



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

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

**PLANNING BOARD
MINUTES
APRIL 24, 2008
(Approved as written 5/8/08)**

PRESENT: Paul Morin, Chairman; George Malette, Secretary; Tom Clow, Exofficio; Neal Kurk, Alternate; Arthur Townes, Alternate; Naomi L. Bolton, Land Use Coordinator

GUESTS: Mike Dahlberg, LLS; Patricia J. Delzell; Art Siciliano; Biron Bedard; Wayne Daniels; Catherine Bailey; Gregory A. (???); Glenn Morrell; Robin Morrell; Scott Hogan; Rick Townes

I. CALL TO ORDER:

Chairman Paul Morin called the meeting to order at 7:05 PM at the Weare Town Office Building. Chairman Morin appointed Neal Kurk to sit as a voting member.

Arthur Townes stated that he would be stepping down for the next hearing.

II. PUBLIC HEARINGS:

BEVERLY TOWNES-CLUSTER SUBDIVISION (CONTINUED HEARING), SUGAR HILL ROAD, #403-019: Chairman Morin opened this hearing at 7:06 PM. Mike Dahlberg was present. Art Townes was present. Mr. Dahlberg explained that when they left the last meeting the board was waiting on the draft copy of the easement. Mr. Dahlberg stated that there were concerns from member Frank Bolton regarding the hunting and farming, but before the easement gets finalized regarding the wording they wanted to run it by their attorney to make sure it protects his client. Mr. Dahlberg stated that they would like to work out the easement between his client, Mrs. Townes, her attorney and the Conservation Commission. With reference to the easement, a few board members suggested removing the word “passive” in paragraph one. The overall intent is to let the general public allowed to walkers, but hunting is only allowed by permission.

Glenn Morrell, resident, asked about allowing the hunting. Chairman Morin stated that we haven’t defined that. Chairman Morin closed the public hearing. Neal Kurk stated that he felt that Frank Bolton’s suggestion should be added. The concept of allowing farming is for Mrs. Townes (landowner) would have the right to farm if she wanted to, which if it was to happen would just mean that there would be less open space for the general public. Mr. Dahlberg stated that he thought that Mr. Bolton has testified and that it has always been his intent to allow

the Town the ability to farm the open space. The board felt that it would be a very awkward situation allowing the public to go onto someone's property to be able to farm. The board felt that if they thought the comment was really to allow for Mrs. Townes, the landowner, to be able to farm it. If it is the farming stipulation is allowed and used by the owner for farming, then that means the Town accepts being allowed to use less open space.

The Board then discussed the hunting aspect. The board wanted to see what the hunting restriction was on the adjoining conservation area. It would appear from Mr. Bolton's email that owner permission is needed to hunt. Rick Townes stated that he recalls that you need to obtain permission from Mr. French. He also thought that Mr. French's property is posted.

Neal Kurk stated that he felt that this was a poor plan as far as a cluster subdivision. He stated that he would like to see the nice field preserved and the houses built back in the wooded area.

George Malette disagreed and felt that it was a good field but the idea of cluster would be adding more acreage to the existing already preserved parcel. A cluster is supposed to preserve contiguous area.

Tom Clow stated that he is ok with the plan. He felt that it balances the rights of the landowner with the preservation of some property.

Chairman Morin stated that he is supportive of this layout. He felt that there seems to be enough discussion of the open space easement that this board should see the newly drafted deed and then return to us on May 22, 2008 to work out the final details.

Mr. Malette asked Mr. Dahlberg if he could have a draft sent ahead of time to the Conservation Commission for their review as well as attend their next meeting to try to get these couple of issues resolved. Mr. Dahlberg responded that he could do that.

George Malette moved to continue this hearing to May 22, 2008; Neal Kurk seconded the motion, all in favor.

Chairman Morin closed this hearing at 8:15 PM.

Arthur Townes returned to his seat on the board. Chairman Morin appointed Arthur Townes as a voting member for the rest of the evening.

HICH ROCK DEVELOPMENT & DANIELS LAKE DEVELOPMENT – LLA, TWIN BRIDGE ROAD, TAX MAP 110-077 & 110-107: Chairman Morin opened this hearing at 8:17 PM. Art Siciliano, Attorney Scott Hogan, Attorney Bedard and a few abutters were present. The purpose of this plan is to annex the

parcel around the dam from the open space to the existing small parcel. This area has been the topic of much discussion and as an ending result the Conservation Commission is relieved that this parcel will not be any part of the open space. With no further questions on this straight forward plan, the board decided to suspend this discussion and really discuss it all at once with the subdivision plan, as all of this is really part of the subdivision that has been in front of the board for several months.

HIGH ROCK DEVELOPMENT – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 110-077: Art Siciliano, Attorney Biron Bedard; Attorney Scott Hogan and other abutters were present. Mr. Siciliano handed around a draft of the open space deed and the corrective warranty deed that will be recorded as a result of these two plans.

Attorney Bedard took the board through the corrective warranty deed as he was the one that drafted it. This deed differs as it starts down on Twin Bridge and all along Daniels Road by Mr. Siciliano's reference points to Route 114 turns back then goes back to the point of the beginning.

The board then went through the conservation easement deed as it referred to the plan. One suggestion is to add "except where specifically posted" prior to item #1 on the open space easement deed. Mr. Siciliano offered to show a separate sheet showing the open space and being entitled "Open Space Easement Plan".

Glenn Morrell, 31 Daniels Road, asked if there is any guarantee that the lot that is going back from Daniels to High Rock by doing the lot line adjustment going to protect the residents that live on the lake. Attorney Bedard stated the answer to the question is yes.

Pat Delzell, 27 Daniels Road, stated that she is very happy about land going back to the Daniels family. She also wanted to know who was going to be responsible for removing the gravel and the rotted tree stumps that have been dumped in the wetland through the course of the winter. Ms. Delzell had photographs that were shown to the Planning Board. The Board suggested that if there is a potential wetland violation then the proper authority for that is NH DES.

Kathy Bailey, 35 Daniels Road, asked if the water was increased from the dam, some of the homes were built at the owner's peril, the comment was that is too bad if the homes flooded, they as property owners could bring a suit as well, correct? Chairman Morin stated that the approval of this lot line adjustment and subdivision shouldn't really change what is going on or has gone on.

Attorney Hogan stated that the intention of these plans were to give the property owners the option to form an association for the road as well as the dam area for their protection. All of the people's rights to use the road and the flowage rights are the same.

Mr. Kurk stated that he felt this plan was premature to go forward due to the existing traffic. Mr. Kurk made reference to a letter from SNHPC to New Boston; a letter dated 8-8-07 from McFarland Johnson, indicating that no accident data was provided with this application; a letter dated 7-10-07 from the Weare Police Department letter indicating that there have been a lot of accidents and that the newly installed stop signs and rumble strips have seemed to help; he put this all together to say this is a very problematic intersection, not only because of High Rock's subdivision but the subdivision previously approved in New Boston and until that intersection becomes improved he felt this was premature. Whether the approval is conditional or final he stated that cannot support this plan.

Mr. Siciliano offered a flashing stop ahead sign, like they have installed in Goffstown on Wallace Road. That should also help in getting peoples attention that they are coming into an intersection.

Chairman Morin made a motion to conditionally approve the plan subject to the following conditions:

- Approving the lot line adjustment with the understanding that if the subdivision does not get completed the lot line adjustment is not approved
- Any outstanding issues listed by Jim's letter dated February 28, 2008 be completely addressed with a final letter from Mr. Donison indicating every has been approved
- Any and all applicable State permits
- Posting bonds consistent with regulations
- Corrections to the easement document to the satisfaction of the board (a return trip to the board will be necessary)
- Phasing plan – 6 per calendar year – note #9 to be fixed
- Detail of culvert installation per letter from Director of Public works
- Adding open space easement plan to the plan set
- Add the deed restrictions for tract III & VI as notes on the open space plan
- Applicant to do an offsite improvement flashing stop sign ahead sign on Twin Bridge Road

Tom Clow seconded the motion. Vote: 3 in favor (Clow, Malette, Morin); 1 opposed (Kurk) and 1 abstention (Townes). Chairman Morin closed this hearing at 10:10 PM

Arthur Townes removed himself from the board for the next hearing.

LYNDA R. TOWNES – SITE PLAN REVIEW, NORTH STARK HIGHWAY, TAX MAP 203-044.001 (CONTINUED HEARING): Chairman Morin opened this hearing at 10:11 PM. Art Siciliano and Rick Townes were present. Chairman Morin stated that he was not here at the first hearing and asked Mr. Siciliano for a brief overview. Tom Clow moved to accept the application as complete; George Malette seconded the motion. Mr. Siciliano then referred to the Board of

Firewards comments and went through them. The plans have been changed to meet their comments. Chairman Morin asked about the buffer area. Mr. Siciliano stated that it was addressed with the Conservation Commission and pictures were given to show the area is disturbed. The already disturbed area is going to be loamed and seeded after the building is built. The following items were outstanding from the last meeting:

- Board of Fireward comments
- Paved area on the new part
- Conservation Commission comments
- Sign details
- Add note that the disturbed area will be loamed and seeded after construction

All of these items have been addressed. Chairman Morin moved to conditionally approve the plan subject to the following conditions:

- the new building to conform with the existing buildings (matching the lighting and exterior architecture)
- add "use" to purpose of plan to say the proposed "use" is for martial arts
- correct spelling of "silt fence"
- State of NH driveway permit

George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 10:35 PM.

III. APPROVAL OF MINUTES:

APRIL 10, 2008 MINUTES: Tom Clow moved to approve the April 10, 2008 minutes as written; George Malette seconded the motion, all in favor except for Chairman Morin who abstained.

IV. OTHER BUSINESS:

CAR WASH: Tom Clow questioned the board's authority regarding the lighting at the car wash. The lights on the building appear to be very bright. The board wanted to look at the approval and have Naomi discuss this with the Building Inspector.

LOOK-N-2 STORE: Neal Kurk asked what is happening or has happened with this DES violation. Naomi indicated that she hasn't heard from anyone. The board wanted Naomi to look into this.

SITE PLAN REVIEW CHECKLIST: The board wanted to make sure to add "cut sheets for lighting detail".

NEW SITE PLAN REVIEW REGS: Naomi informed the board that she has just about completed the first draft and the board would like to have an electronic copy of this for their review for the next work session meeting on May 8th.

V. ADJOURNMENT:

As there was no further business to come before the board, Neal Kurk moved to adjourn at 10:55 PM; Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator