was, I the seller sell tax map number 110-077 and that the only description. Then there was a July 23, 2003 deed and on the same day there was an agreement. The agreement basically said that on this day I agree to sell tax map 110-077 and there was the deed the board is referring to. Attorney Hogan stated that what Mr. Siciliano did was, that tax map 110-077 was comprised of numerous lots, so the deed that was produced for that closing basically, by exception describes what Mr. Siciliano's result was, which is the broad description and then excepting out some 31 parcels. So there was an agreement that says on this day I sell 110-077 pursuant to that deed and I acknowledge the fact that the survey had not yet been done. We've made this deed to the best of our ability and when the survey is produced we will file a corrective deed pursuant to survey. Chairman Morin asked Attorney Hogan if all of that is in the agreement. Attorney Hogan responded, yes and the board was given a copy of that the last time he was here. Attorney Hogan stated that the point they were making was that in that transaction, tax map 110-077 was sold. The only relevance to that subsequent transaction was to try to get a better deed description because as you can see the deed description now is a narrative description and excepting out 31 properties, which obviously isn't ideal but it is the deed and it did convey tax map 110-077. At the point where the survey was produced, the seller said I didn't think 110-077 included the land between Daniels Road and the lake. That's the dispute. Attorney Hogan added that through all this time there hasn't been a surveyor and the relevant point in Attorney Drescher's letter which states that "under normal circumstances, when the planning board is reviewing a subdivision proposal and an abutter disputes the accuracy of a boundary depicted on the plan, the resolution of that dispute is, clearly, outside the jurisdiction of the planning board. Assuming the plan is being presented over the seal and signature of a licensed land surveyor, the board should simply continue to consider the plan and, presume that it is accurate unless and until advised to the contrary by a court of competent jurisdiction." Given the opportunity on the other side to say, have a surveyor come and tell us where we are wrong, that hasn't been their position. It's just we didn't think it included that piece. That is the legal question and the plan you have in front of you showing the subdivision land, Mr. Siciliano has his stamp on it saying this is tax map 110-077. Attorney Hogan continued, to the point that Attorney Drescher makes in his letter to the traditional boundary dispute is outside the Planning Board jurisdiction it is a civil matter, unless its not a traditional boundary line dispute and the what the claim is, is that there is land within this subdivision that is being presented to the board that hasn't actually yet been conveyed. That is not the case here. It's this is 110-077 we have a licensed surveyor who has presented that to the board, no one has conceded the work that has been done, and the question about the metes and bounds description that shows the narrative boundary description, that deed would be almost as horrible a deed as the one that exists now that goes on for pages and pages following 110-

077. Attorney Hogan stated that his long answer is that it is a traditional boundary dispute, there is no competing survey disputing the information that is put in front of you as to what is actually the land to be subdivided. Attorney Hogan added that the only other point in Attorney's Drescher's letter was the other issue regarding Daniels Road. In the original purchase and sales agreement there was a condition which said that they buyer would upgrade Daniels Road to a class V Town road specification. Chairman Morin asked if we could leave the road issue aside for the moment. Attorney Hogan agreed.

Attorney John Krupski was present filling in for Byron Bedard representing Daniels Lake Development. Attorney Mr. Krupski stated that in this particular instance he thinks the answer was that the survey was conducted on the tax map and not on the deed that transferred the property. The deed that transferred the property is their only ownership rights, not the tax map. So if the survey was not done on that deed then the site plan can't be approved. Assuming for the purpose of our discussion that it is not within the Board's jurisdiction to resolve disputes as to lots, etc. he would agree with Attorney Hogan, but that issue should be resolved prior to moving forward. Now, opposing counsel has stated that, there is not another site plan or survey. Attorney Krupski stated that they don't have to do that until a quiet title action is filed that wouldn't necessarily be appropriate at this point in time, but assuming for purposes of argument that the Board approves this site plan and it later comes down that they don't own that property. What do they do now, once the bell has been rung, how do you un-ring it? Chairman Morin responded, how would that be any different from it someone claimed that there was an error depicting a lot line, we can't simply take someone's word for it. If there were two surveyors who are both putting their stamps on different plans then the board could reasonably take a step back from it and say this has to be decided in a court of law. But to say that someone could just say I don't think it is over there it is over here, maybe they are proven right, but should we have halted our process as a result. Attorney Krupski responded that he would say that, number one that would be true. Chairman Morin added that what was said earlier was the board should not try to doubt a single surveyors stamp absent a second surveyor coming in with different information or some other real evidence. Attorney Krupski stated that his point earlier was that the property that was conveyed based on the surveyors response was that he based his survey on the tax map. The tax map is not what was conveyed. What was conveyed was what the deed provides. It is a distinction that is subtle but important. His clients claim is that everything that was conveyed in the deed is on the easterly side of Daniels Road which means that the westerly side or that portion that abuts the lake is not owned by High Rock and therefore they should not be requesting or asking for any rights in regard to that because they do not own it. Quite frankly if you are relying on the provisions of the purchase and sales agreement it also says that High Rock shall bring Daniels Road up to a class V status, which he knows the board is not discussing now but wanted to make the point, and extend the line to the east between the stone walls and to the power lines, and all trees along Daniels Road to be left intact. That was all that was conveyed, so you can't jump back

and forth from the purchase and sales agreement, to the tax map, to the deed, it all has to be based on the deed. Attorney Krupski stated that what he got from Attorney Drescher's letter was that if there is a dispute as to that you don't have jurisdiction to act and but if it is a real dispute and there are other deeds need to be conveyed the Board shouldn't take any action at this point in time. What he is saying that because of that advice, until a survey is done based on that deed it is inappropriate to take any action at this time. It can't be based on the tax map. Tax maps are not transferred, deeds are transferred.

Chairman Morin asked Mr. Siciliano that Attorney Krupski has stated several times that the survey is based on the tax maps, is that accurate or not accurate. Mr. Siciliano responded that he was asked to survey tax map 110-077. Chairman Morin asked if there is any reason why there is not another surveyor here to give a counter opinion, counsel has been hired to go through all of this, why is there not a surveyor to say I disagree with Mr. Siciliano. Attorney Krupski responded and stated that he didn't want to be evasive, but he can't answer that question. He has not been on this case he is only filling in for Attorney Bedard who is on vacation. Chairman Morin asked if he had any clients present that would want to answer the question. Attorney Krupski stated that he has a client here. The client present didn't want to respond. Chairman Morin stated that was fine he wasn't going to push the question, but absent that, fellow board member Craig Francisco's point of not having a second surveyor present disagreeing is a good one. Attorney Krupski stated that he respectfully disagrees, obviously surveying is important, but ultimately as a legal question, what is conveyed is contained in a legal deed and he doesn't have an opinion on the deed as opposed to and in fact he came here today without knowledge of having a stamped surveyed subdivision plan. He has not seen one. He is not saying that one doesn't exist he has just not seen it.

Chairman Morin asked if his point is that the land doesn't belong to the people of High Rock Development and will not belong to them, this land on the westerly side of the road? Attorney Krupski responded, right. He does not believe it has been conveyed nor does he believe that his client will be willing to convey at this time. Chairman Morin asked if they are willing to leave it in limbo. Attorney Krupski asked Chairman Morin to elaborate. Chairman Morin stated that property has been conveyed, there is a dispute as to how much property was conveyed, obviously High Rock has got a plan in front of us, why is there not an over effort to resolve the dispute one way or the other? Chairman Morin continued, because it sounds to him like, and he was not trying to be sarcastic, the abutter is very comfortable leaving it in limbo like this, but quite frankly we want to move this forward one way or the other. The board would like to know if they own it or not?

Attorney Krupski stated that either side can apply for quiet title in superior court. His client is under the assumption they have superior title. Chairman Morin asked

Mr. Siciliano to point out where the property goes to the brook in which the deed is referring to.

The board discussed this and concluded that assuming that the Board did not act upon this completely tonight. There is still an opportunity for someone to come in and dispute what Mr. Siciliano has shown.

Chairman Morin explained that the second issue with this had to do with the road and according to Town counsel that is an agreement that is offsite that is between two parties and that is not something the Planning Board is dictating or something we need to look at, so the Board doesn't need to address that with this application.

Attorney Krupski stated for the record, as to the road issue to become a class V highway, he doesn't feel they can have it both ways. The applicant can't submit a plan and not look at the road because it is part of the lot. Chairman Morin responded that the Board earlier on looked at that and said it is not critical to the traffic flow for the subdivision and therefore it would be simply us to push someone to honor a private agreement. Chairman Morin thanked Attorney Krupski.

Chairman Morin then went to the McFarland-Johnson traffic impact assessment review. There was an updated review received today regarding the additional information requested the first time. First was that after reviewing the site distance plan for the intersection of Twin Bridge Road and Daniels road it was noted that sufficient sight distance (over 400 feet) may be available for the easterly approach by clearing vegetation within the limits shown on the plan. Second was the letter from Chief Begin stated that there is no documented accident history available solely for the Route 114/Twin Bridge Road intersection. However the letter also stated that there were three serious accidents in the past two years and that the additions of a stop sign and rumble strips have improved the intersection. It should be further noted that on July 26, 2007 the Planning Board requested addition traffic information from the Weare Police Department, which they have not received as of today, August 30, 2007.

Chairman Morin pointed out that at this point the applicant has submitted everything they have been asked to submit and McFarland-Johnson has found it to be satisfactory, but that the Weare Police Department, if it can give us more information may be relevant and they would want to review it. Naomi informed the board that she did call over to the Police Department as she was asked to do and was informed that they send all their accident reports to the State, so without the ability of going through the process of having someone physically sitting and going through all the reports, so we have what we have.

Chairman Morin then moved onto the Town engineers review from Northeast Engineering. There were seven items that needed to be addressed. Mr. Siciliano went through the items one at a time. The first item had to do having the existing

culverts be evaluated to document the condition. Mr. Siciliano gave the board a letter regarding this that will be sent over to Mr. Donison for his sign off. The second item was the type of culvert that is used RCP (reinforced concrete pipe) versus HDPE or CPP. Naomi informed the board that this is usually taken up at the pre-construction meeting for the road. The other items included performance bond, off-site improvements, fire cistern and copies of all proposed easements, etc. Chairman Morin stated that the board will still be looking for an updated comment from him.

Chairman Morin asked about the status of the Conservation Commission comments. Naomi informed the board that a proposed warranty deed for the open space was turned in but it has not been reviewed and approved by the Conservation Commission. Mr. Siciliano stated that they have been there and they are fine. Chairman Morin stated that the board will be looking for the approval of the Conservation Commission of the warranty deed.

Chairman Morin then asked the board if anyone had any further questions before he opened this to the public. Craig Francisco asked the proposed property line and what is going to be the status of Daniels Road once the plan gets approved and who is going to own it. Mr. Siciliano stated that he believes it would remain private.

Joe Nelson, abutter at 83 Daniels Road. He has owned his property since 1962. He disagrees that the board is not involved with the road. Several years ago Mr. Daniels went to the Town to see what he had to do to make it a town road. Mr. Daniels hired a contractor who did a beautiful job. When he went back to the Town he was told there were more restrictions and they wouldn't accept it. When the current owner took over ownership the road has gone down hill and the residents have lived with it. A few years back this same owner came before the Town and said he was going to put in elderly housing and the Town agreed. The agreement made at that meeting was that he would pave that road all the way up to the power lines and the Town would then take it over. After that meeting he said forget about this and moved onto putting in residential housing. The owner paid \$187,000 for this property and his property on a 75 x 75 lot is assessed for over \$100,000. He felt that there shouldn't be any action taken until this owner puts up a bond to back up his intention.

Glenn Morrell, abutter, stated that he would like to go back to the road issue. When this subdivision plan showed conventional lots the owner was going to have upgrade all the way to the power lines and up over the hill for the new road. When the board walked it and talked about it. When the plan went to the cluster it is a double edge sword it might protect the lot, so there was a plus for that, but in that discussion there was nothing mentioned that when it goes to cluster the road still wasn't going to be paved and the Town wasn't going to accept. Mr. Morrell questioned how the Town can let a contractor walk out the idea of maintaining that road or even bringing the road up. Chairman Morin stated that any

subdivision that is going to be Town owned and maintained has to have the road brought up to class V road standards and there is no exception. Mr. Morrell then asked where all the residents of Daniels Road left now if you are saying that High Rock will own that road. The Town's not going to take that over. Chairman Morin responded that the portion of this road that is going to be a Town road starts at Twin Bridge Road and then heads up the hill, the new portion to a cul-de-sac and the remaining portion starting from the piece of land we have been talking about somewhere near the dam will be a private road. Mr. Morrell then asked what assurance they as residents get from the Town that the contractor will maintain the road. Chairman Morin stated the private agreement to pave the road is just that, a private agreement. The Town does not step in and enforce a private agreement. You are quite right that if this was going to be a loop road all the way down to the lines would be a public way and he would have to bring that all up to class V standards. But the Town is not in the business of, nor does it have the authority to generally step in and say you made a private agreement with these folks and you have to honor that. The Town has no authority to do that. Chairman Morin added that he knows it is disappointing to the residents but the Board would be far beyond our authority to do that. If it is something that was necessary or if there was some sort of impact as a result of this development that would necessitate such a thing that is a different matter, that is someone wanted to make that case we would listen to it, but if it simply the road exists there and he told us he would pave it, we can't enforce that. Mr. Morrell asked what is the dollar amount that the Town has saved the contractor by going to a cluster versus conventional lots. Chairman Morin stated that is not relevant to it. It is possible that he has saved some money but the Board is not in the business of making contractors richer or poorer. Our decision is supposed to be based on what our ordinances and regulations allow and what makes sense for the land. This cluster and this board going along with the cluster is a direct result of the Conservation Commission recommendation and the board is not aware of any other motivation for doing it. Mr. Morrell stated, so that leaves us nowhere. Chairman Morin states that he understands and realizes it is very frustrating to him.

Wayne Daniels asked if he could see the map and where the boundary lines are being proposed. Mr. Daniels also explained that his mother was approached with a corrective deed but she wouldn't sign it because it was different from the first.

Attorney Krupski asked the board if there are any requirements to maintain the dam or provide ingress or egress for maintenance of the dam. Chairman Morin stated it has been so long he doesn't recall, but there was some previous discussion about the dam. Mr. Siciliano stated they will be discussing that with the Conservation Commission. The easements to access that they know need to be provided but when they meet with the Conservation Commission they need to show that.

Attorney Hogan stated that Daniels Lake had actually made a request of High Rock. They had a specific desire for access, operation and maintenance of the

dam. They were perfectly willing to provide that, however they had desired it and that came up early in the review process. They were totally in agreement with that. Chairman Morin asked Attorney Hogan the best way to allow the Daniels' unfettered access to the dam. Attorney Hogan responded it would be by way of easement to describe access, operation and easement rights to the dam. Attorney Hogan stated that has not been drafted yet.

Attorney Krupski pointed out that on part of the open space on Daniels Road they talked about limiting access and having agreements of limited access for the development individuals, so that it didn't cause erosion and harm the lake, therefore depreciating the property values. Attorney Hogan stated they did talk about it and agreed to and his understanding that there was a letter that came or intended to come from the Conservation Commission documenting their understanding of what the access rights are and that the CC's rights would be. Attorney Hogan stated that they were arguing for limiting public access to that parcel and the lake generally even at the access point up by the power lines. Their position all along has been that there shouldn't be public access that it would overuse the lake and they are willing to go along with that restriction as well.

Chairman Morin informed Attorney Hogan that we will be looking for a draft of how you are intending to handle that so that the people of Daniels Lake can review and respond to it as to whether that is satisfactory or not.

Wayne Daniels spoke and stated that when the original contract was signed they researched the deed again and brought it back to his mother to sign it, but she wouldn't sign the deed because when she went to look at it it was different then the first one she signed. They had a corrective deed. She didn't agree with it and she wouldn't sign it because it was different from what she originally signed.

Chairman Morin stated that there are a whole host of issues that he didn't feel capable right now of being able to listen in the entirety and feeling comfortable that he caught them all. The board does have a duty to the applicant to let them know what the outstanding issues are and what they expect them to address. Chairman Morin was going to suggest that Naomi and he get together to try to list them up comprehensively and get them back to Mr. Siciliano and Attorney Hogan to say this is what we are going to need in order to have who ever review it and have a productive meeting next month. Chairman Morin and Naomi will be getting together on Tuesday, September 4th to put that together.

George Malette moved to continue this hearing to September 27, 2007, Tom Clow seconded the motion. Discussion: Chairman Morin asked the status of the time frame which expires this evening. Both parties agreed to another 65 day extension and the board would need that in writing. Chairman Morin closed this hearing at 8:50 PM.

MICHAEL E. CICCIU & NANCY L. MOONEY – CONDOMINIUM CONVERSION (CONTINUED HEARING), 317 SOUTH STARK HIGHWAY, TAX MAP #109-020: Chairman Morin opened this hearing at 8:51 PM. Brian Haynes from Promised Land Surveying was present. The only outstanding item was the review of the condo documents by Town counsel. Town Counsel has reviewed the documents and sent the review comments to the applicants counsel. The requested changes were made. Town counsel reviewed the final document after the changes were made and he is satisfied. Chairman Morin stated that at the Mr. Kurk had raised an issue of the waterfront as to whether the plan accurately depicted the property. Chairman Morin went to the property with the new plan and he found it to be accurate with exception of an island that is out in front of that, absent that the plan was depicted accurately. He didn't see any legal relevance. Craig Francisco moved to approve subject to paying the legal bill, having the condo docs and plan get recorded simultaneously, Tom Clow seconded the motion, vote: all in favor. Chairman Morin closed this hearing at 9:05 PM.

DIANA L. SPRING – SUBDIVISION (CONTINUED HEARING), HELEN DEARBORN ROAD, #411-316: Chairman Morin opened this hearing at 9:06 PM. Mike Dahlberg was present. Mr. Dahlberg went over the few items outstanding from July 26, 2007. The only outstanding item at that time was waiting for comments from the Board of Firewards. The Board of Firewards sent along some standard NFPA requirements that will have to be followed and nothing more. Craig Francisco moved to approve the plan subject to the word "Deering" be spelled correctly on lot 308; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 9:13 PM.

LAKE SHORE VILLAGE RESORT TRUST – LOT LINE ADJUSTMENT (CONTINUED HEARING), COTTAGE ROAD, TAX MAP #103-006 & #103-006.2: Chairman Morin opened this hearing at 9:14 PM. Art Siciliano was present with Mike and Chester Colburn. Chairman Morin stated that he stepped down last month because a close friend was an owner. He has since found out that she sold the property. The board and applicant's were fine with Chairman Morin being a voting member. All the outstanding items were added to the plan. Mr. Siciliano then discussed the DES shoreline issue. He contacted DES and read all the deeds. DES owns to the top of the spillway, which is 27 feet and the flowage rights are 3 feet above the present spillway it is not ownership but flowage rights. On the plan he has added a couple of notes, the first shows the shoreline as shown on Plan #20220 and the second is the deed reference 1008/042 for the flowage rights along the shoreline. Tom Clow moved to approve the plan subject to the condo docs to be submitted to the Town for review; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 9:25 PM.

PENNICUCK WATER WORKS (OWNER: DANIELS LAKE WATER WORKS) – SITE PLAN REVIEW, WAYNE DRIVE, TAX MAP 109-042: Chairman Morin opened this hearing at 9:26 PM. John Boisvert, Pennichuck

Water Works and Carl Foley from Meridian Land Services. Mr. Boisvert explained the purpose of this site plan was to show the proposed improvements to the existing Daniels Lake Public Water Supply. The improvements include a 12' x 24' building addition, a 12' paved driveway with turnaround, a 8' gravel access drive, two 4,500 gallon holding tanks and a 1,000 gallon settling tank.

Joe Buckner, abutter was present. Mr. Buckner applauded these gentlemen for this step forward. His concerns are for the traffic and for how the road will be affected, Wayne Drive. The prior owner left the property a mess and he is concerned and hopeful that this will be cleaned up. Craig Francisco moved to accept the application as complete; Tom Clow seconded the motion, all in favor. George Malette moved to continue this hearing to September 27, 2007; Tom Clow seconded the motion, all in favor. Chairman Morin closed this hearing at 9:50 PM.

IV. OTHER BUSINESS:

PSNH – BUFFER EXEMPTION REQUEST: Chuck Young and Ken Pyzocha from Ambient Engineering was present along with David Plante from PSNH. Pursuant to RSA 674:30 they are looking for an exemption which allow local planning boards to waive local zoning ordinance as they apply to utility projects. Chairman Morin moved that the board grant the waiver from the zoning ordinance article 28.9 Buffers for the PSHN Greggs Substation to Jackman Substation project pursuant to RSA 674:30 and ENV 501.01 C; Tom Clow seconded the motion, all in favor.

SNHPC REPRESENTATIVE: The Board of Selectmen nominated Terry Knowles to fill the Chairman Morin's vacant seat as a representative for Southern NH Planning Commission for the Town of Weare.

NY SIGN ORDINANCE: Chip Meany supplied the board with a copy of a sign ordinance from a Town in New York.

OEP FALL CONFERENCE: This is given to all Planning and Zoning Board members. It is being held on Saturday, October 13th. If any board members are interested they need to let Naomi know.

BUILDING PERMIT TOTALS: The board quickly reviewed the building permit totals to date. The board noticed that there were three permits in the queue that are in a subdivision that is in front of the board for approval. The Board asked Naomi to send memo to Chip Meany letting him know these need to be removed.

MEMBERSHIP FOR THE WEARE CENTER ADVISORY COMMITTEE: Tom Clow gave Chairman Morin a list of the advisory members so that Chairman Morin can appoint them.

V. ADJOURNMENT:

As there was no further business to come before the board, George Malette moved to adjourn at 10:30 PM, Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator