



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

**PLANNING BOARD
MINUTES
NOVEMBER 29, 2007
(Approved as written 1/24/08)**

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

GUESTS: Chris Hague; Angela MacConkey; David Bell; Arthur Townes; Frank Campana; Jim Thompson; Ian McSweeney; Alice Morris; John Flanders; Jan Snyder.

I. CALL TO ORDER:

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

II. WORK SESSION:

PRESENTATION BY THE AGRICULTURAL COMMITTEE: Chris Hague was the spokesperson for the Agricultural Committee. She explained that the reason for this change is to require that prime agricultural soils, soils of local importance and soils of statewide importance be protected in any cluster development in the same districts to which clustering now applies (namely, the residential (R) and the rural agricultural (RA) districts). This makes mandatory what is currently possible at the option of the Planning Board. Ms. Hague wanted to note that other provisions regulating those districts, such as the 20% density bonus in the RA district and no density bonus in the R district, will continued unchanged. The only exception is allowing agricultural uses in open space areas (agricultural uses in the R district are more restrictive than those permitted in the RA district). At present, agricultural uses are not permitted in open spaces, with the possible exception of forestry.

The proposal they are recommending is to recommend amending Article 27.3.11 to read as follows (proposed additions are in ***bold*** italics; proposed deletions are ~~stricken through~~):

27.3.11 At least fifty percent (50%) of total tract area exclusive of public rights-of-way (and buffer strips within lots) shall be set aside as open space covenanted to be maintained as permanent “conservation land” in private, public, cooperative or non-profit ownership. ***If the tract contains any farmland that is being used for agricultural purposes excluding forestry, any prime farmland***

soil or farmland soils of local importance or farmland soils of statewide importance, as defined in New Hampshire NRCS (Natural Resources Conservation Services) County Soil Survey and presented through NRCS NH soils and NH Granit Data Mapper, or as verified by a site specific soil survey, such farmland and/or soils shall be included in the open space unless the Planning Board determines that one or more of the factors listed below is of greatest importance; provided, however, that if the area of such farmland and/or soils in the aggregate exceeds the open space area, priority for inclusion in open space shall be given to such farmland and/or soils in the order listed.

Open space within a cluster development shall be protected by permanent conservation easements held by the town, a qualified conservation organization or an agency of state government, or such open space shall be deeded to the Town of Weare in fee ownership subject to the restrictions that the Town retain the land as open space for the purposes described in this Article. If open space is to be deeded to the Town or a conservation easement is to be granted to the Town, the applicant is encouraged to provide a "Stewardship Fund" contribution of \$10,000 per tract of open space or per conservation easement conveyed. The amount of the contribution may be amended based on timber values or other income-producing characteristics of the property. Such common land shall be restricted to open space uses. ***Agricultural uses allowed in the zoning district containing the cluster development shall be considered allowed open space uses.*** Such common land shall have suitable public access.

The design and layout of all cluster developments should protect as open space to the greatest extent possible those portions of the original tract having the highest conservation value. Factors for determining the conservation value shall include but not be limited to:

Wetlands

Riparian corridors

View sheds

Abutting tracts of open space, conservation land, or undeveloped land

Recreational value

Steep slopes

Historical sites and features

~~Prime agricultural soils and/or~~ High productivity forest soils

Important wildlife habitat and wildlife travel corridors

Unique or unusual ecological communities or natural features

Open space layouts shall create large contiguous blocks of undeveloped and protected lands and connect to existing conservation or protected lands to the greatest extent practicable.

III. PUBLIC HEARING:

The following amendments are being proposed for the 2008 Town Warrant. This is the first of several public meetings in an effort to finalize some proposed amendments for the upcoming year.

Amendment No. 1: amend Article 27 Cluster Housing

- a. Amend 27.3.3 by adding the following sentence to the end of the paragraph:

“No such density bonus will be allowed for cluster developments in the Rural Conservation (RC) district.”

Purpose: The five-acre minimum lot size in the RA zone, together with the 20% density bonus for a cluster in the RA zone, was not intended to apply to the RC zone. The RC zone, with its four-acre zoning, was to be left unaffected by this 2006 zoning amendment. This amendment is intended to make that point clearly.

- b. Amend 27.3.4 by adding the following sentence to the end of the paragraph:

“In order to preserve the rural character of the Town, each dwelling unit and the road servicing it shall be not sited within any open field unless waived in whole or in part by the Board after a finding that strict enforcement of this provision would adversely affect the open space provisions of Art. 27.2.11. To the greatest extent possible, no dwelling unit or other structure shall be visible from the Town road providing frontage for the cluster development.”

Purpose: Currently, the zoning ordinance allows fields in a cluster development to be the site of housing, keeping the wooded areas in open space (i.e. Holly Hill). This should be reversed. Wherever possible, the Town’s fields should not be filled with houses; rather, houses should be placed in the woods, and fields should remain open, to retain the rural appearance of the Town. It would be also desirable that houses not be visible to the public traveling by the cluster.

- c. Amend 27.3.5 to read as follows:

27.3.5 Internal streets are to meet the Town/State specifications.

Proposed roads within the cluster may **either** be reduced to ~~20~~ 12 feet in width if appropriate to achieve a neighborhood scale **and/or not be required to be paved**, if **either or both** are deemed appropriate by the Board for the anticipated amount of traffic.

Purpose: The thought was that the Town should increase options to retain rural character. Allowing narrower roads and/or unpaved roads in clusters are two such options.

- d. Amend 27.3.5 by adding the following sentence:

“All utility services systems shall be underground unless waived in whole or in part by the Board after a finding that aerial services systems would not adversely affect the visual, scenic, historic or open

space character of the Town as a whole or any part of the Town in particular”.

Purpose: Telephone and cable wires, and the poles carrying them, do not enhance the rural character of our Town. This is especially true if a cluster places houses in spaces visible from the frontage road, less so if houses are wooded areas, hence the waiver authority.

Amendment No. 2: amend Article 34 Sign Ordinance

This article is as proposed by the Weare Economic Development Committee. The following suggested changes are in ***bold italics***; deletions are shown as ~~strikethroughs~~.

ARTICLE 34

34 SIGN ORDINANCE

34.1 PURPOSE: It is the intent of this Sign Ordinance to support the general provisions of the Weare Master Plan ~~wieh~~ ***which*** seeks to preserve the visual New England rural character of Weare while, at the same time, understanding and meeting the need for adequate business identification and advertising. ~~To further regulate signs in all districts, the provisions of this article supersede those in any other article where the provisions may be in conflict.~~

34.2 DEFINITIONS: Sign shall mean any permanent or temporary display visible from public ways or public property which consists of structures, objects, words, graphics, designs and/or symbols and which is intended ***to promote a business activity, including the sale of goods and services, whether for profit or otherwise*** ~~attract the attention of the public~~. A temporary sign is a sign ***or a combination or series of signs*** displayed for sixteen (16) or fewer days in any sixty-day (60) period. All other signs are permanent signs.

34.3 PERMIT: A permit from the Code Enforcement Officer shall be obtained before the installation of any ***permanent*** sign. The permit number and date of issuance shall be affixed to each sign. Permits are not required for temporary signs ~~or for signs identifying a private residence~~.

34.3.1 In addition to the permit required by 34.3, the design and placement of all signs that are part of a site plan review or change of use application must ***first*** ~~also~~ obtain the approval of the Planning Boards.

34.4 ILLUMINATION STANDARDS:

- 34.4.1 The illumination of any sign shall be from a steady or continuous, non-flashing, shielded white light from exterior light sources only. The sign **lighting** ~~must be lit from above and~~ shall illuminate the sign only, without the light source being visible from any residential dwelling or any roadway. **When a sign is lit from above**, the light source shall be placed ~~as~~ close ~~as practical~~ to the message portion of the sign. No light shall escape above the fixture.
- 34.4.2 **The illumination of** any sign ~~related to a business or profession or to a commodity or service sold or offered for sale~~ may **occur** be illuminated during business hours only.
- 34.4.3 From Dec. 1 to Jan. 10 only, holiday displays containing illuminated bulbs or strings of lights that flash or change but do not contain a message are allowed in connection with a sign.
- 34.5 LOCATION: A sign shall be placed in such a way that it is not a source of danger or hindrance to traffic.
- 34.6 MAINTENANCE: All permanent signs are to be constructed of durable materials and be well maintained.
- 34.7 REPLACEMENT SIGNS: When an existing sign is ~~replaced or~~ substantially altered, the ~~new~~ sign shall conform to the provisions of this ordinance.
- 34.8 PROPORTIONS: Where a sign is attached to or part of an independent structure, the sign shall be the predominant visual feature in terms of size, scale, color and other aspects of appearance.
- 34.9 PROHIBITED SIGNS: The following signs are not allowed:
- 34.9.1 Any sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered for sale, on the premises where the sign is located. This shall not apply to **two temporary** signs **approved by the Planning Board** providing location directions.
- 34.9.2 Any sign erected on or above any part of the roof of a building, including any message or symbol on any roof of a building or design in any roofing material. This prohibition shall not apply to a sign that is mounted on, ~~and~~ is parallel to and does not protrude beyond the edges of a vertical wall.
- 34.9.3 Any sign attached to a utility pole.
- 34.9.4 Commercial Signs attached to trees, **or** rocks ~~or other parts of a natural landscape~~.

34.9.5 Internally lit and electronic signs, including animated, changing message or electronic moving letter signs, and signs containing reflective and/or phosphorescent surfaces.

34.9.6 Message board signs with movable letters, *or a combination or series of such signs*, displayed for seventeen (17) or more days in any sixty-day (60) period.

34.10 DISTRICT REGULATIONS:

34.10.1 In R and RA districts the following signs shall be permitted:

34.10.1.1 A maximum number of one (1) sign, to contain no more than two surfaces, and each surface to contain no more than six (6) square feet, shall be permitted on any one lot ~~containing such business or establishment~~. The height of such sign shall not exceed five (5) feet from the ground level to the top of the sign.

~~34.10.1.2 Those uses which are granted a Special Exception by the Zoning Board of Adjustment may have a sign, to contain nor more than two surfaces, which shall not exceed thirty two (32) square feet in surface area per side, subject to the further approval of the Zoning Board of Adjustment.~~

34.10.1.3 ~~Limited to one (1) sign per lot.~~

34.10.2 In the Village Districts, the following signs shall be permitted:

34.10.2.1 A maximum number of two (2) signs, each to contain no more than two (2) surfaces, and each surface to contain no more than twelve (12) square feet, shall be permitted on any one lot ~~containing such business or establishment~~. The height of such sign shall not exceed ~~ten (10)~~ five (5) feet from the ground level to the top of the sign.

34.10.3 In the Commercial District, the following signs shall be permitted:

34.10.3.1 A maximum number of two (2) signs, *each to contain no more than two (2) surfaces*, the total combined surface area of which shall not exceed sixty-four (64) square feet, shall be permitted on any one lot ~~containing such business or establishment. Additional signs or signs of greater combined area not to exceed _____ square feet of surface area shall only be allowed by Special Exception.~~

34.10.3.2 Commercial subdivisions and commercial shopping centers may erect, by Special Exception, one (1) addition sign not to exceed one

hundred (100) square feet of surface area at the principal or main entrance to said subdivision or shopping center.

34.10.3.3 The height of the sign shall not exceed fifteen (15) feet from ground level to the top of the sign.

34.10.4 In the Industrial district, the following signs shall be permitted:

34.10.4.1 A maximum number of two (2) signs, the total combined surface area of which shall not exceed one hundred (100) square feet, shall be permitted on any one lot containing such business or establishment. Additional signs or signs of greater combined area not to exceed _____ square feet of surface area shall be allowed only by Special Exception.

34.10.4.2 Industrial and commercial subdivisions or parks and commercial shopping centers may erect, by Special Exception, one (1) additional sign not to exceed one hundred (100) feet in surface area at the principal or main entrance to said subdivision or park shopping center.

34.10.4.3 The height of such sign shall not exceed fifteen (15) feet from ground level to the top of the sign.

34.10.5 In the Clinton Grove Historical Overlay District, the following additional limits and restrictions shall apply to signs:

34.10.5.1 On any one (1) lot there shall be no more than: a) one (1) sign, the surface area of which shall not exceed twelve (12) square feet per side and b) one (1) additional sign, the surface area of which shall not exceed five (5) square feet per side.

34.10.5.2 Any sign shall be stationary, square or rectangular in shape, with a maximum of two (2) sides and shall be constructed of durable natural materials to the greatest extent possible. Any sign shall be of modest design, coloration, and appearance compatible with the purpose and intent of the CGHOD and shall contain no fluorescent, or neon elements. No sign shall exceed eight (8) feet in height from ground level to top of sign. Unlighted historical markers and circa signs constructed of wood, brass or bronze or modest and restrained design and measuring less than three (3) square feet in surface area shall exempt. Signs not exceeding two (2) square feet in area and customarily associated with residential use such as nameplates, warnings, or land postings shall be exempt.

34.10.6 In the Weare Center Village District, the following additional limits and restrictions shall apply to signs:

34.10.6.1 *Signs shall be designed to the extent reasonably practicable to be consistent with the style and color of certain existing signs in the District, including the Town Hall, Weare Historic Society, Weare Animal Hospital and Center Woods School.*

34.10.6.2 *No sign shall exceed six (6) square feet per side. All freestanding signs may be two sided but shall be low to the ground. No portion shall exceed five (5) feet above grade.*

34.10.6.3 *No sign shall consist of or include message boards with movable letters.*

34.10.6.4 *No part of any sign attached to a building may be higher than ten (10) feet above grade.*

34.11 **APPLICABILITY:** *This article does not apply to signs legally in place before the effective date of this article. For purposes of this section, the absence of a required permit shall not affect the legality of a sign in place before the effective date of this article if either (a) the sign complied with all provisions in effect at the time it was erected or substantially altered, other than any required permits, or (b) within fourteen (14) days of the effective date of this amendment of Article 34, an application for a permit is filed and, within sixty (60) days of the filing, the sign is brought into compliance with the current provisions of Article 34.*

34.12 ENFORCEMENT:

34.12.1A *sign in any public right-of-way in violation of this article may be removed by the Board of Selectmen or its designee. The Board of Selectmen or its designee may remove the sign not earlier than two (2) days after a notice in person or by electronic or telephonic means to the owner of the sign, if known, or not earlier than five (5) days after notice by certified mail – return receipt requested is delivered to the US Postal Service. The Board of Selectmen or its designee shall store any sign so removal for not less than thirty (30) days during which period the sign may be claimed by its owner. Thereafter, the Board of Selectmen or its designee may dispose of the sign.*

34.12.2 *The Board of Selectmen or its designee may issue a cease-and-desist order to the owner of any private property on which a sign that violates the provisions of this ordinance has been placed. A penalty of one hundred dollars (\$100) may be assessed against such owner for each day the owner is in violation of the order, beginning not earlier than the fourth day after the order has been sent by certified mail – return receipt requested to the owner.*

34.12.3 With respect to signs, the provisions of this section 34.12 shall supersede the provisions of Article 9.

Other changes now necessary in the following areas:

ARTICLE 4

SIGN: Sign shall mean any permanent or temporary display visible from public ways or public property which consists of structures, objects, words, graphics, designs and/or symbols and which is intended to promote a business activity, including the sale of goods and services, whether for profit or otherwise attract the attention of the public. A temporary sign is a sign or a combination of signs displayed for sixteen (16) or fewer days in any sixty-day (60) period. All other signs are permanent signs.

ARTICLE 21

21. SIGNS IN (R) AND (RA) DISTRICTS: See Article 34
(all else deleted)

ARTICLE 22

22.7 SIGNS: See Article 34
(all else in 22.7 deleted)

ARTICLE 29

24.9 SIGNS: See Article 34
(all else in 24.9 deleted)

ARTICLE 25

25.9 SIGNS: See Article 34
(all else in 25.9 deleted)

ARTICLE 30-B:

C.6 SIGNS: See Article 34
(all else in C.6 deleted)

Amendment No. 3: amend various ordinances relative to the Weare Center Village District

- a. Current Language of 22.4.2
Light commercial uses such as those listed in Article 24.3.5, except laundromats and dry cleaning facilities. Also permitted are offices, churches, schools, and the office meeting halls and facilities of non-profit institutions.
- b. Paragraph proposed by Weare Center Advisory Committee (WCAC)

Within the Weare Center Village District the maximum footprint of new commercial structures (structures not already existing within the Weare Center Village District) shall be 3,000 square feet.

- c. Proposed amendment to Weare Center Advisory Committee (WCAC)
Within the Weare Center Village District the maximum footprint of new commercial structures (structures not already existing within the Weare Center Village District) shall ~~be 3,000 square feet~~ **not exceed 85% of that of the Weare town hall. Drive-through facilities shall not be permitted. For the purpose of this article, “drive-through facilities” means any building opening (including windows and doors) and /or mechanical devices which the occupant of a motor vehicle either drives up to or drives through to receive or request a product or service (other than mechanical services or vehicle refueling while the driver remains in the vehicle.**

Purpose: (a) Building size limitations should be keyed to an existing historical structure, not an arbitrary, though reasonable, size. (b) The appearance of buildings with drive-up windows, etc., is incompatible with the more traditional appearance of Weare center buildings.

Amendment No. 4: amend Article 33 Growth Management Ordinance
Amend Article 33.13: Sunset to read as follows:

Alternative A: “The Planning Board shall on or before September 1 of each year consult with the Weare School Board on the capacity of both the Weare Elementary School and Weare Middle School **and with the John Stark Regional School Board on the capable of the John Stark Regional High School.** If after such consultation, the Planning Board determines that pupil enrollment in each school is less than 90% of **recommended** capacity, it shall so certify to the Board of Selectmen, and this article shall expire at the end of the Town meeting occurring after the date of such certification. In any event, this article shall expire at the end of the 2012 annual Town meeting.”

“The Planning Board shall also monitor growth in the schools, the Town and the region on a regular basis and notify the Town of its findings.”

Alternative B: ~~“The Planning Board shall on or before September 1 of each year consult with the Weare School Board on the capacity of both the Weare Elementary School and Weare Middle School. If after such consultation, the Planning Board determines that pupil enrollment in each school is less than 90% of capacity, it shall so certify to the Board of Selectmen, and this article shall expire at the end of the Town meeting occurring after the date of such certification. In any event,~~ This article shall expire at the end of the 2012 annual Town meeting.”

~~“The Planning Board shall also monitor growth in the schools, the Town and the region on a regular basis and notify the Town of its findings.”~~

Amendment No. 5: amend Article 18 frontage requirements for 10 acre lots
Amend 18.2.1 to read as follows:

18.2.1 Frontage: All lots ~~less than 10 acres~~ in the Rural/Agricultural (RA) District must have a minimum of 250 feet of frontage, and all lots ~~less than 10 acres~~ in the Residential (R) District must have a minimum of 200 feet of frontage. ~~All lots of 10 acres or more must have a minimum of 50 feet of frontage on a paved Town road or, if on a gravel road, 250 feet if in the Rural/Agricultural (RA) District or 200 feet of frontage if in the Residential (R) District.~~ Where the frontage of a proposed lot can be measured on paved and gravel road surfaces, the paved surface frontage must be at least 259 feet if in the Rural/Agricultural (RA) District or 200 feet if in the Residential (R) District, and the driveway entrance must be on the paved surface in order to qualify for the minimum lot size as defined in Article 14.

Purpose: This amendment eliminates the so-called “50-foot” provision because it has resulted in inappropriate back-lot development.

Amendment No. 6: amend Article 3 General Provisions to add a definition of “active and substantial development”

Under RSA 674:39, an approved subdivision is protected from subsequent zoning changes for four years, even if the subdivision exists on paper only. This would seem to encourage premature developments to “lock in” current requirements. Such a “lock in” would seem fair only if substantial improvements were made to the property.

The statute allows for this. If the local zoning ordinance or subdivision regulations define “active and substantial development”, the developer must complete the level of improvements within the first 12 months after approval in order to get the four-year “lock-in”.

The following is the suggestion to add a new section 3.11 as follows:

3.11 SUBSEQUENT AMENDMENTS TO THIS ORDINANCE:

3.11.1 *In approving any application, the Planning Board may specify the threshold level of work which constitutes “active and substantial development and building” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of four (4) years. Active and*

substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when there have been installed, inspected and approved by the code enforcement officer at least (a) twenty percent (20%) of the total building foundations or one building foundation, whichever is greater; (b) a roadway to such foundation(s); (c) utilities placed in underground conduit ready for connection to proposed buildings/structures; (d) drainage improvements to service the development; and (e) all erosion control measures as specified on the approved plan.

- 3.11.2** *Substantial completion of the development shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued, and all other on-site and off-site improvements have been determined by the Town of Weare or its agent to be in compliance with the approved site plan or satisfactory financial guarantees remain on deposit with the Town to insure completion of such improvements.*

Amendment No. 7: amend Article 32 Wireless Telecommunications Facilities

The following three changes are being suggested:

- a. Designating scenic vistas: The Planning Board should designate the view of Weare Center (driving north on Route 114) as a scenic vista under section 32.3 (definitions).
- b. Additional camouflage: Amend section 32.7.2 to require artificial branches to the extent a cell tower exceeds the tree line.
32.7.2 Color and camouflage. To the extent that any component of a wireless telecommunications facility extends above the height of the vegetation immediately surrounding it, it shall be a color that blends with the background of surroundings, including guy wires, *and it shall have attached to it artificial branches matching as closely as possible those of surrounding trees or other trees native to the Town. The Board may waive either of these requirements upon demonstration by the applicant that the facility would still meet the performance and design standards set forth in section 32.7.*
- c. Town use of cell tower: As a condition of approval, the Town should require that Town services, such as fire and police, may use the tower for communication purposes without charge. To do this, add a new section:
32.11 *Town use. Every carrier shall make available to the Town at no cost, the use of its wireless telecommunications facility for communication purposes by essential Town services, such as by the police and fire departments. The Town shall be responsible for providing and maintaining the necessary equipment. The carrier shall be responsible for installation and shall provide the*

Town access to the facility for maintenance purposes, in each case at no cost to the Town.

Amendment No. 8: amend Article 22 Village District to add a frontage requirement.

There currently is no frontage requirement in the Village District, Article 22. The following proposal would add some requirements as well as to establish standards for development in the Weare Center Village District. (bold italics means that is an addition to the existing wording)

Amend Article 22 to read as follows:

22.4 Permitted Uses:

22.4.1 Single Family dwellings and multifamily housing where it is contained within existing structures or in a new structure where the number of dwelling units does not exceed two (2). New dwelling units of three (3) or more per building (multi-family) will require a special exception.

22.4.2 Light commercial uses such as those listed in Article 24.3.5, except laundromats and dry cleaning facilities. Also permitted are offices, churches, schools, and the office meeting halls and facilities of non-profit institutions.

22.4.2.1 Within the Weare Center Village District, the maximum footprint of new commercial structures (structures not already existing within the Weare Center Village District) shall be 3,000 square feet.

22.4.3 Mixed use of structures for commercial and residential use shall be permitted in the Weare Center Village District.

22.4.4 Agriculture, but excluding the grazing, care or keeping of such livestock as cows, horses, goats, pigs and poultry as a gainful business.

22.5 AREA REQUIREMENTS: The minimum lot size as set forth by the State of New Hampshire Water Supply and Pollution Control Division or other applicable regulatory agency, plus 10,000 square feet; otherwise by Special Exception.

22.5.1 HEIGHT LIMITATIONS. In the Weare Center Village District, no new structure shall exceed two and one half stories, with a maximum building height of 30 feet, as measured from the average grade on the side of the building facing any public street, otherwise by special exception.

22.6 YARD REQUIREMENTS

22.6.1 FRONT SETBACKS. Each structure shall be set back at least 25 feet from the front lot line, but not less than the setback of any existing building within two hundred feet of the lot, otherwise by special exception.

22.6.1.1 *In the Weare Center Village District, no building shall be closer to the street than any building on property abutting it on either side, and no farther from the street than the buildings on abutting properties on either side. However, a special exception may be granted if such exception is consistent with the unique architectural and historic character of the Weare Center Village District such determination to be made by the Planning Board.*

22.6.2 Each structure shall be set back at least twenty (20) feet from the side and rear lot lines, except by Special Exception.

22.6.3 All non-residential uses shall provide adequate off-street parking. No parking is permitted within the front setback area or within five (5) feet of the property sideline.

22.6.3.1 *In the Weare Center Village District, the requirements of may be waived by the Planning Board if the applicant can demonstrate that there is adequate off-site parking available within 500 feet and that the property itself cannot support the required spaces without compromising the character of the Village District.*

22.6.4 FRONTAGE:

22.6.4.1 *Clinton Grove: Each lot in the Clinton Grove Village District shall have a minimum frontage of two hundred and fifty (250) feet.*

22.6.4.2 *Riverdale: Each lot in the Riverdale Village District shall have a minimum frontage of one hundred and fifty (150) feet.*

22.6.4.3 *Chase Village: Each lot in the Chase Village District shall have a minimum frontage of one hundred and fifty (150) feet.*

22.6.4.4 *Tavern Village: Each lot in the Tavern Village District shall have a minimum frontage of one hundred and fifty (150) feet.*

22.6.4.5 *North Weare Village: Each lot in the North Weare Village*

District shall have a minimum frontage of one hundred and fifty (150) feet.

22.6.4.6 ***Weare Center Village: In the Weare Center Village District, all proposed new lots shall have frontage on a town street or state highway sufficient to provide access for emergency services and public safety as determined by the Planning Board. Road frontage shall be consistent with other properties in the Weare Center Village District, but not less than 50 feet.***

22.7 SIGNS: *See Article 34.*

22.8 NON-PERMITTED USES: Air strips or heliports. ***In the Weare Center Village District, drive through facilities shall not be permitted.***

22.9 ARCHITECTURAL DESIGN OF BUILDINGS: Compatible Architectural Styles – The exterior of all new homes and commercial buildings within the Designated Village Districts shall be architecturally compatible with the historic building details of those districts. It is the responsibility of the property owner or their representative to demonstrate to the Planning Board, using Architectural drawings, photos, etc. ***how*** this will be accomplished. Sides of structures, not directly visible from public roads will be allowed some leniency of these details or style, to be determined by the Planning Board on a case by case basis.

22.9. ***In the Weare Center Village District, to the extent reasonably practicable, structures built before 1930 shall be preserved and changes of use permitted in preference over the demolition of such structures and their replacement with new structures. When new structures are proposed the Planning Board shall require architectural review by the Planning Board to provide that new structures are compatible with the character, design, materials, size, configuration and color of the existing structures in the Weare Center Village District.***

Amendment No. 9: amend certain definitions in Article 4

a. Delete “bona fide gift” in section 4.1

Other amendments:

1. Delete Article 14.2 (3) in its entirety:

~~Article 14.2 (3) — Where a cluster development is proposed, the requirements of Table 1-1 shall apply and a yield plan shall be presented to demonstrate the maximum number of conventional lots achievable, which shall then be the number of cluster units allowed.~~

Reason: This article references Table 1-1 which is incorrect for RA District and is a repeat of Article 27.3.3

2. Amend Article 27.3.3 to read:
The maximum number of dwelling units per cluster development shall be determined by the maximum number of ~~non-cluster~~ *conventional* lots that could be subdivided in accordance with ~~the requirements of Article 14.2 Table 1-1 and~~ all other requirements in this ordinance and the Town of Weare Subdivision Regulations for ~~non-cluster~~ *conventional* subdivision. The applicant shall present a yield plan to demonstrate the number of conventional lots achievable. A 20% density bonus will be allowed for cluster developments in the Rural/Agricultural (RA) District, as set forth in 14.3.4.

Reason: The ordinance should be consistent by using conventional instead of non-cluster throughout. Also, this references Table 1-1.

3. Amend Article 28.9.1 to read:
EXCEPTIONS: Buffer distances are not required ~~within the right of way~~ for any proposed *driveway or* Class V or higher road or any related Class V road construction and/or maintenance activities. This section does not apply to any forest management, ~~or~~ agricultural *or public utility* activity.

Reason: There are many instances where the road construction will have to continue outside the right of way and an easement will be granted to the Town for maintenance, etc. A member felt that the Town shouldn't force an applicant to go to the Zoning Board. This change will include driveway construction.

IV. OTHER BUSINESS:

There was no other business taken up this evening.

VI. ADJOURNMENT:

As there was no further business to come before, George Malette moved to adjourn; Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator
(transcribed by notes of members present)