



WEARE PLANNING BOARD  
MEETING MINUTES  
March 28, 2024

**PRESENT:** Craig Francisco- Chairman, Bruce Fillmore- Vice Chairman, Janice Mathews- Ex-Officio, Frank Bolton, Paul Gannon, Ray Menard, Dani-Jean Stuart, and TA Naomi Bolton.

**ABSENT:** Pastor Bill Stockhaus, Jack Meany

**GUESTS:** Phil Bonnar, Dustin Cheney, Alvin Lunt, Robert Baratta, Nicole Shatney, Keith Shatney, Ken Shatney, Susan Davis, Brandon Preston, Nick Gabris, Nicole Gabris, Jordan Williams, Camden Williams, Mary Dowst, Paul Doscher, Deb Doscher, David Erickson, Perry Dowst, Dave Trumble, Kristin Morrissey, Curtis Enright, Gary Bishop, Debbie Bishop

Chair Francisco called the meeting to order at 7:00 p.m. Chair Francisco appointed Dani-Jean Stuart as a voting member.

**108 Reservoir Drive:** Chair Francisco said Phil Bonnar is making a request regarding 108 Reservoir Drive in the village district to replace windows with vinyl windows. Mr. Bonnar said that there are already over 50% of vinyl replacement windows on the property that are 20 years old and would be like and kind. Vice Chair Fillmore asked if they have the same grid pattern. Mr. Bonnar said that they would be in kind. Mr. Bonnar said that he is turning the home into a three-bedroom it was previously four. The Planning Board said that if it is on the inside, it is not their purview. Vice Chair Fillmore asked if the old sashes were 9 over 9. Mr. Bonnar said they were 9 over 6.

Chair Francisco made Paul Gannon and Dani-Jean Stuart voting members.

**Vice Chair Fillmore motioned to grant permission to replace the existing windows with vinyl. Seconded by Stuart. Motion passed 5-0-0.**

**Conceptual Hearing:** *Dustin Cheney (Owner & Applicant); 173 South Sugar Hill Road; Tax Map 403-184; Commercial Zone. The applicant is building a new building that will be used to store his expensive cars/trucks, out of the bad weather. It will also be used to take pictures to showcase his dealership vehicles. It will also help keep a clean clutter-free yard and business.*

Dustin Cheney said he is attending the Planning Board meeting tonight to get the okay to move forward with putting up a building to keep vehicles out of the weather. It is part of the business he runs called Riley's Auto. He has received the variance from the Zoning Board. It is an appointment-based dealership. Mr. Cheney presented the Planning Board with the information from the Zoning Board. Mr. Gannon asked if he stored the cars for people or sales. Mr. Cheney said he sells the vehicles and stores them until they are sold. Mr. Cheney said that he is a legal dealership. Chair Francisco said that he does not see any issues but he will need a full site plan.

**SITE PLAN REVIEW (DESIGN REVIEW):** *Second Chance Ranch Rescue (Owner); Kristin Morrissey (Applicant); Lull Road; Tax Map 411-358.004; Rural Agricultural Zone. The applicant is proposing to construct a 30' x 40' steel building to be used as a kennel to house dogs. The building will look like a garage, with 2-3 outdoor fenced pens with privacy fencing.*

Frank Bolton returned as a voting member and Ms. Stuart stepped down as a voting member.

Kristin Morrissey said that back in December they came in and explained how they wanted to build and run a nonprofit animal rescue on Lull Road. They would like to take a phased approach. The first step would be to build a primary building to house the dogs, which would be a 30x40 steel building. That is the minimum solution to operate and replicate the operations they currently have in New Boston. Having the metal in the front would be cost-effective for them. The house for a caretaker will be a different phase in the process. Ms. Morrissey said that they have done competitive analysis with other properties in Weare and it would not necessarily stick out as being something that would be uncommon to what you see while driving through town. Vice Chair Fillmore said that because they eliminated the residential use it will need a variance because it is a different type of use, he believes. Chair Francisco said that he has looked over the application in the last couple of days and they are not a kennel by definition. Without the house being there it changes. Vice Chair Fillmore asked if the operation size would change. Ms. Morrissey said the operation size would not change they are trying to match their current operation in New Boston which they are licensed to have 12 dogs. They have space for 20 and they check in with the State to see if they see it is fit. Ms. Morrissey asked if they were to add living space into the building then would it be okay. Vice Chair Fillmore and Chair Francisco said it is not the primary use of the building at this point. Vice Chair Fillmore said that the best option would be to go for the variance and then if that does not work out go with the backup idea. Chair Francisco asked why the driveway was away from the building. Chair Francisco said he wants to make sure they do not go within the wetland buffer. Ms. Morrissey said the reason she put that there is because it was the ideal experience for anyone visiting. She does not want any random people approaching the building. There will be fencing around the building and there could be a small semi-steep driveway. They do not plan on paving the driveway. Ms. Morrissey said she could move the driveway.

The Planning Board decided that the application was incomplete because it would need a variance. Chair Francisco said that he would like to see the proposed phases and then vote on the phases as they come to fruition. Ms. Stuart asked who would be with the dogs overnight if there were no living quarters. Ms. Morrissey said that there would be no one overnight but the staff would be staying with the dogs until 9 pm. Vice Chair Fillmore asked how long it would be before they had someone living on site. Ms. Morrissey said predictably about three years. Discussion ensued regarding an ADU and getting a variance for that. Chair Francisco said that they received a letter from an abutter and will read it into the record. The letter reads as follows.

*Dear Weare Planning Board:*

*We are direct abutters to the proposed Dog Kennel to be located on the above-noted property. We will be out of State for this hearing so are submitting this letter as an objection to the proposal. We base this on the following:*

*1) Article 4.1 Definitions*

*KENNEL: Shall mean a building or land used for the commercial boarding or breeding of five or more dogs whether for profit or not but excluding veterinarian clinics or facilities engaged in the rehabilitation or rescue of dogs. Second Chance Ranch Rescue is directly and solely involved in the rehabilitation and rescue of dogs. This quote is taken from their mission statement on the website: "To rehabilitate and give a second chance to lost, forgotten, or misunderstood dogs to help them find their forever home." Please recall the exclusion of this type of dog care in the Town's definition of Kennel above. See: <https://www.secondchanceranchrescue.com/>. Therefore, this proposal requires a Zoning Variance before*

the Planning Board can entertain hearing any sort of formal presentation beyond conceptual, which would only be to offer guidance. From the Town of Weare Site Plan Review Regulations:

IV. ZONING All applications must comply with the Town's zoning regulations before acceptance for formal site plan review. The current application must be denied. 2) Recorded Plan Notation As an abutter to the subdivision, we were notified of the application and attended the two subdivision hearings. Jacques Belanger, LLS is/was a colleague of mine before my retirement and I personally reviewed the plan thoroughly. On the plan, HCRD 40269, there is a note which reads: "Plan Intent: The intent of this plan is to subdivide lot 358 into a total of 5 residential lots." Our own zoning ordinance defines a Kennel as: KENNEL: Shall mean a building or land used for the commercial boarding or breeding five or more dogs whether for profit or not but excluding veterinarian clinics or facilities engaged in the rehabilitation or rescue of dogs. A commercial kennel use is clearly not a residential use as defined in the Plan Intent. This plan note must be upheld as a legal statement of intent no different than a note stating, "No further Subdivision of this property shall be allowed", which would certainly be upheld by your Board and our Legal System. Supplementary, the plan statement does not read: Plan Intent: The intent of this plan is to subdivide lot 358 into a total of 5 lots suitable for uses allowed in the R.A. district including those by Conditional Use Permits or individual Zoning Variance Approvals. This subdivision was approved and recorded specifically and exclusively for Residential Homes as noted on the recorded plan, HCRD 40269. The current application must be denied. 3) Application and File Review Since we will be out of state for this hearing, I visited the Town Office to review the file. The application is checked off as being submitted for Design Review. There is no design plan in the file to review. At best, there is a site sketch that could be used for a second conceptual discussion only. Commercial site development requires formal site plan review in accordance with our Site Plan Review Regulations. At minimum, this plan shall include: An appropriate septic system design, property management with respect to personnel on site 24/7, stormwater management plan, feces management plan, noise (barking restrictions) management plan detailing how regional property owners can act on excessive barking, an architectural rendering plan (a steel building in our neighborhood is unacceptable and will degrade property values), parking & infrastructure plan and a landscaping plan. The application must not be accepted as complete. 4) From Zoning with respect to Allowed Uses in the R/A District 17.3.12 Kennels (as specifically defined above with exclusions) by conditional use permit. (Added 3-13-2017) 17.3.12.1 CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT: The Conditional Use Permit Application shall demonstrate that the project will (a) not result in reasonable noise levels at the applicant's property line, (b) will not result in any degradation of the quality of the groundwater and (c) will have no significant negative environmental impact to the abutting downstream properties. The Planning Board may impose such conditions on the project and/or use as it determines will promote the purposes of this article and may require a performance guarantee or bond in an amount and form acceptable to the Board be posted to ensure compliance with the terms and conditions of the conditional use permit. (Added 3-13-2017) A report addressing, in detail, the three criteria listed above must be submitted with a formal site plan and application as noted in 3 above. There is nothing in the file to address the conditional use permit criteria. The application must not be accepted as complete. We ask that the Planning Board deny this application outright as it does not meet Zoning Requirements and the proposal does not meet the recorded Plan Intent notation. There are four well developed properties now out of five lots in this subdivision. We are quite sure this type of development will seriously degrade their investments as well as our abutting and regional properties. The incompleteness of the application is secondary to the legality of the proposal yet is still worth noting in our objection. If the Planning Board has any hesitation in agreeing with items 1 and 2 noted above and issuing an outright denial of the application, we request Town's Council weigh in on this proposal.

Respectfully submitted,  
Thomas & Judith Carr  
Thomas E. Carr & Judith E. Carr  
Map 411 Lot 360  
287 Old Francestown Road Weare, NH 03281

Chair Francisco said the Planning Board already decided it needed a variance and if it is an allowed use, it is an allowed use. The Planning Board is not accepting the application as complete. It is not a kennel because it's not for boarding dogs for breeding.

Chair Francisco opened the Public Hearing.

Jordan and Camden Williams read a formal letter of opposition into the record. Mrs. Williams said that as immediate neighbors to the proposed property the establishment of Second Chance Rescue Dog Kennel they are in opposition of the proposed use. They have both lived in Weare their entire lives and Mrs. Williams on this road and when the opportunity arose to purchase land and build their forever home across the street from where she grew up, they jumped on purchasing the property. Mrs. Williams said never to contemplate the thought of a dog kennel as a neighbor this is a residential neighborhood not a place for a business especially one that would cause immense disruptions to the peaceful quiet outdoors they know and love. Mrs. Williams stated they have two young children that spend hours playing and exploring outside and they go for family walks on the road with their dog. The purchaser noted that she was drawn to the neighborhood because it was not built up and quiet, but this is an amenity that the people who live here enjoy. Which would be completely ruined and disrupted by a business to house dogs additionally the proposer highlighted that they had never had a noise complaint in their neighborhood however their operation in New Boston does not have a single neighbor in the vicinity to make a complaint. Mrs. Williams stated that if the town were to approve such a proposal they would have daily stress and worry about the safety of their children and themselves playing outside or walking their dog by and would not be able to let him off leash again per the Town of Weare Zoning Ordinance the section titled special exceptions the town can approve an exception to the rules as long as all five of the listed conditions are met. Mrs. Williams stated that there are clear conditions that will not be able to be met. The first is that the specific site is an appropriate location for such use or uses in terms of overall community development. The land was developed and approved to be five residential lots and nothing more. Mrs. Williams asked the Planning Board if they had seen the lot because the proposed building would take up the entire space that has been cleared, not leaving room for parking and then would people have to park on the road? Chair Francisco said that the plan will need to go for the variance and then if passed there would be other steps they would need to take. Mrs. Williams said they are not knocking the cause they think it is great but there is a place for that, and it is not in a residential neighborhood.

Nicole Gabris of 86 Lull asked about the steps for a variance. Chair Francisco explained the process of a variance and then the site plan.

Alvin Lunt off of Lull Road asked why they needed to come to Weare and destroy the neighborhood when they had a facility in New Boston. Chair Francisco said that is not part of the application process and they can answer if they would like but they do not have to. Chair Francisco said they did mention that their current facility is not big enough and they wanted to do something bigger and be able to live at the facility.

Susan Davis of Lull Road said that she sold the land with the understanding that five lots would be created for houses. She has volunteered at a kennel for eight years and they were not in a residential area. It should be where no one can hear them. Ms. Davis is strongly against it and that is not what the land is for.

William Dowst said they have two properties a mile from the proposed site, have been in town for twenty-five years and think it is completely against the character of the neighborhood. It is a beautiful residential neighborhood and should stay that way and from what he can read it is completely against the zoning ordinance and the plan of the subdivision. It should be objected as Tom Carr stated.

Nick Gabris said it sounds like the proposer keeps changing the plan. He has read the minutes from the meeting in December and then the meeting minutes that were presented for this meeting were slightly different from those and now there is a whole new plan. It is concerning to him that they keep changing



the plan and phases. It does not give him faith in what the result will be, and it is not going to be a residential lot like that subdivision intended to be. They do not wish to see a metal building down the road from them and they understand that some properties may have these garages in front of their yard but that is not what this is going to be. Mr. Gabris said it is unfortunate that they had to go to multiple meetings to hear that they will have to go to another meeting. Chair Francisco said that they come to the Planning Board conceptually to bounce ideas off of the Planning Board to see what will happen. They do not have to have a complete plan in their head or on paper at that time because it is a conceptual hearing.

Curtis Enright of 96 Lull Road said that he and his wife spent their life savings on their home. The best part of the day is coming home to the nice quiet neighborhood. He does not want to change that with a business, and it does not matter the type of business. He would not have bought the home if it was not residential.

Debbie Bishop of 304 Poor Farm Road said they have been around for 40 years and love the property because of the woods, wildlife, and quiet. It is a business, and it does not fit in with the residential. She walks that road every day and it is already busy enough for walkers, kids riding bikes, and wildlife.

Nicole Shatney said they were the first property built on that road. Never once did they think that a business would go in there. The wildlife is there, and people do walk that road and they wouldn't want to see it disrupted.

Brandon Preston of 98 Lull Road said that they are not direct abutters, but he feels it is important for everyone to make their stand and to understand that they are opposed to the structure being built here. There is no reason why dogs should be there without supervision and for everyone to deal with barking not only during the day, but people also want to come home and relax and keep the area quiet. It was approved for five residential lots. Mr. Preston said that this should not be brought up and thinks it is unacceptable.

Gary Bishop of Poor Farm Road said they are starting to hear traffic from 149 and it is inevitable now to add the consistency of dog noise as everyone here has addressed. Mr. Bishop asked how that can be addressed in a variance. What is the process and its notable cause, there are no issues there but when you start putting up a building in there you start to add noise levels, and raising noise levels needs to be considered highly because it will deviate wildlife and everything in the neighborhood that everyone is fighting for.

Paul Doscher of Poor Farm Road asked about the discussion tonight and that the Planning Board concluded that the landowners go to the ZBA and seek a variance. Chair Francisco said that is correct. Mr. Doscher said he appreciates the PB listening to the concerns and the neighbors need to also bring them before the ZBA.

Chair Francisco closed the public comment at 8:07 PM.

Ex-Officio Mathews asked what the variance would be for. Vice Chair Fillmore said it would be for a use variance. Chair Francisco asked the applicants to come back to the podium. Chair Francisco said that he is not going to go back into everyone's comments because they did not accept the application as complete and without it being complete they cannot make any decisions tonight. Chair Francisco asked the applicants if they had any questions or comments. Ms. Morrissey said that she would like to make a few comments. Ms. Morrissey said that she wants to empathize with what everyone is concerned about and can almost relate but she cannot relate because she is not in their position. Ms. Morrissey said that she understands and appreciates their time and questions and will bring them back to the Board of Directors. Someone asked why they chose that land, and it is because they need somewhere to operate that is like the environment they have now. Dogs need a home environment, and she knows people may think that is hypocritical to say because they are not building a primary residence but are not a rescue operation that

254 would ever be suited in a shopping mart plaza, and they are not a kill or no-kill facility like in the south.  
255 They are a small nonprofit that is trying to help reduce adoption returns and help people in the community.  
256 Chair Francisco asked how many people or volunteers a day would be there. Ms. Morrissey said they would  
257 have two per day. Chair Francisco said he would assume six to eight trips for people or volunteers. Ms.  
258 Morrissey said four to six trips per day, maybe ten. Chair Francisco said it would not be any more than a  
259 normal household. Vice Chair Fillmore asked why they changed their plan. Ms. Morrissey said that the  
260 cost to build is higher, and they did their research and their donors said it is important to support the cause  
261 and replicate the core mission. Ms. Morrissey said that the operation if you were to drive by currently is in  
262 a residential neighborhood and the barn that they operate out of now is close to a house and they have not  
263 received noise complaints. They have quiet hours and noise prevention measures. The dogs are not left out  
264 unattended. She understands the concerns and does not blame anyone for having them but there is a  
265 misconception about the size and intent of the operation. The nonprofit is looking for a place to call its own  
266 and right now the Morrissey's run the nonprofit out of their home and their dogs cannot be off leash. In the  
267 new location they will be in there will be pens and long leads. Mr. Gannon asked because they have been  
268 hosting dogs for six years now and it has become apparent that they do not want to host them on the  
269 property anymore. Ms. Morrissey said that is not the root cause, the cause is that the nonprofit cannot use  
270 their property freely as they would be able to if they had the property that they owned. The nonprofit is a  
271 501:3 C. Mr. Gannon asked if they had insurance. Ms. Morrissey said they do she is not prepared tonight  
272 to discuss the insurance in depth. Mr. Bolton asked if they specialize in a specific breed of dog. Ms.  
273 Morrissey said yes, they specialize in bully breeds. There are safety measures in place and processes that  
274 have worked for five years, and they have not had any issues. If abutters dogs did enter their yard the other  
275 dogs are in pens and on leashes and would be prepared to handle those issues. Ms. Morrissey said many  
276 operations could occur if a person who builds a home could try to do it from their home and understands  
277 that this is not an operation that people want but is small and they focus on quality and they cannot change  
278 their opinion and stance.

279  
280 William Dowst asked if the PB must look after the interests of the citizens of Weare. Chair Francisco said  
281 they must uphold the interest of the town and uphold the ordinance and regulations, so if someone comes  
282 in with a project that meets all the town's regulations the Planning Board has to approve it if it does not  
283 then they cannot approve the application.

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285 Chair Francisco closed the hearing for Second Chance Ranch.

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287 **Minutes:** Vice Chair Fillmore moved March 14, 2024 minutes as amended. Seconded by Mr. Gannon.  
288 Motion passed 3-0-1 abstention from Mathews.

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290 **Other Business:** Vice Chair Fillmore said that he emailed out some masterplan questionnaires. Chair  
291 Francisco emailed info to all present board members with links and the old original survey. Ex-Officio  
292 Mathews asked about a timeline. Chair Francisco said he would like to talk about it in two weeks roughly.  
293 Vice Chair Fillmore mentioned the HB for detached ADUs. Ms. Stuart asked if something could be brought  
294 up differently than what the State says. Vice Chair Fillmore said it cannot be different than what the state  
295 law is.

296  
297 **Being there was no further business to come before the Board, Mr. Bolton made a motion to adjourn,**  
298 **and Mr. Gannon seconded to adjourn at 8:46 p.m. Passed 5-0-0**

299  
300 **ADJOURNMENT**

301 A True Record.

302 *Kearsten O'Brien*

303 Kearsten O'Brien, Minute Taker