

TOWN OF WARNER – PLANNING BOARD

Meeting Minutes

July 11, 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 Clyde Carson, Peter Anderson Alternate, James Gaffney Alternate,

Land Use Secretary Lois Lord

Absent: Selectmens Representative Selectman Dabuliewicz, Ben Inman, Aedan Sherman, Darryl Parker

1. OPEN MEETING

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

2. ROLL CALL

Roll call was taken with seven members present. Chairman Frost asked James Gaffney to sit in for Ben Inman and asked Peter Anderson to sit in for Aedan Sherman as full board members.

3. APPROVAL OF MEETING MINUTES

Chairman Frost brought forth the meeting minutes of 6/6/16 for the Planning Boards approval. A few items were noted for correction. A **MOTION** to approve the minutes as amended was made by Barbara Annis, seconded by James Gaffney. A voice vote was taken with a unanimous yes.

Allan Brown who was presenting Agenda Item 4 was not yet present so Chairman Frost moved forward to Agenda Item 6.

6. OLD BUSINESS

Planning Board Policy on Anonymous Communications – Chairman Frost stated he has been researching this subject by soliciting feedback from Planners and Planning Board members across the state and has come to no real firm conclusion. Some allow it; some don't, and some allow it but agree to keep some of the names confidential. He said he would keep working on this and it may need to be moved up to the Board of Selectmen for a town wide policy.

4. LOT LINE ADJUSTMENT

Applicant: Town of Warner

Property Owners: Town of Warner and Kearsarge Regional School District

Property Location: Map 31, Lots 51, 53 and 55

Description: Lot Line Adjustment with portions of the Simonds School property being transferred to the Odd Fellows Building property and the Town Hall Property.

Lois stated there were two applications submitted, one for the Town Hall property and one for the Odd Fellows building and only one had been included in the meeting packets that were mailed out. She handed the other application out to Planning Board members. Chairman Frost pointed out one of the applications has OFP written at the top, the other has TH written at the top. He clarified there are two applications and one drawing.

James Gaffney asked if the town is required to submit an application or if it is being done out of courtesy. Chairman Frost said he believes there is a requirement for it because unlike with governmental uses of property, the town and other governmental entities are not exempt from subdivision law. This has to do with title of land which is a statewide issue as opposed to it being municipally enabled. Barbara Annis made the point that it will be recorded at the Registry of Deeds as well.

Chairman Frost asked Allan Brown to outline what is being proposed with this Lot Line Adjustment. Allan described the lot line changes and stated the Odd Fellows Building will end up with an additional 4,400 square feet and the Town Hall will end up with an additional 7,600 square feet.

4-a Review application for Acceptance – Chairman Frost asked if board members had any questions on the application. Barbara asked who Todd Fleury is who had signed off on the application for the school district and was told he is the Facilities Director who signed as the superintendent was out of state. Barbara questioned if that was acceptable as the Facilities Director doesn't own the property. It was noted that the superintendent had signed the agreement for this adjustment between the town and the school. Selectman Carson stated there is an email authorizing Todd Fleury to sign and he would email it to the Land Use Office to be included in the application.

Chairman Frost said he has gone through the application and finds it complete although there is a question mark on the waiver of the Lot Line Adjustment base fee. Lois Lord said that was how the application was completed, she felt the fee should be waived. The Board of Selectmen was charged for the public notice in the Concord Monitor and for mailing the notices to abutters. She noted she talked to the Town Bookkeeper today who was in the process of paying both of those fees as well as a check to the Merrimack County Registry of Deeds to record the plat. Chairman Frost clarified that the town is responsible for all of the legal fees associated with this transaction.

Ben asked if there was any objection to waiving the application fee and there was none and asked for a motion on this. Barbara Annis made a **MOTION** to give a waiver in regards to the application fee, seconded by Ken Millender. There was no discussion and a voice vote was taken with a unanimous yes.

4-b. Close meeting and open Public Hearing (if requested by abutters) – The Public Hearing was opened, Chairman Frost asked anyone commenting to state their name for the record and speak clearly.

James Gaffney spoke as a member of the public and asked if there was additional background information with regards to the Odd Fellows Building parking. Allan stated the thing that has been holding this building up from being developed is the lack of parking and this past March we got the vote from the school district to have this happen. The town will be building the school a new wooden 12x14 storage building to take the place of the cement block one. James asked what the estimated cost of that is and Allan replied that it's somewhere around \$38,000 by the time the dirt work and everything is completed.

Chairman Frost stated the estimate in the agreement with the school district is \$48,000. Allan said some of it is material cost and some of it is labor. The discussion continued on how that money was budgeted for, that some of it is in the DPWs operating budget and that it seems to be a capital expenditure. It was clarified there is a public hearing on this tomorrow evening, July 12th and the end of July there is a second one. Ben suggested James address his concerns at that meeting.

Ken Millender asked Allan if the town is going to do anything besides demolish the old shed and build a new one. Allan said as far as he knows there are no plans to build any parking spaces this year. Barbara asked why they are doing a lot line adjustment to the Odd Fellows building rather than it all coming to the town hall and giving the Odd Fellows building a right-of-way across town property. Allan replied that he personally doesn't think the town would want to own the parking around the Odd Fellows if it does get developed and do another lot line adjustment down the road. Selectman Carson clarified with Allan that if the Odd Fellows Building is developed the rear of it will be blocked off.

Peter Anderson asked how many parking spaces the town hall will pick up after this is done. Jim McLaughlin who is on the Odd Fellows Committee and was present in the public audience clarified that to be nine or ten for the Odd Fellows Building and behind the town hall would be more for the town hall parking.

Don Hall asked what the ramifications are if they start getting into the banking and run into ledge. Allan said it is all fill and was put in when the school put an addition on in the 50's.

Ben Frost asked about the easement to the Odd Fellows Building that Allan had mentioned that will go across what will become the town property. Allan said the one-way driveway will change; it will be graded so that it's not so steep, and the driveway will become two-way. Allan clarified the easement is not on the plan but will be once something gets developed at the Odd Fellows Building. Ben asked if it would make more sense to do it now while we are doing the Lot Line Adjustment and Allan replied that we will own everything until it gets developed and at that time will be writing deeds which Ben agreed with and noted the town cannot write an easement to itself.

Barb Marty, audience member, clarified that the town already owns the Odd Fellows Building and questioned why it's important that the land go to the town hall and the Odd Fellows. Allan replied that we have someone interested in developing the Odd Fellows and the hold back is there is no parking there.

4-c. Close Public Hearing and reopen meeting – Chairman Frost closed the public hearing, returned the meeting to the Planning Board and asked what they would like to do

4-d. Action Taken – Approve/Deny/Continue - Peter Anderson made a **MOTION** to approve the Lot Line Adjustment Plan, seconded by James Gaffney. The board did not have any conditions to put upon the approval. A voice vote was taken with all in favor.

5. REQUEST FOR CONSIDERATION OF ZONING ORDINANCE REVISION

Carol Zablocki spoke and said it was suggested she come before the Planning Board to talk about Zoning Ordinance amendments. She stated she had attended several ZBA hearings recently and during those became aware of some of the wording of existing ordinances. Carol said she is hoping the Planning Board will consider amendments in two areas which are Article XVII F regarding Time Limits and the Use Table regarding Retail and Services and suggested other wording for both of these.

Chairman Frost asked if the board had any questions. Barbara said she would like to see a copy of the wording Carol is suggesting and Carol said she would email that to the Land Use Office. Ben asked if there was a story behind these suggestions. Carol said there was and it was the special exception application that came before the Zoning Board last October for an Events Center at Pumpkin Blossom Farm. She stated there were significant discussions on the term “unless vested” in regards to a special exception and she would like to see an amendment to the ordinance so that approved special exceptions do not exist in perpetuity.

Discussion continued on the wording that Carol was proposing. She said she researched what surrounding towns use for verbiage and likes Hennikers which reads “if, after commencement a special exception or variance is abandoned or discontinued for a period of two years, the then special exception or variance shall be deemed to have expired and cannot be reestablished without a new application process and the affirmed decision of the ZBA.” The board also discussed that this would not apply to already approved special exceptions and variances.

Don Hall stated that he hopes this does not pit the Planning Board against the Zoning Board of Adjustment and he does not want us to be held liable for something going against the Zoning Board of Adjustment as he doesn't think that is fair. Chairman Frost said there are three avenues for amending the zoning ordinance and the most typical is through the Planning Board who proposes an amendment, holds a public hearing and recommends it to town meeting. The Board of Selectmen can also propose amendments which is rare. The third alternative is a citizen petition for which there is a fairly narrow window of opportunity which is around December for the March town meeting. He continued, he is aware of what Don is saying about pitting the Planning Board against the Zoning Board of Adjustment but thinks if the ZBA was struggling with the term vested and we can provide clarity to it that serves them better.

Chairman Frost asked Carol to email to the Land Use Office a copy of her suggested amendments to be distributed to the Planning Board members and encouraged her to keep in touch with Lois. This will be either on the next meeting agenda or on the next working session agenda.

6. OLD BUSINESS Continuation

A Warner Storage “as built” plan – Chairman Frost stated at Peter Wyman's suggestion the Planning Board had asked the owners of this property to come in and discuss what happened relative to the approved site plan. At that meeting the Planning Board asked for an as built plan to be developed which is what is before them tonight.

Joe Mendola, property owner said he thought it was a great idea to do that and the most important detail is that there are travel lanes for 50 foot trailers and tractors which can accommodate a house moving tractor trailer or fire truck.

James Gaffney noted the top existing storage unit and that he couldn't tell from the drawing how much is paved. Joe clarified none of it is paved but the surface is crushed stone and navigable. No one else had any questions. Chairman Frost said he's not sure what the process should be since this isn't a public hearing and it doesn't require an approval. He said he felt it would be helpful for the record to have the as built plan in the file with a

reference to this meeting indicating that we've received the plan and asked Lois to make a note on the plan and file it.

James Gaffney made a **MOTION** to accept the as built plan per the Planning Boards request, seconded by Don Hall. A voice vote was taken with all in favor.

7. SUBCOMMITTEE REPORTS

Master Plan Subcommittee – The subcommittee met last month, minutes have not been done yet. There will be a meeting next Monday the 18th in lieu of a Planning Board work session at 7:30. Selectman Carson inquired about an email he had sent regarding the chapter on energy and asked if it was open to being revised. Chairman Frost said the committee will discuss it. Barbara Annis clarified that the Master Plan is being updated, not revised. Ben confirmed that the Energy Committee is meeting Thursday and asked if they could provide a bullet point summary of the changes the Energy Committee would like to see in the Master Plan.

Chairman Frost noted he has jury duty on the 18th and is assuming it won't go into the evening.

CIP Subcommittee – Peter Anderson reported that the subcommittee met on June 19th to discuss the revised forms. They also followed up on Dan Hall's suggestion from last year which was, instead of having Department Heads come to subcommittee meetings at the town hall, the subcommittee will go to the departments. All Department Heads have been contacted by email and asked to submit a date, time and place to meet with them in the third week of July. There will not be more than three people representing the Subcommittee so there won't be a quorum. Peter said he would notify all members when there is a request for a Department Head meeting. He noted they have not completed work on a summary document and have some questions revising that to show the information logically and accurately.

The goal is to have it to the Budget Committee November 3rd and have it to the Planning Board by the first meeting in October.

Barbara stated that last year when they got the CIP, they found out the Planning Board didn't want to do anything and asked if we are going to discuss that. The discussion continued regarding the Planning Boards function within the CIP and Barbara made the point she was referring to what plans we might want to submit to the CIP as we did not make any requests last year. In the past if we wanted a grant, or to do a charrette we would discuss it.

Chairman Frost said that is a very good point and Peter suggested scheduling that for the August Planning Board meeting. Selectman Carson asked if the initial CIP email went to the Board of Selectmen. Lois said it had gone to the Town Administrator and that she would forward it on to the individual members of the Board of Selectmen.

8. COMMUNICATIONS AND MISCELLANEOUS

Chairman's Report - Chairman Frost said Carol Zablockis report is timely as we need to start thinking about Zoning Changes. The Planning Board will have a few months window in which to consider drafting proposed zoning amendments and we have a list we have considered and not taken action on. Ben said he will unearth that list for the August meeting and we should be looking at things no later than November so we can have public hearings in December/January.

Don Hall stated because of the issues that are being addressed with zoning, we need to get all the information from the ZBA regarding the application on Pumpkin Blossom Farm. These boards are here for a reason but it can turn into a crap shoot and someone ends up holding the bag. It goes back to someone not wanting something that may be legal in their neighborhood.

Chairman Frost asked Lois if there was a ZBA meeting in the near future and she said there is one this Wednesday at which they are doing the third reading on two document revisions and reviewing the OEP Handbook for the Zoning Board of Adjustment. Ben asked Lois to compile a record on what the Zoning Board of Adjustment considered at Pumpkin Blossom Farm. Lois said she had done a timeline and it was agreed she would send that to Ben along with the meeting minutes.

Compliance Officer Inspection Reports – Chairman Frost noted there were three reports from Peter Wyman. The first was for Pellettieri Associates which was approved in August of last year. He read Peters final comment on the report. Barbara asked about two temporary storage containers still on the site and how long were they going to allow them to keep those. Lois said she would follow up on that.

The second report was for Nicholson Holding, approved in December of last year. Peter's final comment was that all work was done at this time.

The third report was for Knoxland, approved in June of 2013 and Peter's final comment was all landscaping is done.

Determination of Site Plan Review Applications – Lois noted Jeff Corban from T.F. Moran called on June 22nd and said that Market Basket/State liquor store is planning on submitting in August to present at the September 12th Planning Board meeting.

Selectmen's Representative Report – Selectman Carson said the state has approved the design for the roundabout and it's gone to McFarland and Johnson who is working to set up a start date as well as holding a pre-construction meeting.

9. PUBLIC COMMENT – There was none.

10. ADJOURN

Chairman Frost declared the meeting adjourned at 8:17 p.m.

APPROVED