



**TOWN OF WEARE
PLANNING BOARD MEETING
JUNE 24, 2010
(FINAL COPY)**

PRESENT: Craig Francisco, Chairman ; Thomas Clow, Exofficio; Dani-Jean Stuart, Alternate; Chip Meany, Land Use Coordinator; Sheila Savaria, Minute Taker

GUESTS: Douglas C. Graves, Sr, Mary Graves, Stetson E. Hunt, W. B. Knox, III, Jack Dearborn, Jerry Hynes, Roger Keilig, Jim Donison, Art Siciliano, Mike Dahlberg

I: CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 6:58 pm at the Weare Town Office Building. Chairman Francisco appointed Dani-Jean Stuart a voting member for the board at 7:01 pm.

II: PUBLIC HEARINGS:

Continuance of Stetson & Edythe Hunt Subdivision: The application was accepted as complete during the last meeting. Mike Dahlberg explained the changes he made to his plans per the boards request. There are 4 units proposed for this subdivision.

Tom Clow moved to approve with the condition to change the typo in the word 'soil'; Dani-Jean Stuart seconded, all voted in favor.

Continuance of James Donison & Susan Russell subdivision: Chip Meany advised the board that the Conservation Commission requested that the plan show the 25' non-disturbed buffer. Jim Donison explained that he changed his plan to define the center line of the easement rather than adding a note about an as-built driveway easement plan. Chairman Francisco read the decision from the Board of Fire Wards saying that they approve the plans, but he must appear before them again when he knows where the buildings are going to be placed. Chairman Francisco would like to see a silt fence along the driveway on lot 2, along the edge of the 25' buffer to ensure no setback disturbance occurs.

Tom Clow moved to approve the subdivision with the condition that there be a note added to the plan that a silt fence along the construction of the driveway on lot 2; Dani-Jean Stuart seconded, all voted in favor.

Continuance of 21 B&B Lane site plan: The board had voted that this may have regional impact on this site. Both the Town of New Boston and the Conservation Commission had no comment. Chip explained that the manufacturing of bark mulch makes this a change in use.

Tom Clow moved to accept the change of use application as complete; Dani-Jean seconded, all voted in favor.

Chairman Francisco state that the board needs to make a decision whether or not the plan is appropriate

for the zoning. Mike Dahlberg commented on the calculations of the current size of the bark mulch piles. The dark brown pile has 2350 cubic yards, the red bark mulch has 550 cubic yards. There is 740 yards of raw material, bringing the total down to around 3700 yards.

Roger Keilig, Professional Engineer and Professional Geologist was spoke about the research he has done on the groundwater problem. He noted that there is not a lot of research on tannin, and there was no drinking water standard available. He presented the results from medical studies that said 5000 parts/million would be considered the drinking water standard. Another article he found said closer to 1000 parts/million would be the standard. Mr. Keilig says it is a bad time for testing water on the B&B site due to the 6 inches of rain that had been received the month of testing. Also, the business park itself has high iron and manganese because of how it was built and the variety of activities that go on there. There was an EPA study from 2006 that says tannin is not typically a groundwater problem because it absorbs into the soil readily, and it's biodegradable. Mr. Keilig discussed options to address the issue with the site as being 1. Build treatment swales. 2. Monitor both up flow and down flow of the work yard. 3. Drilling a well for the neighbor. Mr. Keilig feels it would be unlikely that there would be any impact too much further downstream than Bruce Merrill's property.

Mr. Keilig recommends designing a treatment pond, then a treatment swale down the south of the property flowing westerly towards that road. He goes on to say that a good top soil is relatively low-perm, and maintains biologic activity, and would work to treat that adequately. Mr. Haynes is asking the abutter to his property, Mr. Daniels to put the retention pond on his property and it could probably be less than ¼ acre Mr. Clow asked if having the area paved would create a negative effect, or is it allowing better control of the runoff? Mr. Keilig responded by saying if you didn't have pavement, there would be a lot of mud created by pushing the water around with the equipment. The benefit of pavement is being able to manage the surface and control the runoff. Treating it is better because you are not letting it go to the water table untreated, it will be put through a treatment system.

Ms. Stuart feels that even if there is a way to remediate the groundwater issue, and the board accepts it, does this fall within disturbance of peace, or peaceful enjoyment of your home? She feels the board may appropriate change of use at this time? Chairman Francisco says if they shut him down, the large piles of bark mulch are just going to sit there.

Chairman Francisco read a letter from Doug and Mary Graves about their objections and concerns. Their main concerns are

1. Contamination of the water supply
2. Extreme amount of noise this business generates.
3. Length of proposed hours of operation, adherence to hours of operation.
4. Increase of traffic on an already busy road.
5. Tarring of such property too close to the property.

Chairman Francisco noted that there was a letter from Jack Dearborn that had been read at a previous meeting.

Chairman Francisco read a letter from the Police Department saying the change in use has no adverse effect of law enforcement to be considered.

Comments from the public:

Jack Dearborn: Said that Neal Kurk had suggested to the board saying that this was not a permitted use, nor was it a non-permitted use. To proceed, it was suggested they go to the Zoning Board to get a special

exception. Mr. Dearborn questions if this use is truly compliant to zoning? Questions to consider are: Is this permitted? Is this considered light industrial? If yes, is it allowed for the aquifer zone? If the applicant gets the special exception, then he needs come back to the Planning Board as an action for site plan review. Mr. Dearborn also discussed the size of the retention pond and where it goes when it overflows?

Tom Clow feels noise issues need to be addressed. Mr. Clow talks about other storage relating to wood products, and whether or not that is an allowed use. Mr. Dahlberg says that Mr. Haynes' business is not the only one starting business early in the morning, causing a noise nuisance. Mr. Haynes says he is doing his best to keep the noise down. Mr. Dearborn responded by saying he lives in a residential zone and since the noise travels out of the industrial zone, it's an issue. He says the lot has never had manufacturing, the hours are 705, the tub grinder is very loud and there is no attempt to contain it. Mr. Keilig feels with the proper site plan, all of these issues can be addressed to make it compatible with what goes on in the industrial park.

Chairman Francisco feels the board needs to make a decision whether this is compliant with zoning. He feels he needs a special exception, and doesn't see how it's a permitted use. The prohibited uses are disposable solid waste, other than brush; disposable hazardous waste, subsurface storage of petroleum, discharge processes waters, storage of road salt, other de-icing things, storage of unregistered junk automobiles. Any other use requires a special exception.

Dani-Jean Stuart motioned that the board direct the applicant to the Zoning Board to apply for a special exception for the change in use; Chairman Francisco seconded the motion, all voted in favor.

Tom Clow motioned to continue until September 9, 2010, Dani-Jean seconded, all voted in favor.

The expectations of the applicant are to continue trucking 1 load of material in for every 5 out, and to keep material covered. Mr. Haynes should have his materials down to 3000 yards in 2 weeks, and continue to diminish his pile after that.

III: OTHER BUSINESS:

Tina Connors - Sign permit application: 12' x 10' wooden sign, she can't put the sign on the front of the building like she wanted to do. Is it okay with the board to leave it on the ground? She is in the commercial district, but not in the village. Chairman Francisco said that only 1 sign was allowed, no more than 6 square feet in R & RA. The board determined she could not have her sign. Chip said he would check to see if the property was listed in the Commercial Zone or in Rural Agricultural.

Art Siciliano: Inquiring about a building in the center of town, across from the florist. The building is owned by George Button. The owners are thinking about subdividing the property, part of which is in the rural village, and some is in RA. The 1.3 acres meet the village district with plenty of frontage. The other lot, most of the land is in Village District, the area can be met, but the frontage is in the village district. Mr. Siciliano is asking their opinion if the frontage requirement should be applied since most of the frontage is in the RA? Mr. Meany thinks needs a variance for the 250' requirement. Mr. Siciliano asked if he should seek a legal opinion or apply for the subdivision as is to the ZBA? If the Town gets a legal opinion, Mr. Siciliano would have to pay for it.

Mr. Siciliano also asked the board about a lot line adjustment that was approved for (Mike Guerria). (Mr. Guerria) no longer wants to do it, and wants to know what the procedure is. Mr. Meany said that it is already recorded with the Town, and he would have to file another request for a lot line adjustment to put

it back where it was.

Meeting Minutes: There was no approval of meeting minutes at this time.

IV: ADJOURNMENT:

As there was no further business to come before the Board, Tom Clow moved to adjourn the meeting at 9:21 pm; Dani-Jean seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria
Recording Secretary