



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
OCTOBER 25, 2007
(Approved as amended 1/24/08)**

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

GUESTS: Jeffrey B. Wright; Mike R. Dahlberg, LLS; Judy Donnelly; Art Siciliano, LLS; Erik Hagstrom; Killian Donnelly; Frank Campana; Robert Destefano; Andy Fulton; A. Peter Ashworth; Cheryl Wright; John Flanders; Angela MacConkey; Jan Snyder; Donald Duval, LLS.

I. CALL TO ORDER:

Chairman Paul Morin called the meeting to order at 7:00 PM at the Weare Town Office Building. Chairman Morin appointed Neal Kurk to sit in place of Craig Francisco for tonight's meeting.

II. APPROVAL OF MINUTES:

SEPTEMBER 27, 2007 MINUTES: George Malette moved to approve the September 27, 2007 minutes as amended; Tom Clow seconded the motion, all in favor.

OCTOBER 11, 2007 MINUTES: Tom Clow moved to approve the October 11, 2007 minutes as written; Chairman Morin seconded the motion, all in favor.

III. PUBLIC HEARINGS:

HIGH ROCK DEVELOPMENT – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 110-077: Chairman Morin opened this hearing at 7:04 PM. Art Siciliano was present. The Board is in receipt of a letter from Attorney Hogan looking for a continuance. The WCC met on October 10th and there were issues with the area near the dam and the retention pond. The engineer is still working with the State on the retention ponds. Mr. Siciliano stated that he didn't realize that the open space can't have any disturbed area on it. There is discussion about the easement which is the access to the dam. There was another issue that came up regarding the ownership of Daniels Road, the portion that is to remain private. Naomi explained that both sides of Daniels Road are part of the open space to be deeded to the Town, the concern is what becomes of the roadbed. Mr. Siciliano said it would be owned by High Rock Development.

Naomi explained that this is a concern for all the residents there. The first plan if done conventionally would have solved about 90% of the residents concerns, but not the new Town road is going to be shortened up tremendously and where does that leave them. Mr. Siciliano stated that it would not be any different from any other private road. The concern is that Mr. Fitzgerald is going to end up with a small strip of land between two Town parcels and he would have no obligation at all to maintain it. There is no tax issue, because the roadway is not taxed. What kind of the security are the residents in that area that have been coming in month after month going to have? Mr. Siciliano stated that he's not sure how they are going to handle the issue. Chairman Morin stated that a private road is typically down with a homeowner's association or some entity like that and not typically a private individual, at least not in a newly done development. Chairman Morin stated that the request from Attorney Hogan was to continue to November, but due to the Thanksgiving holiday the meeting is one week earlier. He would prefer to give the applicant plenty of time to address these issues. He was thinking more in terms of the December meeting. Mr. Siciliano stated that would be fine. Chairman Morin stated that the roadbed issue is going to be a very serious issue and you may want to address that sooner than later. Chairman Morin stated that if Mr. Siciliano had, by letter perhaps, something that could be shared with the board that they could entertain, not a hearing or anything, but something that could be read into the record and available for the abutters as a notion of how to treat that, that may be a good idea. Chairman Morin stated that the board is trying to keep this moving forward without locking anyone out of the process.

Neal Kurk asked if the board would review the outstanding issues and what the board should be expecting when. For example, Mr. Kurk stated that he is not clear that we have gotten all of the traffic studies, police information that we were supposed to get. Naomi responded that after talking with the Weare Police Department, we have all we are going to get, which was passed onto McFarland-Johnson. Mr. Kurk asked about the disturbed area, was it disturbed after the application was filed or before. Chairman Morin clarified that it is disturbed as a proposed detention area. It would be disturbed as a result of the development. Mr. Kurk asked, so there hasn't been any actual disturbance as we sit here today? Chairman Morin stated no, there is a detention pond that is to be constructed which the board didn't realize because the board doesn't go through the multi page plans, that is Jim Donison's job with the engineering review. Chairman Morin stated that there will be a whole new set of engineering comments that will come out as a result. They will have to return to the State to redesign some of these potentially. Chairman Morin stated that there are a lot of outstanding issues and he doesn't expect full resolution in December, but he wants the board to get back to where we have a very short list to deal with. George Malette pointed out that there was a list in last month's minutes. The outstanding list from then was as follows:

- Written comments from Public Works Director
- add note to plan about phasing plan 6 per year absent the GMO of 5 per year

- Final conformation from the Board of Firewards regarding the approval of the cistern
- Open space easements, dam easements and road bed easements, etc.
- Redesign to meet the issues from the WCC meeting regarding the detention pond
- Easement for and resolution of the access to the dam
- Road bed issue – everyone wins resolution

Mr. Kurk asked if the property has changed ownership since the application has started. George Malette stated that he has a copy of the comments from the WCC October 10th meeting which were as follows:

- The 25' wetlands buffer should be shown on the plans.
- The area of disruption in the open space lots for drainage structures such as detention basins should be subtracted from the actual open space area and not considered as such in the subdivision acreage calculations.
- The 75' septic setback from wetlands should be shown.
- The WCC is concerned that the location of the proposed detention basins may not be consistent with Shoreland Protection Act conditions.
- The plans should show the proposed drinking water well 75' protective radii.
- The WCC emphasized that the proposed disposition of the lake fronting portions of the parcel as open space is not the desire of the WCC, and in fact the WCC would prefer not to be tasked with the management of the lakefront portions. This includes the area that will need to be subject to drainage and dam maintenance easements (greatly diminishing its conservation value) as well as the long stretch of land to the north end of the lake (where nearby property owners want extremely restrictive provisions to be made regarding public access). The WCC stated that it would be glad for the primary interested parties to work out a private arrangement for these areas, with the understanding that lake-front portions could be maintained as private land and lots would be removed from the end of the proposed new road resulting in a larger contiguous block of proposed open space. The WCC understands that it was the intention of the Scott Hogan and Byron Bedard to discuss this issue.
- Regarding the proposed Warranty Deed language and the letter from Glenn and Robin Morrell and Patricia Delzell, the WCC would not agree to be tasked with enforcing conditions at odds with the standard allowance for passive non-motorized use of open space lands. The WCC intends to give further consideration to the proposed language pending the conclusion of negotiations between Mr. Fitzgerald's representative and the Daniels Development Corporation's representative.

Mr. Siciliano stated the he has two letters of extension. One of the requests that should have been turned in from the last time and a one request is granting a continuance for another 65 days which would be to January 3, 2008.

Neal Kurk then asked how the board is going to handle the October 22, 2007 letter from SNHPC regarding the New Boston subdivision, which has an impact

on this subdivision because it talks about traffic on Twin Bridge Road. Mr. Kurk stated that it is his understanding that the New Boston subdivision is going to impose additional traffic on Twin Bridge Road. He wondered if that has been factored into the traffic studies which this applicant has presented to us. In other words, you can't just look at this application in isolation from whatever is going to be happening in the area. Does the traffic study that the applicant has submitted and the information that we have, taken this into account? Or is it something that we are going to do by aggregating separate kinds of pieces of information. Chairman Morin responded that typically if you've got a proposed subdivision, even if something is started in some form of conceptual stage or something, you can't necessarily assume it is going through. But you can look at that parcel for that potential and someday say that this will be built upon and so much traffic will be generated. As well as other parcels that are in that area that there is no notion at this time that they will be developed. They may be developed at some point, but Chairman Morin thought it was as they come on line, do you still have the capacity to deal with it. So in that respect he wouldn't feel comfortable putting too much weight on the proposed New Boston subdivision unless it was parallel with this one really and you would look at them together. There is a certain amount of capacity, at some point when you start to exceed it then offsite improvements come into play, but Chairman Morin didn't think we could require offsite improvements for this applicant for something that may not fall out of acceptable perimeters down the road.

Mr. Kurk stated that we don't control what happens in New Boston, yet what they do will adversely affect traffic on Twin Bridge Road and he doesn't see how we can consider this application without considering that potential and or that fact depending upon where that application is. In other words, if there is just enough capacity to put in one more subdivision and there are two or three in the pipeline, what do we do, first come first serve? Chairman Morin stated that maybe not quite as simple as that, but not quite so different either. Chairman Morin stated he has something related to this that he was going to bring this up a little later under new business, with the boards permission he intends to insist that New Boston doesn't not preside over any offsite improvements as a result of that, Weare presides over that even though it is a New Boston subdivision, which is part of the Southern New Hampshire Planning Commissions letter we need to respond to.

Mr. Kurk stated that he is very concerned that the board not have blinders on to only focusing on the action before it, but give some consideration to the entire area as we are required to do by the Master Plan. He felt that we need to look at all the develop going there in light of capacity of the road.

Tom Clow moved to continue this hearing to December 27, 2007; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 7:25 PM.

ARTHUR F. SICILIANO – SITE PLAN REVIEW (CONTINUED 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 stated that at this time he would like to withdraw this application for the site plan review. Chairman Morin closed this hearing at 7:27 PM.

JACQUES, ALICE & ROBIN RAYMOND – LOT LINE ADJUSTMENT, (CONTINUED HEARING), RIVER ROAD, #412-093 & #412-094.001: Chairman Morin opened this hearing at 7:28 PM. Mike Dahlberg was present. Mr. Dahlberg explained that these lots were created back in 1993. The purpose of this plan is to adjust the lot lines to annex 9.048 acres from 412-093 to 412-094.1. The parcels are zoned rural agricultural. Because of the location of the existing house on lot 412-094.1 the area immediate adjacent to that to the north is pretty much inaccessible for lot 93. Approximately 100 feet behind the mobile home on lot 93 goes pretty much straight up the hill. Frontages are not changing, only the back land. Neal Kurk asked if this is being submitted as part of another larger plan. Mr. Dahlberg stated that the lot is too steep and it wouldn't meet the minimum standards. A waiver request was received for a few items, #11, #13, #14, #15, #16, and all of the supplemental items #1-9. George Malette moved to accept the waiver for the items list; Tom Clow seconded the motion. Discussion: Frank Bolton asked if the steepness of the lot could make the lot size minimum more than 5 acres. Mr. Dahlberg pointed out that a group c soil would be a minimum of 117,000 SF (approximately 2.60 acres) and they are showing 5.008 acres. Vote: all in favor. Neal Kurk moved to accept the application as complete; George Malette seconded the motion, all in favor. The following items are outstanding:

- add reference maps he came to the conclusion on for notes 6 & 7
- note 2 needs to be 250 frontage and 5 acre minimum

Chairman Morin moved to approve the lot line adjustment subject to the following conditions as above; George Malette seconded the motion. Discussion: Chairman Morin stated that he usually has an issue with seeing something for a short period of time and approving it, but since we attend a law lecture indicating that the board has 30 days to reconsider any plan if there was a mistake made, he doesn't have any issue with same night approvals for something this straight forward. Vote: all in favor. Chairman Morin closed this hearing at 7:53 PM.

MEM PROPERTIES, LLC – SITE PLAN REVIEW (CONTINUED HEARING), 107 NORTH STARK HIGHWAY, #203-036: Chairman Morin opened this hearing at 7:54 PM. Jay Heavisides from Meridian Land Services and Steve McDonough, owner were present. This was continued from last month. Mr. Heavisides that they have made some minor revisions to the plan as a result of the WCC meeting on October 10th by adding plantings in the wetland buffer area. This had been reviewed by Jim Donison, Northeast Engineering where his biggest comments were in the about the reclaim system, monitoring it to ensure it wouldn't overflow if the tank got filled and that there were safeguards in place. They added monitors to the system. Mr. Heavisides explained how the reclaim

system worked. Andy Fulton, Chairman of the Conservation Commission stated that their initial concern was with the disturb buffer area, this has already been compromised. The plantings appear to be beneficial. There was no additional information needed. Naomi explained that Jay Heavisides had come into the office with revised plans. Mr. Heavisides explained that Mr. Donison's concerns he felt were addressed by the 3 paragraphs in note "A". Naomi contacted Mr. Donison to see if the 3 paragraphs addressed what he was looking for and there was a little bit more wording he wanted added to the plan, which Mr. Heavisides has done. With the changes, the latest email from Mr. Donison felt that the site plan could be approved as it meets the site plan engineering requirements.

Neal Kurk stated that it looks as though there is an access way onto the existing abutting property. Mr. Heavisides responded there is an existing access and this access is described in both properties deeds that allow access over each other's property. Mr. Kurk then asked if there was any connection to ownership or any other way to the premises. Mr. Heavisides responded that he is not aware of any connection to the ownership. Mr. Kurk stated that it is his understanding that we have an application for a very substantial change on the abutting property for a Mobile on the Run. It seems to him that the board would be remiss if we looked at this parcel and this particular application independently of the other, both in terms of traffic and the visual and aesthetic affect on the community and a variety of other factors. He's not sure how to deal with that since seem to look at applications on their own merits without the affect that other activities might have. He would like to know how we make sure the entire areas activities are considered as we go forward.

Chairman Morin responded that you oversimplify it when you describe how we tend to review these as being in isolation. As you are well aware there is another proposal and there is nothing wrong as a board member bearing that in mind as they are considering this one, but what do you want the applicant to do, show us something in the form of a submittal about what is going to happen next door. Chairman Morin didn't understand what Mr. Kurk wanted him to do differently.

Mr. Kurk stated it wasn't a question for the applicant it was a question for the board, of how does the board ensure that we look at the entire area rather than this property in isolation. Mr. Kurk asked that is the only thing we do is "bear it in mind"? Chairman Morin questioned, as opposed to what else? Mr. Kurk responded consider when we look at this application, what we know to be proposed for other areas and take into consideration the impact, not simply of this proposal but of the entire development of the area when we make a decision on each of the proposals. Chairman Morin responded, you say take it into consideration, I say bear it in mind. He felt they were both saying the same thing.

Mr. Kurk further added that he meant in a much more formal way, that we actually look at these two, not for the applicant, but we look at both proposals and make some assumptions for example, assume that the other applicant's proposal is

accepted and this proposal is accepted, what would the impact be? Assume that the other proposal is not accepted and this one is, what would the impact be? Assume that the other proposal is accepted and this one is not, what would the impact be? Chairman Morin stated that would be fair to consider that. Mr. Kurk stated that at the appropriate time he would like to do that. The other issue is at this moment is, do we have any drawings that showed pictures of what the building might look like, the visual appearance of the building. Chairman Morin stated that we were presented with architectural drawings at the last meeting. Naomi reminded the board that it came in conceptually a few months back as well. Mr. Kurk asked if the drawings have been updated. Mr. Heavisides gave Mr. Kurk a set to look at. Mr. Kurk then asked if he had any drawings of how this building will look set on this property. Mr. Heavisides asked, a rendering? No, they do not have a rendering. Mr. Kurk stated that the concern he has is one of proportion and scale. There are other groups in this town that are trying to look at the village district to see if it should be expanded. His question is how would a building like this fit into that? Is this the kind of thing that is so large as compared to the lot size visually that it would be an undesirable addition, because it would take away from the character of the village district if it were to be expanded in that area. Is it the right scale? He can see what they are talking about with the siding and the height, but he doesn't have a sense because there isn't a rendering of what this would look like in the site in relationship to adjacent buildings and other natural features there to get a sense whether or not this is a structure that makes sense on that site in terms of the Town's interest and not in terms of the applicant's. Mr. Kurk stated so what we have are the architectural drawings and not a rendering which from his point of view he felt is a very important piece of information that is not before us.

Tom Clow stated that this proposed building would fall into the scale of what the Weare Center Advisory Committee was talking about. He felt it was somewhat proportional to the other buildings.

Frank Bolton stated that he has a business near Weare center and we seem to lose electricity and he asked if there was a generator for a backup plan. Mr. Bolton asked if there was a flooding condition in case of power outage. Mr. Heavisides stated that no electricity means no car wash. There is no water being added to the system and the valves by default would be closed. Mr. Bolton stated that he would like something from Mr. Donison on this.

Chairman Morin asked what the problem is that we are worried about here, is it flooding? Mr. Bolton responded that we have numerous safety valves electrically activated. He doesn't know if there is a problem. He is saying that we in Weare seem to enjoy the highest rate of non-electrical service in all of southern NH. It raises havoc with schools and other businesses. He was just asking the question of what it would do here. Mr. Heavisides that for a valve to stay open it takes electricity and if you lose electricity then it will close. What little water will stay and drain but it won't flood. Chairman Morin asked about the total amount of

water in this entire system? Mr. Heavisides responded, there are three 1,500 gallon tanks and one auxiliary tank that hold 3,000 gallons. Chairman Morin responded, that is ¼ the size of his swimming pool. If his swimming pool liner rips he has a disaster of four times of the proportion of what we are talking about.

George Malette suggested that the wording on Note “D” should read: “The proposed permeable area is 13,080 square feet or 51.9%.”

Tom Clow asked if he could get a description of what the open bays would look like. Mr. McDonough explained how the bays would look and what you would see. Mr. McDonough stated that after the last meeting he explored the thought of turning the building around but that is not possible because of the setbacks. Mr. McDonough also changed the building exterior to fit into the area.

Mr. Kurk asked why there were two different names on the two different plan sets. The one on the building drawings is different from the site plan. Mr. Heavisides stated that the name on the building plans is another company name that Mr. McDonough has, just like MEM is one of Mr. McDonough’s companies as well.

Neal Kurk stated that he would very much appreciate a rendering of what this is going to look like on this site. Mr. Kurk added that the public was shocked at the new school building and he just doesn’t want residents to be shocked for this.

Chairman Morin stated that getting back to requiring the rendering, would it be more to judge the scale or, what he was wondering if we get a rendering, what sort of measure is being applied other than real pure individual subjectivity as to what we are looking at. Mr. Kurk stated that in the Master Plan we are required to take into account the aesthetic value and he recognizes that it may be individual, be we are required to do that. He felt without a rendering it is very difficult to do that based on architectural drawings of the building without seeing it on the site to give him some sense of scale and what kind of visual impact it might have. Mr. Kurk stated that he felt we shouldn’t have our wash in public. Mr. Kurk stated that he is not sure that this is the thing we should have opposite the school.

Chairman Morin stated that rendering is helpful in a lot of situations but he feels we need to create and implement into the regulations some sort of design standards. He didn’t feel that he needed a rendering and asked what you are going to measuring it against, you don’t like it. George Malette stated that the Master Plan can be used for the basis of creating ordinances but not in determining the final approval of certain plans. Mr. Kurk stated that the Master Plan sets values and we need that in order to make a determination. He felt a rendering was essential on this application. He can’t make an informed judgment based on the architectural plans.

Mr. Kurk then read some sections from the site plan regulations pointing to the need for the rendering.

Mr. Bolton asked if there were other sites they could go look at. Mr. Heavisides stated that at the conceptual meeting and at the last meeting there was great concern about what the building would look like. At the conceptual meeting there were sites given that they could go and see. At the meeting last month there was discussion again about the building style. Mr. Heavisides stated that is why they changed the design to look more like a barn.

Mr. Bolton asked what the harm was to put the decision off a month to have a rendering done and to allow the board members to go look at some other sites. Mr. McDonough stated that one more month delay will not allow him to get moving to build it this year. They are looking for a conditional approval this evening.

Mr. Clow stated that he can visualize what a car wash looks like. He is just concerned that over time what it will look like. He also stated that if you have ever seen the inside of an open bay car wash in the winter it is not very attractive. There is ice everywhere, etc.

Mr. Kurk stated that it will definitely be more attractive than what is there now, but he didn't feel that should be the standard that makes sense. Chairman Morin stated that he agreed with that. It is not an acceptable standard and maybe blighted was not the proper word for that, it is pretty bad. He does want to be encouraging for someone who in his opinion looking to building something that is going to be an asset in his opinion to the community. There was another proposed and there were a lot of people expressing interest in having one. Mr. Kurk stated that is not the issue that he is raising.

George Malette then inquired about the sign. Mr. Heavisides stated that they have removed the reader board from the bottom. The note in his opinion shall now comply with the ordinance. The location is shown on the plan, but typically we ask for the details of the sign, size, etc. Chairman Morin stated that personally he could accept that as a condition but he would like to see how it is supported and the size dimensions.

Mr. Bolton asked about lighting and he is not sure if we have written standards but would like to see that it doesn't infringe on Route 114. Mr. Heavisides stated that they have designed all down cast lighting on the site. The purpose is for safety and allows them to function in the dark.

The hours of operation Mr. McDonough are looking for is 24 hours. Mr. Kurk stated that is something he has an issue with. Chairman Morin stated that he doesn't see the objection because there is probably not an awful lot of traffic in the early morning hours. Mr. Kurk stated that he would not approve those hours

because if and when Mobile on the Run comes in they will want to be open for 24 hours as well. Chairman Morin stated that he is still looking for the objectionable part.

Mr. Kurk stated that in his opinion Weare is a rural community. It goes to bed at night. Businesses should shut down at night for a period of time like from 9 PM to 6 AM or something like that.

Chairman Morin stated that there was information and they are downward cast to light the property for safety and security reasons. There are four light poles to be placed on the property and four on the building. Mr. Kurk asked if the neighbor across the street going to see these lights. He understands that there shouldn't be any light that escapes the property but he suspects it is going to be like a Christmas tree for him, probably not very nice for them.

Mr. Kurk asked if the board would like to take a consensus of the rendering. Mr. Bolton stated that it doesn't look like he was going to get out of here tonight with an approval because there are a lot of other issues and he can't believe the rendering would take month. Mr. Heavisides stated that the other issues seem to be able to be taken care of by adding or changing some notes. Mr. Heavisides stated that the only items he has is changing D, stapling the couple of architectural drawings to the plan set, showing the proposed sign on the plan sheet, and those don't seem to be difficult issues that couldn't warrant a conditional approval. Mr. Bolton responded that the hours of operation might be an issue.

Mr. Kurk asked if this was brought up at the last meeting. Chairman Morin stated that this is the first time it was brought up. Mr. Kurk further added that if people thought this was going to be a lighted 24 hour operation that there might have been a different outcome. Mr. Bolton stated that if I lived across the street I would really be pounding your table. Mr. Heavisides stated that the lighting planned is not for daylight type lighting it is made for driving around. The driveway has been shifted further south away from the residences. The lights are to light the concrete pad only, not the driveway.

Chairman Morin stated that he is not able to continue tonight, he needs to leave and will be turning the meeting over to Vice Chairman Bolton at 9:00 PM.

Vice Chairman Bolton stated that just for clarification they are here looking for conditional approval. The hours of operation and the artist rendering are the two biggest concerns.

Steve McDonough stated that as far as the hours of operation goes, the 24 hours may come as a surprise. All of his operations go 24 hours. Since they are automated the payment station is open 24 hours. The doors are automatic. The lights are on. You don't traditionally get a lot of traffic but you do get people up to midnight, and then it is usually very quiet until about 5 AM. It's still dark and

you still get people coming through. There is still some business to capture on those off hours. They are not traditionally lined up but over the course of a week, a month and a year they add up. It's automated. It's not designed to have someone there to flip the lights off when you go home. It's built to run when the people want to come. Mr. McDonough stated that all he can say about the artist rendering is that he would have produced one had he heard anything about it in the first four meetings that he has been too. He apologizes for that, but again for what it's worth, if they can't leave with an approval, conditionally this won't go this year, he just can't build it in the winter. It's just not going to happen, which he knows is his problem but he feels like he's been here trying to address anything that the board has brought to him in good faith. They are open to suggestions and will work with the board and they have to this point, but this meeting is very critical to him. He will do what he can.

Vice Chairman Bolton asked Mr. McDonough, with regard to the hours of operation is you saying that in order for this to be viable he needs this. Mr. McDonough stated that just as he needs the self spray bays outside. All these things factor in to revenue generating aspect of the business and when you start pulling it away and then an \$800,000 project you have to think if it is worth building. You cut the hours of operation and then you cut the self spray bays outside, which are made for big trucks and people that want to wash them by hand, and if you take that away because of the look of the hose, then it means big money, bottom line. It goes on all over the state and all over the country. He has had no issues in seven other Towns in New Hampshire with running 24 hours and some of them are in high residential areas. He sympathizes with the gentleman across the street but he's not here expressing any concern about the lights. He has been notified. They have moved the driveway. They have put downcast lights. Regardless if it is 24 hours or not, it is dark here at 4 PM all winter and if he closed at 11 PM, they would be washing from 7-11 in the dark so he doesn't see what the big difference is from 11 to 5 in the morning. Mr. Kurk asked, what about his sleeping? Mr. McDonough stated that the building doors are faced parallel to Route 114 so any noise would not be directed to him. The outside wash bays are located at the other end away from his property.

Vice Chairman Bolton stated that he is really not trying to protect the people across the street he is talking personally but he thinks that as a board and as a Town that we really value our kind of quiet evenings. I know you said you have done this before in other Towns but as you can see we are not like these other Towns, we are trying to avoid being like the other Towns, we work hard at it. He is not faulting what Mr. McDonough is doing and he agrees with you that it is done in other Towns but he is not so sure that he personally approves of that. He felt that at least an 8 hour shut down and the artist rendering, he is less than concerned about that but certainly the 24 hour operation is certainly going to spawn other 24 hour operations. That is his personal opinion. Vice Chairman Bolton stated that he would not like to have Route 114 be a corridor of 24 hour

operations. He has worked very hard against that for years. Mr. Heavisides asked if the regulations are stated differently in the Commercial zone.

George Malette stated that it is not listed, but it is certainly something the board consistently considers.

Vice Chairman Bolton felt this was a very good project and would like to see this moved forward.

Mr. McDonough stated that he would be ok to limiting the hours somewhat. He has a lot of people that wash on their way to work and a lot of people go to work at 5 AM. He felt not being able to be open then would be a detriment. Midnight to 5 AM being closed he could go along with. Being closed for 8 hours he couldn't go along with, it's not fair, it's a business. Closing from midnight to 5 AM over the course of the year is approximately about 2,000 that he doesn't get the revenue for because you want to stay a sleepy little Town, which he appreciates but on the flip side he is looking at providing a service to the Town. He felt that the people that work until 11 PM might like to pull in and wash their salty car. They'd find it convenient that it's open. When you pull in the doors come down, they are inside being washed. It's not like there are people out hooting and hollering scrubbing it down. You are inside the bay with the door down. He agreed the traffic would be light later.

Mr. Kurk felt that it is not the board's job to make sure the business is profitable. Mr. McDonough responded, "You've made that clear." Mr. Kurk added that he felt it was our job to make sure that the interests of the Town as set forth in the zoning ordinance are carried out and that while it may be convenient for a couple of people or a number of people, we need to figure out what is best for the Town as a whole. No application satisfies everybody completely, so we have to draw the balance. That is our job.

Vice Chairman Bolton stated that he doesn't have any more input at this time.

George Malette moved to accept the application as complete; Frank Bolton seconded the motion. Discussion: Neal Kurk asked, should there be information on the application with respect to hours of operation? Does the application being complete include all the plans? Are they part of the application? Naomi stated that she feels the application is complete. Vice Chairman Bolton stated that we can accept the application and still dicker about the conditions. George Malette stated that usually the board determines if the application is complete before having all this discussion. Somehow the procedure fell through the cracks on this one. Vote: all in favor.

Angela MacConkey, 415 Flanders Memorial Road, stated that she appreciates some of the issues that have been brought up with the all night operation of this business, the aesthetics and all that. In the long term, if Weare is to develop a

viable community center, we don't want to sacrifice those issues for individual profit motives. She is particularly interested in the all night operations, she felt it encourages the proliferation of other businesses to come in and do the same thing, being opened all night long. She felt that would certainly destroy the rural character that we have. She was also concerned for loitering, by certain individuals that might have a tendency to do that.

Mike Dahlberg, 84 Oak Hill Road, stated that he thought the Town wanted to encourage business to come in. We don't have a car wash in Town. He has four kids that drive. He has three company vehicles. He owns 8 vehicles that he has to wash all winter long. He has to drive to Pinardville, Concord or Manchester. How much gas is that burning? How many man hours does that take? He thought that if you want to truly affect the environment he felt that we should have a car wash in Town. If he wants to run it 24 hours a day because that is what his business needs and we can use that in Town you should approve it. He has obtained the variances needed and the threshold for that is much higher than the site plan regulations. The site plan regulations have a 1997 checklist that is 10 years old. He felt he has done everything the board has asked for. He has no monetary interest and felt it should be approved tonight.

Jeffrey Wright, 281 Hodgdon Road, stated that he probably owns the tallest vehicle in Weare. There is not an automatic car wash his vehicle can go through, having a car wash without an outside wash bay does him absolutely no good. He has to wash his vehicle outside in the winter to wash the salt off. He has to drive to Concord or Manchester where they have these large bays to wash. He uses the expensive gas and the damage to environment by the pollutants that his vehicle puts out and on top of that I'm giving other communities monetary benefits that the Town is not getting by not having a car wash. He felt by not approving this car wash is ludicrous.

Vice Chairman Bolton will close the public hearing portion.

Neal Kurk stated that he has a process question. Isn't it unusual for the board to take an application like this, accept it as complete and approve it in the same night. Don't we normally allow a 30 day period to go by so that we can consider these things, get additional information, perhaps go look at a couple of other car washes, so that in this case we get an idea of what the outside bay would look like. Secondly he would like to ask the board to get a rendering so he can get an idea of what it is going to look like. Thirdly, he didn't this should be approved as a 24 hour operation for reasons that he has already stated.

Vice Chairman Bolton stated that what Paul Morin had said was that there was something that he had recently come across that said that even though we approve something there is a 30 day window to reconsider if there was a mistake made.

Mr. Kurk stated that he is trying to recall when we have done this type of approval for a site plan in one night.

George Malette asked if we had the sign on the checklist from last month. Naomi informed the board that at last month's meeting we had a joint meeting with the zoning board and he obtained his variance and special exception. The Planning Board went through the plan, had a hearing and sent him away with a few outstanding items, one of which was the sign. We are back here tonight to go over the outstanding items, receive comments from the Conservation Commission and Board of Firewards, which he has done both. At this meeting, we are trying to add a few more outstanding items.

George Malette stated, so what we were done at the first meeting was a design review and this is the final meeting, so we should now be focusing on the outstanding items. Mr. Malette stated that it would be nice to someday get to the point of requiring a rendering but he doesn't have a problem approving this without the rendering. Mr. Malette stated that he would like to see the hours slightly modified, but that would be it.

Tom Clow stated that the uniqueness to, which makes it different from other site plans is the location and this property is located just as you cross over the zone line to commercial, but we are really talking about Weare Center as part of the site. He felt it was legitimate to see the rendering and he would like to have a car wash. We are trying to preserve the center it has, that's why we seem to be scrutinizing this more than other things.

Neal Kurk stated that he would like a decision on the rendering and the hours of operation. Mr. Kurk stated that he would like to see the design of the sign as well.

George Malette stated that he felt the board should get a non-binding vote regarding the rendering. Mr. Kurk stated that he would like to see the rendering. Mr. Clow stated that he didn't think it would add anything because he can render the building in his mind. Mr. Malette stated that he would not require it. Vice Chairman Bolton stated that he would require it if in fact we were going to drag on for another month anyway. He did see a problem requiring it but if it is the only hang up, he is on the fence about the rendering.

The board discussed the hours of operation. Mr. Kurk stated that he doesn't want to create a midnight business hour environment in this Town. He felt it was not consistent with the rural atmosphere and everything we have tried to do in this Town. If you do it for one, you're going to be doing it for all. Mr. Kurk felt that appropriate shut down would be from 9 PM to 6 AM. Mr. Clow stated that he understands the need to open early because of commuters. He would like to see the shut down from 10 PM to 5 AM. Mr. Malette stated that he would like to see

the shut down from 11 PM to 5 AM. Vice Chairman Bolton stated that he would side with Mr. Clow, 10 PM to 5 AM.

Mr. Kurk stated that before a motion is made he would like to know if the lights will be shut off during the off hours. Vice Chairman Bolton stated, absolutely. He will probably have some security lighting.

Mr. McDonough stated that he will not shut off the lights completely because that invites vandalism. With regard to loitering, there is no one there, and he doesn't think that would be an issue. He is waiting to see where the board goes now and he is not fighting the board on the time right now, but if you go to artist rendering he might change his mind on the whole thing at this point because as he stated before it is construction timing at this point means an awful lot to him. He is willing to work and compromise to a point, but if it means go away and come back in a month he has nothing to lose for six months, so he'll just contact his attorney and we will talk about things. That is where he is at.

Mr. Clow stated that it kind of ticks him off with the whole attitude. He feels we are being sort of railroaded into a decision. If process was going to move along in a timely manner for construction, it probably should have been started earlier. Mr. McDonough stated that he's tried. He has been bringing everything in that he can. Mr. Kurk interrupted and pointed out that it was the time for the board to vote and no public input. Mr. McDonough apologized and stated that he would try to refrain. Mr. Clow stated that he doesn't like the attitude of do it or else. Vice Chairman Bolton stated that he is not influenced by that statement, personally. That is his right and so be it, so he wouldn't worry a bit. George Malette wanted to add that we as a board are not allowed a statement like that to influence us.

George Malette made a motion to conditionally approve the plan subject to:

1. A sign to be depicted accurately on the plans and approved by the Planning Board
2. The hours of operation will be shut down from 12 Midnight to 5 AM, 7 days a week.
3. A note to be added to the plan that lighting will be on only necessary for safety and security of the building.

Frank Bolton seconded the motion. Discussion: Mr. Kurk stated that he would like to amend the hours of shut down to 9 PM – 6 AM, there is no second motion so the motion to amend the hours of operation fails. Mr. Kurk then made another motion to amend the hours of shut down from 9 PM to 5 AM; Vice Chairman Bolton seconded that motion. Discussion: Mr. Malette stated that every time we have asked this company to come forward they have done so in a timely fashion. We have little to no basis to stand on limiting the hours. The board should develop some standards and get them adopted. Vote on the newest amendment: 3 in favor (Kurk, Clow and Bolton) and 1 opposed (Malette). Vote on the amended

article as stated above with the reduction of hours of operation for shut down from 9 PM to 5 AM: 2 in favor (Kurk and Bolton) and 2 opposed (Malette and Clow), the motion fails.

Neal Kurk stated that we are not obligated to take action. If we can't agree on anything we can make the motion at the next meeting. Vice Chairman Bolton stated that he would like to see a motion made to have this still go forth if that is possible. Mr. Kurk stated that his problem is that he is sympathetic to this mans desire, even though he has some problems with this to go forward. He doesn't want the Planning Board to be the barrier where there is no public interest benefiting from the delay. The board has made it pretty clear that you don't want to see a rendering and he has accepted that. He felt that we should go ahead and move this forward with the 9 PM to 5 AM shut down. We need to make another motion to approve or disapprove, or if someone desires an amended motion.

Mr. Clow stated that he felt the reasons that he and Mr. Malette voted no are probably different. Mr. Malette voted no because of the hours of operation and Mr. Clow voted no because of visual impact on the village. Mr. Kurk stated that we can certainly wait to vote when a full board is here to alleviate another tie. Mr. Kurk would like to move forward because he feels the gentleman is being unnecessarily delayed.

Tom Clow then moved to conditionally approve the plan with the amendment of the hours of operation being shut down from 10 PM – 5 AM; Vice Chairman Bolton seconded the motion. Vote: 1 in favor (Bolton) and 3 opposed (Kurk, Clow and Malette), therefore this motion fails.

Mr. Kurk asked Vice Chairman Bolton if we could take a two minute recess so that some of the board could take care certain needs. Vice Chairman Bolton responded that we could but he wants to lay this to rest and then we will take a recess.

Vice Chairman Bolton stated that we need a motion to address the problems of this particular proposal. There was none, so the only possibility is to continue. Vice Chairman Bolton asked for a motion to continue.

Instead Neal Kurk stated that he would like to make another motion on Mr. Malette's original motion with the hours of shut down being 9 PM to 5 AM to see if we could get a consensus. Vice Chairman Bolton stated that this is the same motion we already made. Mr. Kurk stated that was made, it was rejected, another motion was made and rejected and he is now going to make this motion again. Neal Kurk moved to conditionally approved the plan as originally stated by George Malette with the hours of shut down being 9 PM to 5AM; Tom Clow seconded the motion. Discussion: Mr. Malette stated that he is not sure if we can vote on the same motion twice. Vice Chairman Bolton stated that we have tonight. Vote: 2 in favor (Kurk and Bolton), 1 opposed (Malette), and 1

abstained (Clow). Mr. Clow stated that he voted to abstain rather than opposed so that it would pass and if it were to go to another meeting we are delaying the construction. Vice Chairman Bolton closed this hearing at 10:00 PM.

The board took a brief recess.

ERIK HAGSTROM REVOCABLE TRUST – SUBDIVISION (CONTINUED HEARING), 422 FLANDERS MEMORIAL ROAD, #404-069: Vice Chairman Bolton opened this hearing at 10:06 PM. Art Siciliano and Erik Hagstrom were present. At the last month's meeting there were five items outstanding. The first was to investigate the leach field. Mr. Hagstrom had All Clear Septic come out and he found the septic tank and leach line which Mr. Siciliano has shown on the plan. The second item was to make the plan compliant with zoning, which had to do with the existing garage. This plan has a new note #6 which indicates that the garage will be either removed or relocated away from the proposed property line and Flanders Memorial Road. Mr. Siciliano stated that he met with the WCC and they had the following two concerns:

- The WCC recommends that alternatives to the proposed crossing of the wetlands buffer area by a septic line be explored. The WCC would not like to see the proposed crossing.
- The plans shown to the WCC did not contain a wetlands scientist stamp.

Mr. Siciliano stated that to address the concerns of the septic he has shifted the house and he relocated the new septic location which meets the required setbacks. The plans have a wetlands scientist stamp of Tom Carr on them.

Naomi stated that Attorney Jed Callen sent a letter disputing a procedural issue and it would be his conclusion that tonight's hearing can be no more than a Preliminary Conceptual hearing or a Design Review. Attorney Callen also stated that the board can't accept this application as complete because no application was submitted 21 days prior to this evening.

The board was concerned about the mixed zone lines and which minimums are they supposed to follow. George Malette read article 3.3 of the zoning ordinance which indicates that the more stringent of the zones would apply. Mr. Siciliano stated that they have already stated that they are willing to comply with the architectural standards of the overlay. Some of the board felt that they need a special exception to build the new house because of the overlay district. Mr. Kurk felt that if the house was going to be built outside of the zone and overlay they would not need a special exception, but he felt some screening would be helpful.

Peter Ashworth, abutter, stated he is very concerned about this development in this particular area of Town. It is in a historic overlay district. It has some very nice open space to it now and really is contributes, he feels, to the long term viability of open space of the Town. Changing it in any way, by adding a house or adding driveways and things like that to him, takes away the historic value of

the old seminary over there and at some point along the way, as the Town gets more and more populated, that space is going to become more and more valuable to the Town. As areas become more and more restrictive we are going to value that greatly. It is also probably may have some monetary value to the Town. Another concern of his is that he never had any notification of any of these changes or anything like that that has been going on. He was just all of a sudden he just knew he was supposed to be here but it didn't make sense that he didn't have any information he could look at before he could come here and talk about it. As he looks at the map now, the setbacks to him look funny as far as wetlands, where the septic system is going, the wells, the lot is very oddly shaped, and it just doesn't make any sense to him. He felt developing that and subdividing that is a bad idea. You can screen it and there is talk about making it comply, but it is a historic district there wasn't a building back there. Putting another building back there is contrary to his idea of what the historic district should be. If you put up a screening or you put up a barrier of something like that, most of the barriers involve trees. Trees tend to lose their leaves around here most of the year. If you put up conifers and things like that they tend to grow tall and you see under them. The screen idea or barrier just doesn't seem to be a good solution.

Bob Destefano, 2 Thorndike Road, stated that he has had no time to review the plan. There are no measurements on the plan showing where the house and septic systems distances from the wetlands. He found something on the website listing this house for sale, talking about the historic district. He is curious why he wants to break it up. Mr. Destefano stated that he has come to every meeting here since they have started, special exceptions, variances, etc. He is only giving the Town part of the information and he just doesn't like what is going on. He looked up the web site on NHDES and typed in "Mr. Hagstrom" and found some information. Vice Chairman Bolton interrupted and stated that he is not sure where you are headed here, but we are not here to insinuate or suggest that there is another problem elsewhere, that is not appropriate if that is where you are headed. Mr. Malette stated that any testimony that is brought up has to be specific to this application. Mr. Destefano responded, so I can't bring up that he has had violations in other Towns. Vice Chairman Bolton responded, that is it not appropriate at this particular forum. This is just something we need to stay away from, personal attacks. Mr. Destefano added, he is trying to build something right behind my house and it is personal. Vice Chairman Bolton stated that we need to address what is going on here. We need to stick to this particular issue. Mr. Destefano stated that he is not sure how he can be denied at one board and still reviewed by the next board. Mr. Malette stated that he was denied for the building setback, not to subdivide, etc. The two different boards handle different situations.

Jeff & Cheryl Wright, 281 Hodgdon Road, stated that they have done a lot of research in the State, Federal and Town ordinances. They asked if a storm water management and erosion control plan been submitted. They felt that this is considered a critical area according to the "Storm water Management and Erosion

and Sediment Control Handbook for Urban and Developing Areas in New Hampshire. Mr. & Mrs. Wright put together a handout with a list of State and Town ordinances. They felt this plan does not comply because it doesn't comply with the list they provided. A copy of the list is in the file. Another concern they have was that the wetlands delineation was done on 12/5/05 when the ground was frozen. They felt that it should be done during spring when water is not frozen to show appropriate delineation and flood stages. Several floods have occurred since, increasing the wetlands. The list then went to Article 3.4 concerning discontinued use because no one has lived there in two years. Article 3.5.1 setback from septic systems to surface waters and wetlands must be 75 feet. Article 18.2.1 and article 14.2 which talk about minimum lot size in the RA district. Article 18.2.4 regarding the distance from septic system to drinking well 75 feet except when a well and/or septic system is located within Soil Type Classification 1 where the distance shall be not less than 125 feet. Article 28 the Wetlands Zone Land Planning Ordinance they want to know how the pollution of the ground water will be prevented. The Wright's also asked the following questions:

1. How will it be ensured this development will not adversely effect the flood protection area?
2. How this area will be protected to ensure the natural habitat is not disturbed?
3. Has an impact study been done to ensure adding another household to the water supply here will not adversely affect the homes already in the area?

They then continued on with their concerns regarding Articles 28.5.3; 28.6.3; 28.7; 28.7.1; 29.2.1; 29.2.2; 29.10.2; 29.10.5; 29.11; 29.12; 30.2.1 and 30.2.2.

Mr. Wright wanted to add one last thing and that is Clinton Grove is listed as a top 10 priority in the preservation of open space by the Master Plan. If the board allows this subdivision and allows this house, Mr. Wright stated that we are taken away from what the Master Plan originally called for and he felt it is wrong.

John Flanders, 429 Flanders Memorial Road, thanked the board and stated that he is represented by Attorney Jed Callen, who furnished the board with a letter. They did check with the land use office and the other day and there were no new plans. He thinks the letter speaks for itself and he is going to let it do that. He reserves his rights to submit his comments during a formal consideration public hearing after he has been given 10 days notice of the public hearing and the opportunity to review the final plans including all pending items and that plan be submitted at least 21 days prior to the hearing. He stated that he would like to make a couple of corrections to Attorney Callen's letter dated October 24th for the public record. First, the zoning ordinance he refers to in paragraph's 2, 3 & 4 should refer to the subdivision regulations not zoning ordinance. Second the public hearing date of October 26th should read October 25th.

Angela MacConkey, 415 Flanders Memorial Road, stated that she lives in a cape and out buildings that were built in the 1830's right across the street from the

subject property. She looks to the board to safeguard the Clinton Grove Historic District, which there were many, many hours spent by many, many people to put safeguards into law for a reason because when this area was built up Abraham Lincoln was just a child. This is a sacred area. If you go to the first Friends Graveyard and you see the stones that you can barely read, this is very sacred ground. You don't want to look up to see the visual impairment that new development brings, otherwise why bother. She wanted to point out that the driveway is located in a very dangerous area. She goes out every morning and she thinks better about jogging in this urban area because cars come around Hodgdon so fast and she wouldn't want to see a driveway put in that area. There is not vision there. She thinks that what she sees here is an effort to squeeze a house into an unnatural location for obviously, an outsider coming in, just to abuse the area for monetary gain, that's what it's all about. Erik Hagstrom bought a house at auction and his profit margin requirements were so high that he couldn't sell it. So now the next thing is to develop it. It is a beautiful piece of property if he takes down some of the gigantic chicken barns. She mentioned the last time that she was here, the proposal before you on behalf of Mr. Erik Hagstrom is just the beginning and she is suggesting there is a far more lucrative scheme. There is a potential to take the 5 acres owned by his wife and combine it with the long strip and they you are really going to see a big development, which would destroy the historic district that has been there since the 1700's. Many of them have asked Mr. Hagstrom the prices and they were told that he would have to ask his wife how much she wants for it. She also wanted to know the price of the house and the response was how much you want to give me for it. She thinks that having properties up on the market for sale but really not for sale is really against the ethics of the Board of Realtors of the State of NH particularly when you are a realtor. That is an unethical thing to do, to have property up for sale when you really don't have any intention of selling them. So now we know why we have seen this charade of these properties that have been up for sale for a long time. They feel done in by this whole scheme. We are the verge of having people come in from other Towns trying to make a fast buck.

At this point, Vice Chairman Bolton interrupted and stated that she has really made that point. Ms. MacConkey responded, and she waited for four hours to do that. She thanked the board for the opportunity and wanted to say in closing that they look to the board to safeguard the rural character of the Town, particularly to protect the unique historic Clinton district. She also had a notation that Clinton Grove was listed as one of the 10 priorities for open space preservation in the Master Plan.

Vice Chairman Bolton stated that he can only ensure all of the folks that this board is interested in and supports preservation of all the Town. Whatever happens is as a result of the regulations that we have. We can only apply them, not an end run around them.

Jan Snyder, 10 Thorndike Road, she believed there was mention of an ordinance that states if there is a conflict the strictest ordinance take over. She said if you go to the Rural Agricultural zone, which has 5 acres per lot, which would be more restrictive and she is not sure what it would do for the lot with the existing home on it. What she is saying is there is not 10 acres for the two lots.

Art Siciliano stated the next step is to get the board some plans. Naomi asked Mr. Siciliano if he was going to change these plans. Mr. Siciliano stated that there will be a few minor changes. Mr. Kurk stated there were two issues about the well and he wondered if that could be addressed. Mr. Kurk asked about a Storm Water plan. Mr. Siciliano stated that is typically required if there are steep slopes. Mr. Kurk asked if Mr. Siciliano could address the concern that Ms. Snyder had regarding the 5 acres needed. Mr. Siciliano stated that he could make the lot with the existing house on it smaller to conform to the Village District and that would comply. Mr. Siciliano said he was trying to make it a larger lot, but he can reduce it to stay in village district. Naomi pointed out that today is the deadline and if these plans are the ones he is submitting for next month they are in the office 21 days prior to the next meeting. Tom Clow moved to continue to this hearing to November 15 2007, Neal Kurk seconded the motion, all in favor. Vice Chairman Bolton closed this hearing at 11:25 PM.

ELIZABETH F. MAHMOT – SUBDIVISION, OAK HILL ROAD, #411-242:
Vice Chairman Bolton opened this hearing at 11:26 PM. Don Duval, LLS was present. Mr. Duval explained that his client currently has a 35 acre parcel with approximately 1,060 feet of frontage on Oak Hill Road. She would like to subdivide it into three parcels, lot #411-242 containing 401.22' of frontage and 7.63 acres; lot #411-242.1 containing 142.26' of frontage and 10.16 acres; and lot #412-242.3 containing 516.66' of frontage and 17.43 acres. In an effort to not have a wetlands crossing he is proposing a common driveway for lots 411-242.1 and #411-242.2. Mr. Duval stated that he has gone to the Conservation Commission and they had the following comments:

- The WCC appreciates the applicant's avoidance of wetlands crossings and wetland buffer impact in the layout of this subdivision.
- Based on discussion with Mr. Duval, the WCC understands that further subdivision of these lots is unlikely if not impossible. The WCC would not like to see further subdivision if it were to necessitate wetlands impacts.

Mr. Duval has submitted a waiver request for items 2-9 on sheet two of the design review checklist. The reason for the waiver is because he would like to move from design review to final approval and all the items are needed before final approval could be granted.

George Malette moved to approve the waiver request, Neal Kurk seconded the motion. Vote: all in favor.

The following items are outstanding:

- depict a visible 25' buffer around the wetlands
- fix minimum lot size in note #5 & table has wrong map #
- fix spelling on Weare on the abutter "Ridolfo"
- Board of Firewards comments

Mr. Duval asked if the board could conditionally approve the plan tonight. Naomi explained to Mr. Duval that typically we don't approve a subdivision, even a minor one in one meeting. We have not heard from the Board of Firewards on this and we like to get their input. The one month continuance also would allow board members to pass by and view the site if they felt the need to. Mr. Duval stated that he understood.

George Malette moved to continue this hearing to November 15, 2007, Tom Clow seconded the motion, all in favor. Vice Chairman Bolton closed this hearing at 11:40 PM.

NWS STORAGE, LLP & STEPHEN & DOREEN KENNEY – LLA, JOHN CONNOR ROAD & ROUTE 114, TAX MAP 201-014.002 & 201-014: Vice Chairman Bolton opened this hearing at 11:41 PM. Mike Dahlberg, LLS was present. Mr. Dahlberg explained the purpose of this plan is to swap the exact acreage between the two neighbors in an effort to fix an encroachment issue with the golf cart road for the golf course. The swap consists of 4,083 square feet. The existing lot sizes are to remain the same. Waivers were submitted for items #11, #13, #14, #15, #16 and items #1-#9 on the second page of the checklist. The reason for the waivers is the fact that this is a minor lot line adjustment and the parcel sizes are remaining the same. George Malette moved to grant the waiver as requested; Neal Kurk seconded the motion, all in favor. Neal Kurk moved to accept the application as complete; George Malette seconded the motion, all in favor. The Conservation Commission reviewed this at the last meeting and sent along the following comment:

- The WCC has no comment on this proposed lot line adjustment.

George Malette moved to approve the plan; Neal Kurk seconded the motion, all in favor. Vice Chairman Bolton closed this hearing at 11:45 PM.

IV. OTHER BUSINESS:

SOURCE WATER PROTECTION GRANT: Naomi stated that SNHPC is looking to apply for a Source Water Protection Grant for the Town of Weare. There are no matching fund requirements. The board would need to make a motion for SNHPC to move forward with the grant paperwork. George Malette moved to go forward with the Source Water Protection Grant, Tom Clow seconded the motion. Vote: 2 in favor (Malette and Clow) and 2 abstentions (Kurk and Bolton).

PINE HILL EXTENSION: The board was asked to go out individually to a site walk on the extension of Pine Hill Road. At the October 11, 2007 meeting the

board wanted to have something in writing from Jim Donison, Northeast Engineering and Carl Knapp, Public Works Director indicating that everything is done like it supposed to be. Naomi has received something from both Jim Donison and Carl Knapp indicating that everything is complete. Naomi asked the board to make a formal recommendation to BOS as they have it scheduled for a public hearing on November 5th. George Malette moved to recommend to the Board of Selectmen that approximately 1,300 LF of the extension to Pine Hill Road be accepted as a town road, Neal Kurk seconded the motion. Vote: 3 in favor (Kurk, Malette and Bolton) and 1 abstained (Clow).

WEAREABOUTS OF NEW HAMPSHIRE: Neal Kurk moved to reconsider the WeareAbouts of New Hampshire sign action that took place on October 11, 2007, George Malette seconded the motion for discussion. Mr. Kurk stated that he wasn't here but it is his understanding that after talking to Chip Meany, Code Enforcement Officer that the board didn't take into account the letter from Chief Begin as well as getting any information from the State of New Hampshire. Naomi stated that the board received a copy of a letter from Chief Begin regarding the sign as to the obstruction that it caused for line of site. Then the State of New Hampshire actually stopped at the store and pulled the sign back out of the right of way, so to her knowledge everything appeared fine. Mr. Kurk stated that he was not here but this is what he was told. Naomi will follow up and try to get further information from Mr. Meany, the State and or Chief Begin. The sign will remain up; it just appears that some board members want more clarification. Vote: 3 in favor (Kurk, Malette and Bolton) and 1 opposed (Clow).

TRACIE LANE: Naomi explained to the board that the 2 year warranty bond is due to expire on Tracie Lane (off High Rock Road) on November 7, 2007. There is no board meeting between now and then and a motion should be made to formally release the bond. Carl Knapp, Public Works Director has been out to make sure that over the 2 year period the road is still in good shape, which he did and sent something to board in writing. George Malette moved to release the warranty bond for Tracie Lane after 11/7/07; Neal Kurk seconded the motion, all in favor.

VOLUNTEER TO SERVE: Arthur Townes was present for tonight's meeting. Naomi informed the board that Mr. Townes is willing to serve on the Planning Board. Naomi reminded the board of the procedure the Town has a volunteer go through before getting recommended to be appointed. Mr. Townes stated that the Planning Board has always fascinated him. He doesn't have to work Friday's and is willing to serve. Neal Kurk stated that he didn't think that the board should get into recommending their own members because in actuality they are picking their own board. Naomi stated that Mr. Kurk may be correct, but this is the same procedure that everyone goes through. We have alternate seats available and there is not waiting list. In a case of tonight having another alternate available to sit in on a project wouldn't allow for a tie vote. George Malette moved to recommend to the Board of Selectmen that Arthur Townes be appointed as an

alternate member of the Planning Board, Frank Bolton seconded the motion.
Vote: 2 in favor (Malette and Clow) and 2 abstentions (Bolton and Kurk).

V. ADJOURNMENT:

As there was no further business to come before the board, Tom Clow moved to adjourn at 12:25 AM, George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator