

TOWN OF WARNER – PLANNING BOARD

Meeting Minutes

June 6, 2016

7:00 PM

Warner Town Hall, Lower Level

Members Present: Chairman Ben Frost, Vice Chair Barbara Annis, Don Hall, Ken Milender, Selectman's Representative John Dabuliewicz, Ben Inman, Aedan Sherman, Peter Anderson, Darryl Parker

Late Arrivals: James Gaffney at 7:08

Absent: Land Use Secretary Lois Lord

1. OPEN MEETING

Chairman Frost opened the meeting at 7:00 p.m.

2. ROLL CALL

Roll call was taken with nine members present.

3. APPROVAL OF MEETING MINUTES

Chairman Frost brought forth the meeting minutes of 5/2/16 for the Planning Boards approval. A few items were noted for correction. A **MOTION** to approve the minutes as amended was made by Selectman Dabuliewicz, seconded by Aedan Sherman. A voice vote was taken with a unanimous yes.

4. NEW BUSINESS

Market Basket Conceptual Consultation – Chairman Frost stated the board received the package for this consultation from RMD, Inc. and said this is not a public hearing as the Planning Board has not received a formal application yet for the Liquor Store and Aubuchon expansion. This consultation is for the Planning Board to provide nonbinding comment on what Market Basket is proposing to do on this property. Abutter notification is not required with a consultation but the Planning Board will at some point entertain comments from the public.

John Matthews from RMD was in attendance as well as Tucker McCarthy from T.F. Moran. Mr. Matthews noted the drawing he is presenting is in colors with green for green spaces and orange for the building, pointed out other landmarks and pointed out the location of the proposed liquor store and the size of the proposed addition to Aubuchon.

Mr. Matthews stated they are proposing making geometric changes to the existing driveway and right now you come up to a T and make a hard right or a hard left. They are proposing a different route for traffic. Access to the liquor store for deliveries will be through a new driveway, around the building and to a receiving area in the rear. The expansion of Aubuchon is about 25 feet wide and includes a sidewalk to accommodate pedestrian use and outdoor display.

James Gaffney arrived at 7:08.

Chairman Frost noted outdoor storage at Aubuchon has been an issue for a while. Mr. Matthews said they are here this evening to get input from the board so that they can have an efficient approval process in the next few months to move forward with this and suggested he talk about traffic.

Mr. Matthews said it appears to him, based on a letter he received from the Selectmen, that there is a prepackaged traffic mitigation plan that the town has done for the roundabout on Rt. 103. From what he understands the roundabout includes the traffic measures necessary to support additional development in the 103 corridor including things that might happen with this project. He said the traffic element of the Site Plan Review probably should go by the wayside because the town has determined what is needed and is in a position to do the roundabout.

Chairman Frost stated that the Planning Board is not aware that the Board of Selectmen has sent a letter to Market Basket requesting voluntary assistance in helping the town meet its share of the construction cost of the roundabout and that he had received a copy of the letter last night. Mr. Matthews noted we like to support the things the community supports and see the value of the roundabout.

Chairman Frost asked for questions and comments from the Planning Board and noted for the record that before the meeting Peter Anderson disclosed that he has a conflict of interest with this applicant and will not participate in the discussions.

Barbara Annis asked for clarification on if Mr. Matthews is asking for a waiver to have a traffic study done because the roundabout had one done in the last year. Mr. Matthews replied that is correct and they would just be second guessing the study that was already done.

Barbara continued that looking at the conceptual drawing, the first thing that comes to her mind is Pattee Road doesn't show on his drawing but does on the conceptual that was sent to the Land Use Office. Mr. Matthews asked if there was an error. Barbara said there is a Pattee Road on Kearsarge Mt. road but there is not one in this area, there is a right of way. She had copies of deeds from 1912 & 1915 which show it as a right of way and one for 1958 that show it as a road so she could see how the error was made.

Barbara noted page two of the plan and said that at the meeting they had with the Board of Selectmen she thought they were proposing one way traffic and asked if they had done away with that? Chairman Frost said they took to heart the comments made by Greg Moran of Aubuchon who explained how important traffic flowing by his business is and they feel that with proper signage the new geometric will work. This was discussed and it was confirmed that the traffic will be able to take a right or a left, same as it is now.

Don Hall asked whether Market Basket is considering expanding and if the new liquor store might one day be expanded. Mr. Matthews said the proposed liquor store is pretty big at 10,300 sq. ft. and comparatively, the new one in Londonderry is 15,000 sq. ft. and the new one in Plymouth is 9,000 sq. ft. He doesn't think it will expand further. Market Basket is a very good sized store and may receive upgrades and renovations, some of which have already happened. If development occurs, they hope there may be specialty retail at the back of the site but don't have any bites right now.

Aedan Sherman asked what their proposed green space is; would there be more than what is being shown on the drawing? Mr. Matthews said absolutely, there is room to do that.

Ken Millender noted they are preserving the emergency access from the Park and Ride up to the back and is it going to be jogging around and not going through the loading dock? Mr. Matthews said that is correct and it will be a shorter drive with the change.

James Gaffney asked what they envision the traffic pattern being for larger vehicles. Mr. Matthews said for the liquor store deliveries they see them coming in and around the building and showed how they would exit on the drawing as well as an alternate route behind Market Basket. He then described Market Basket and Aubuchon routes for truck deliveries. James said his concern about the traffic is that it's a difficult site to allow people to get in and out of Aubuchons easily. The traffic and parking for Aubuchon was discussed further.

Darryl Parker asked if the landscape plan would include drainage or mitigation for Stephens Brook which flows into the river. The reply was they will supply a drainage study as part of their Site Plan. Chairman Frost asked for clarification that there would be no net increase based on 100 year storm event and was told that is correct.

Chairman Frost noted they have included a rain garden that he is happy to see and is assuming there will be an open drainage system leading into it in some manner. He continued, one of the comments made at the meeting with the Board of Selectmen was regarding cross access to McDonalds and is wondering if there is an opportunity for that in the future if McDonalds comes before the board with an improvement.

Mr. Matthews said they would consider what exists there now as a cross access. Chairman Frost said he is talking about an additional one, maybe over the emergency egress and made the point that it could minimize the number of times people have to go out, even on to the private driveway creating additional conflicts of traffic. This was discussed further along with the potential options.

Chairman Frost had a question on the entrance leading up to the right hand turn to Aubuchon. He said between the right hand turn to the liquor store and the right hand turn to Aubuchon do they really need two lanes because it's not a stop and all the traffic is moving in that direction. Chairman Frost noted minimizing the amount of pavement would reduce costs and help with storm water issues. Mr. Matthews said they would look at it being a single lane

versus two lanes.

Selectman Dabuliewicz asked about the propane tank filling station that Aubuchon currently has and that he didn't see it on the plan. He was told they plan to put it in the area that says dumpster pad. Barbara asked about a cart corral and was told they will put one in the middle between the liquor store and Aubuchons.

Chairman Frost said that recognizing that this is not a public hearing; he would like to give the public an opportunity to express any concerns or questions.

Audience member Timothy Blagden asked if they planned to have any bicycle parking for employees or for customers. The reply was yes, they will incorporate that. It was clarified that for the Site Plan, RMD should ask for a waiver if they are going to rely on an existing traffic study.

Brayshaw Conceptual Consultation – Chairman Frost noted this is not a formal public hearing and did not require abutter notification.

Peter Blakeman from Blakeman Engineering introduced himself and Tom Brayshaw. He noted Mr. Brayshaw is looking at buying three parcels of land that are zoned commercial on Warner Road. Mr. Blakeman said that Mr. Brayshaw is looking at the properties for future use, specifically the one on the town line which he would like to use for a warehouse/bindery which is the same use as what they are currently using their other locations in Warner for.

Mr. Brayshaw said they are here to make sure there are no issues or restrictions on what they want to do. He noted he had to buy all three parcels because they are in current use and if he subdivides and sells one he will be paying a 10% increase in tax. It will probably be a 10,000 sq. ft. facility and noted that four years ago his company won the Green Business of the year in the state and is very environmentally friendly. He said they are hoping to build something within the next five years.

Aedan asked what the sizes of their current locations are and was told the Train Station office is roughly 5,000 sq. ft. and the one on Waterloo has a 10,180 sq. ft. footprint with a second floor for a total of a little over 16,000 sq. ft. They have a 15,000 sq. ft. facility in Lebanon.

Selectman Dabuliewicz asked about the other two lots that Mr. Brayshaw is buying and would he keep them or sell them and Mr. Brayshaw said he would be looking to sell them. Selectman Dabuliewicz noted that the Land Use taxes go to the Conservation Fund. Barbara Annis said she is looking at the use table and the C-1 District and what they are looking to do is permitted so she doesn't see any problem there.

Ken Millender asked Mr. Brayshaw to describe the waste streams that he generates. Mr. Brayshaw stated that all of their off cut paper is recycled; they recycle 20 tons of paper a month. All of their plates are recycled and anything they have to dispose of is aqueous based or water based but they still put it in holding tanks. Anything else is put in drums and shipped off premises and they are not at all a hazardous waste generator. They are an FCC certified printer so they can track every tree they use in a project and what lot and forest it came out of.

Ken said that recognizing this location is at the far end of town, it would be on its own septic system which would be an important thing for the Planning Board to consider. He asked Mr. Brayshaw to tell them a little bit about their water use.

Mr. Brayshaw stated they don't use a ton of water and what they will be using the new facility for would mainly be bindery operations which are what they do at the train station as well. The only water would come from the septic, sinks and things like that. There could be anywhere from 10-20 people there at a time. As far as traffic, they will have a couple of box trucks that go there every day from the main facility and it won't be a heavy situation.

Ken made a final comment that Mr. Brayshaw should remember he is proposing something on a town line so the Hopkinton folks may have some interesting things to say which may make it a project of regional importance which Chairman Frost agreed with and said it would be a development of regional impact.

Mr. Brayshaw asked if they would have to submit an application to Hopkinton and Chairman Frost said, no this board would decide if they felt there was potential for regional impact and if they decided yes, would include the town of Hopkinton as a noticed abutter as well as the Regional Planning Commission and they would have the

opportunity to provide comment but wouldn't be able to appeal a decision made by the Warner Planning Board.

Mr. Brayshaw said, worst case scenario, if I bought all three lots and built on the middle one would they still be considered an abutter? Chairman Frost said one of the questions this board needs to address is proximity to municipal boundaries. Lot 39 is on the boundary and lot 39-1 is close. Discussion continued on traffic, which direction it would go and if trucks would be going through Hopkinton.

Chairman Frost said we can do a straw poll, given that nothing tonight is binding, but I do think this would have regional impact. At such time as we get an application we would have to make a decision. Ken said he agreed with Chairman Frost, that Lot 39 would definitely have regional impact and 39-1 potentially could. Chairman Frost clarified that the region in question is surrounding municipalities; it's not the neighborhood in which the site is situated.

Mr. Brayshaw asked what regional impact means and Chairman Frost suggested he read RSA 36:56 through 59. What it does is it requires the Planning Board to ask the question, do we or do we not think it may have the potential for regional impact on the basis of proximity to municipalities, traffic generation, school impact and water resources.

Chairman Frost noted that the town of Hopkinton and the Regional Planning Commission would have the opportunity to speak as any other abutter would and the board would give whatever consideration it saw fit to those comments.

Selectman Dabuliewicz clarified the RSA relative to regional impact as RSA 36:55.

Discussion continued that the only people who can appeal a decision of the board are people who are direct abutters and others who can demonstrate they have a significant interest in the application. Chairman Frost noted the town of Hopkinton can't demonstrate that and therefore cannot approve or deny the project.

Mr. Brayshaw said he feels like he's leaving tonight with the same questions he came in with. Chairman Frost clarified that what he wants to do is a permitted use for that property. Mr. Brayshaw asked what could stop this project and Chairman Frost said that would be an upset abutter which is Mr. Brayshaws risk to take. Chairman Frost encouraged him to talk to the abutters and said he didn't sense any grave concerns from the board.

There was discussion about the lot, that it is wooded and that a large amount of woods buffer could be utilized between the site and abutters. James Gaffney noted that Brayshaw has a significant track record in town which counts for a lot.

Planning Board Policy on Anonymous Communications – Chairman Frost explained this was the basis of what we discussed at our last meeting with regards to an anonymous complaint from an entity name that had no person attached to it. Chairman Frost said he had promised to create a policy which he has not had the time to do but he will keep it on the agenda for future consideration.

5. OLD BUSINESS

Timeline of 2016 Project – Chairman Frost said he has an old timeline of projects and has not had the time to revise it but wanted to open it to the Planning Board and ask if there are projects that we should be working on other than the Master Plan, CIP and Economic Development Committee?

Darryl Parker asked how the new Accessory Housing affected the town. Chairman Frost said that is a good question and is on his list as he is one of the people who wrote that statute. We probably will have to make some changes but he doesn't think they are very significant and clarified they would be warrants for town meeting to change the zoning. Chairman Frost said he is working on it and will have something to present to the board on it.

Aedan said he knows we looked at the C-1 district at Exit 7 in the past, but now that CAT is no longer there should we revisit it to make sure that we have our ducks in a row for whatever may come along? Barbara suggested that may be putting the cart before the horse. Chairman Frost said that this may be a question we would want to put to the Economic Advisory Committee. Selectman Dabuliewicz asked if this is in terms of changing the zoning and said he wasn't sure what Aedan was driving at.

Aedan said it would be to make sure we, as a town, are comfortable with the zoning and all the ordinances in place being capable of handling whatever may happen. There was discussion of the C-1 zoned area and how it might be

used, what is available at exit 7 for commercial land and if we are looking to expand or restrict the current use option.

Aedan said he is not looking to define anything but is looking to make sure that what we have is in tune with the Master Plan and what the town and Economic Development Committee would like to have instead of scrambling at the 11th hour. Chairman Frost asked Selectman Dabuliewicz if the Economic Development Committee has convened and he replied that it would probably be a couple more weeks for that to happen,

Chairman Frost said he thinks Aedans concern is dead on accurate and what we need to look for from the Economic Development Advisory Committee is an evaluation of that zone as far as if it provides the flexibility for the town to achieve the sort of development we want to achieve there, whatever that might be. Aedan said he wasn't proposing that we need to do it all right now and is something that could be on the next several years timelines.

Don Hall asked Peter Anderson if he had come up with commercial properties that were available and Peter said there are about 35 ranging in size from .7 of an acre to 100 acres. Peter continued in describing where some of the properties are located. Barbara said that right now, in the commercial district with a Special Exception, you can have a 1-2 family or multi-family and do we want to have commercial gobbled up with families? Chairman Frost noted that is a good question. Discussion continued that some use would be better than none, that there is close to zero new development in the town and some areas don't want any commercial properties there.

Chairman Frost wrapped up the discussion saying he thinks the Planning Board will be looking to the Economic Advisory Committee for its recommendations at some point.

Selectman Dabuliewicz asked if there were any other statutory changes that would mean the Planning Board needs to make changes. Senate Bill 345 was discussed that rewrites the states definition of agricultural and agritourism. It is in part a result of the Forrester versus Henniker case that the Supreme Court decided last year against the property owner who is back in court. The town changed the zoning ordinance, he got his conditional use permit and a site plan and now both the town and he are being sued by the abutters.

Chairman Frost stated the fact remains that assuming the governor signs the bill there will be a new statutory definition of agricultural and agritourism. The agricultural side doesn't change much but the agritourism gets folded into the reference to marketing and becomes an aspect of that.

Chairman Frost said there are a couple of other bills that will effect process, one which he talked about last month HB 1202 which increases the deadline for applicants to submit materials to the Planning Board from 15 to 21 days before the hearing at which it will be considered. It will give the Planning Board a few extra days to review applications for completeness which will be helpful.

The other bill is SB 411 which deals with the merger of mortgaged lots. The Planning Board has an application for merger of abutting lots in common ownership and an obligation to say yes but if there is a mortgage on either or both under this new law, we will need to have the lenders consent before granting the merger. Chairman Frost said it is a matter for us to decide how to ask that question and that the town of Windham requires a sworn statement from the applicants' attorney. Chairman Frost said the point is Planning Boards have been unwitting accomplices in improper mergers in the past and this will help prevent that.

Ken Millender asked if the Planning Board would need to revise their policies and procedures based on those two changes and Chairman Frost replied the application forms will need to be revisited at some point.

6. SUBCOMMITTEE REPORTS

Master Plan Subcommittee – Chairman Frost said the subcommittee did not meet last month but before the meeting tonight Darryl asked if we were having a work session this month or if that would be the Master Plan Subcommittee meeting time. He asked if there were any preferences and stated the June 20th work session will be used for the Master Plan Subcommittee which will meet that evening at 7:30. He then appointed Darryl Parker to the subcommittee.

CIP Subcommittee – Peter Anderson noted that he and Ben had met to discuss the desire to revise the forms to make them simpler in terms of the amount of writing that needs to be done. Ben is currently polling other communities to see what forms they use. The second thing is the suggestion Don Hall made last year for the committee go

to the department heads to collect information. It won't be the entire committee but perhaps two people to meet with them and collect their forms.

Peter said his hope is that by the end of this month the forms will be revised, early in July he will notify each of the Department Heads they will receive a visit, get them new forms and ask them to pick a date sometime in the 2nd, 3rd week in July. The first of August the committee will have all the material and by September we will move this on to the Budget Committee.

Selectman Dabuliewicz asked how that is a change from last year. Peter said that last year we were in the second Planning Board meeting in October before we reviewed it and it went to the Budget Committee mid-November. The department heads came to the town hall to meet with the committee and not all of them chose to do so.

Ken Milender said that Central NH Regional Planning Commission offers CIP preparation and asked if they would have any forms that could be used. Chairman Frost said they probably would and he has gotten feedback from the town of Bow and a number of other communities.

7. COMMUNICATIONS AND MISCELLANOUS

Chairman's Report - Chairman Frost said he has already given it.

Compliance Officer Inspection Reports – There are none.

Determination of Site Plan Review Applications – The Land Use Secretary was not present to make a determination.

Selectmen's Representative Report – Selectman Dabuliewicz stated the Economic Development Committee members were voted on at the last Selectmen's meeting and he hopes to send out letters this week to let members know. In addition to Peter Anderson, Aedan Sherman and Darryl Parker are on it. Charlie Albano is going to be the Chairman and he is meeting with him a week from Monday and expects after that Charlie will call the first meeting.

On the roundabout, the Chairman of the Selectmen sent a letter to Market Basket asking for a \$40,000 contribution to make up the shortfall we have in our one third of the cost as both bids came in much higher than we expected. We will see what happens with that and if it goes forward, it will be worked on next summer. Chairman Frost asked when the town needed to accept the bids by and Selectman Dabuliewicz said it is 60 days from May 5th.

James Gaffney asked if that was a normal process; when the town has a project approved by the voters and things go a little bit sideways and someone looking to do a project in the town is asked to make up the shortfall. The wording of the letter to Market Basket was discussed, that it was asking for a voluntary contribution, and that it's not uncommon.

Selectman Dabuliewicz stated he is very uncomfortable with this conversation for reasons he won't disclose but it's been done.

James said his comment revolves around the appearance that it gives to others that may look to come to Warner to do business. Selectman Dabuliewicz said one of the reasons we are in the problem we're in is that DOT took five months to give us the okay to advertise the bid. If they had done it more quickly, the belief is we would have gotten more reasonable bids.

Chairman Frost brought the conversation back to the matter at hand and said this is not a concern of the Planning Board and those are questions to be put to the Board of Selectmen.

Selectman Dabuliewicz said we are moving forward with the contaminated soil removal at the Odd Fellows building and have gotten quotes for surveys and geo-technical assessments for the fire department site.

8. PUBLIC COMMENT

Tim Blagden in the audience commented that the Brownstone Site was mentioned and he knows there was a grant done on the old DOT maintenance shed area and asked if that report had reached the Selectmen. Selectman Dabuliewicz said they have received a Phase I Report that he's not sure if they have accepted as they have a couple of questions.

Tim continued, for the Master Plan working session he was interested in learning how to get the topic of the Rail Trail introduced or brought up for the Master Plan redo. He is also interested in learning whether the Master Plan would touch on transportation to see if he could introduce the idea of Complete Streets as a philosophy for how the town approaches transportation.

Chairman Frost replied that the Transportation Chapter will be under consideration, it is not a redo but an update. We don't want to rewrite the entire thing. He suggested Tim come prepared on the 20th of June with a short presentation of what he's talking about and the subcommittee will consider it at that time.

9. ADJOURN

Chairman Frost declared the meeting adjourned at 8:29 p.m.