



**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  
JUNE 28, 2007  
(Approved as amended 7/12/07)**

**PRESENT:** Paul Morin, Chairman; George Malette, Secretary; Craig Francisco; Neal Kurk, Alternate; Naomi L. Bolton, Land Use Coordinator

**GUESTS:** Mel Wilson; William Trower; Bill Wilusz; Robert Nichols; Dan Stephens; Sally Galloway; Mark Galloway; Bob Todd, LLS; Carl Foley, Meridian Land Services; Cheryl Lundgren; Gavino A. Hernandez; Brian Haynes, Promised Land Survey; Harry Murray, LLS; Ellen Bagley

**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 Frank Bolton for tonight's meeting.

**II. APPROVAL OF MINUTES:**

JUNE 14, 2007 MINUTES: Chairman Morin moved to approve the June 14, 2007 minutes as amended; George Malette seconded the motion. Vote: 3 in favor (Kurk, Malette, Morin) and 1 abstention (Francisco).

**III. PUBLIC HEARINGS:**

HIGH ROCK DEVELOPMENT – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 110-077: Chairman Morin opened this hearing at 7:01 PM. A letter was submitted for a continuation of this application until the July 26<sup>th</sup> meeting. Neal Kurk moved to continue this hearing to July 26, 2007, George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 7:02 PM.

FREDERICK & LINDA KNIGHT – SUBDIVISION (CONTINUED), NICHOLS ROAD & EAST SHORE DRIVE, #404-059: Chairman Morin opened this hearing at 7:03 PM. Bob Todd, surveyor was present on behalf of the Knight's. At the last meeting we discussed the subdivision and talked about changes in the notes. Note #5 was partially changed to reflect the lot sizes. The 5 acre still needs to be added. The aquifer note is included in note #10. The BOFW concern was discussed next. Mr. Todd handed out a new note #19 that he finds is typically used in other towns. He felt that this wording should also go into the deed as well as on the plan. On note #19 the word sprinkler needs to be spelled

correctly. Craig Francisco moved to conditionally approve the plan subject to the following two items:

- add the 5 acres to note #5
- spell sprinkler correctly in note #19

George Malette seconded the motion. Discussion: Neal Kurk felt it violated the intent of the spirit of the subdivision regulations section 5.1H (C) 9 (page 13). Vote: 3 in favor (Malette, Morin, Francisco) and 1 opposed (Kurk). Chairman Morin closed this hearing at 7:24 PM.

MARK & SALLY GALLOWAY – SITE PLAN REVIEW, 71 SOUTH SUGAR HILL ROAD, TAX MAP 403-176.004: Chairman Morin opened this hearing at 7:25 PM. Mark and Sally Galloway were present. Mrs. Galloway was present and stated that they went the Board of Fire wards. They commented on the plan and they don't have an issue with the comments. The comments were to add a 50' x 50' turnaround and that the driveway needs to be widened to 20'. Neal Kurk moved to conditionally approve the plan subject to adding the 50' x 50' turn around and the driveway widened to 20' being shown on the plan; George Malette seconded the motion. Naomi asked Chairman Morin if there was going to be public input allowed as there were a few neighbors in the audience. Both the gentleman withdrew their motions to allow the public to address the board. Dan Stephens neighbor was present and stated he was here to comment, but seeing how the board is leaning he will not waste the board's time. He was in favor of this application. Cheryl Lundgren and Gavino A. Hernandez were also present and in favor of the application. Neal Kurk moved to conditionally approve the plan subject having the 50' x 50' turn around and the driveway widened to 20' added to the plan; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 7:43 PM.

WILLIAM & CARLENE WILUSZ – SUBDIVISION, RIVER ROAD, TAX MAP 409-089: Chairman Morin opened this hearing at 7:44 PM. Harry Murray and William Wilusz were present. Mr. Murray explained the purpose of this plan was to subdivide the existing lot into two lots. Both lots would be in excess of 7 acres and have more than the 250' of frontage. The only outstanding items are comments from the Conservation Commission and Road Agent. George Malette who is on the Conservation Commission stated that the only outstanding item he could remember was to show the 25' non-disturbance area and note it on the plan as well as the 50' building setback needs to be shown. As far as the comments from the Road agent, Mr. Wilusz explained that there is and has always been an existing driveway to the garage and that will not be changing with regard to location. Naomi pointed out that there are a few abutter corrections, but the proper abutters were notified. Craig Francisco noted that the number 75 needs to be added to the well radius area. Craig Francisco moved to accept the application as complete; George Malette seconded the motion, all in favor. The board noted the following issues:

- abutter corrections

- both wetland setbacks (25' non disturbance & 50' building setback)
- add note to indicate setbacks
- add #75 to well radius
- label 4K area on proposed lot
- correct front dimension on River Road so it is readable

Chairman Morin moved to approve the plan subject to the above conditions; George Malette seconded the motion, all in favor. Chairman Morin closed the hearing at 7:56 PM.

WILLIAM & KATHY TROWER – LLA, MOUNTAIN ROAD, LAWRENCE ROAD, #410-115 & #410-116: Chairman Morin opened this hearing at 7:57 PM. Carl Foley from Meridian Land Services and Bill Trower were present. Mr. Foley explained the purpose of the plan, which is to adjust the lot lines between the two parcels that Mr. Trower owns. There was a waiver request submitted to not have a test pit for 4K area. Mr. Foley explained that the lot is currently not expected to be built upon and there is certainly enough acreage to accommodate a septic system when the time comes. Craig Francisco moved to grant the waiver for the test pit for the 4K area for 410-115; George Malette seconded the motion, all in favor. George Malette moved to accept the application as complete with the submitted changes that Mr. Foley got verbally from Naomi earlier in the day and have put on the plans; Chairman Morin seconded the motion, all in favor. Mel Wilson, 59 Lawrence Road, asked if the wetlands were going to be delineated or not. Chairman Morin stated that for the purpose of the lot line adjustment he didn't feel they were necessary. Mr. Wilson stated his only reason for asking was an earlier comment of continuity on all applications. The board then discussed the well encroachment issue of the Connor lot. Mr. Foley and Mr. Trower stated that they would be willing to discuss the issue with Mrs. Connor. The board noted the following issues:

- note needs to be added to plan indicating "a driveway off of Lawrence Road shall avoid the well that services lot 121 as much as practical"
- add detail sufficient detail to show the encroachment of the well to plan
- add a soil legend to plan

Chairman Morin moved to conditionally approve the plan subject to the above items; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 8:55 PM.

MICHAEL E. CICCIU & NANCY L. MOONEY – CONDOMINIUM CONVERSION, 317 SOUTH STARK HIGHWAY, TAX MAP #109-020: Chairman Morin opened this hearing at 8:56 PM. Brian Haynes from Promised Land Surveying was present. Mr. Haynes stated that the purpose of this application is to convert the existing 4 unit apartment to condominiums. Chairman Morin disclosed to the board that he has been paying Promised Land Surveying for some of his personal projects, but he has never met Brian. He

asked if the board had an issue with him sitting on this hearing. The board did not. The only outstanding item at this time is pending State Subdivision.

Neal Kurk was concerned that when there was a site walk on the property across the lake on another development there were comments made regarding the possible dredging of the lake, bringing the lake to them. He felt that should be looked into.

Another issue was that note #13 explaining the easements should really be note #14. Mr. Haynes stated he will make that correction.

Mr. Kurk asked if the board could have a plan that shows the existing shore lines, which would answer the water front issue. Chairman Morin said we could but he is trying to figure out the relevance of that. Mr. Kurk was concerned that there might be some illegal dredging that has occurred.

Abutter Bob Nichols stated that there is a five-foot sheep fence that is the property line and not it is in the water and that should be looked at.

Bob Nichols was present. Mr. Nichols asked how this plat can be certified if all his boundaries are missing. He is really against the condo thing. He would like the owner to be stuck with this piece of property so he can go after him legally in case of problems. If this goes to condo he no longer has someone to go after. He has changed the course of the water behind the mailboxes and is eroding away the road. They are not friendly neighbors and if we let him walk away there is no one to be held accountable for this. Chairman Morin asked if the concern is that it is easier to deal with one property owner not an association, Mr. Nichols agreed. He doesn't want to get any worse. He would like to see one person accountable for this project.

Chairman Morin again went over the issues that Mr. Haynes needs to be addressing which are: showing the lagoon on the plan; check on the abutters across from Daniels Lake so that the proper abutters are notified; correct the flood note is note #8 and not note #6; correct the beach easement it is note #14 not note #13; the condominium documents will be sent to Attorney Drescher for his review at the applicants expense; and abutters corrections.

Mr. Haynes addressed Mr. Nichols monuments issue and stated that Promised Land Survey said they will take care of putting in the monuments for him.

Neal Kurk moved to continue this hearing to July 26, 2007; George Malette seconded the motion, all in favor. Chairman Morin closed this hearing at 9:35 PM.

**IV. OTHER BUSINESS:**

PARKING LOT ACROSS FROM COLD SPRINGS: Chairman Morin stated that he was concerned with the stabilizing that should be going on at the newly parking lots. Chairman Morin was going to contact the engineer and express the concerns of items not being addressed. The board suggested that a letter with a follow up phone call puts them on notice that we are paying attention. The letter will also let them know we are meeting in two weeks and would like an update. Chairman Morin will make the phone call and follow it up with a letter.

AVARD SITE PLAN: Chairman Morin stated that he didn't understand what Mr. Avard was showing in regards to the photographs the other night. Chairman Morin stated that he went over to Mr. Avard's house the other day and now has a clear understanding of what he was trying to point out. Chairman Morin stated that Mr. Avard wanted to extend the same courtesy to the rest of the board members.

DISCUSS CHANGING TWO POSITIONS OF THE CIP SUBCOMMITTEE FROM SCHOOL BOARD MEMBERS TO TWO MEMBERS AT LARGE (RESIDENTS): Chairman Morin explained the current make up of the CIP subcommittee. There was some reasoning behind it originally and the conclusion that the subcommittee has come up with is to change the school board members to citizen's at large. It was called a failed experiment. Craig Francisco moved to change to composition of the CIP subcommittee to now be 1 member of the Board of Selectmen; 1 member of the Planning Board and 5 citizens at large to be appointed by the Planning Board chairman; Neal Kurk seconded the motion. Vote: 3 in favor (Kurk, Malette, Francisco) and 1 abstention (Morin).

STATUS OF THE LOOK-N-2 STORE: Neal Kurk inquired as to the status of this. Naomi informed the board that he has submitted a restoration plan to NHDES and has gotten approval. Now he has to complete the approval as planned and NHDES will give it a final approval. This could take up to a year or two to complete. The board is waiting for the NHDES to send notification that he is now in compliance.

**V. ADJOURNMENT:**

As there was no further business to come before the board, Craig Francisco moved to adjourn at 9:45 PM; George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator