

TOWN OF WARNER – PLANNING BOARD

Meeting Minutes

October 3, 2016

7:00 PM

Warner Town Hall, Lower Level

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

Land Use Secretary Lois Lord

Late Arrival: James Gaffney Alternate

1. OPEN MEETING

Chairman Frost opened the meeting at 7:02 p.m.

2. ROLL CALL

Roll call was taken with nine members present and one absent.

3. APPROVAL OF MEETING MINUTES

Chairman Frost brought forth the meeting minutes of 9/12/16 for the Planning Boards approval. A few typos were noted for correction. A **MOTION** to accept the minutes as amended was made by Barbara Annis, seconded by Selectman Dabuliewicz. A voice vote was taken with a unanimous yes.

4. SITE PLAN – Submittal of Documents per 9/12/16 Notice of Decision

Applicant/Property Owner: RMD Inc. /Market Basket Inc.

Agent: T.F. Moran

Property Location: Route 103 and North Road, Map 14, Lot 007, Zoning District C1

Description: Addition to Retail Hardware Store of 2,625 sq. ft. and new Liquor Store Retail Building of 10,325 sq. ft.

Tucker McCarthy from T.F. Moran and John Matthews from RMD were present. Chairman Frost noted the Planning Board had received revised plans and a letter from T.F. Moran and asked that they quickly walk through them.

The Notice of Decision conditions were addressed as follows:

1. The applicant return with architectural plans for Aubuchon including signs if any. **A rendering of the outside of Aubuchon with changes was submitted.**

Barbara Annis asked if this was it as she had been told by an Aubuchon employee that the outside of the wall as it is now will remain and there will be an additional wall built farther out. Mr. Matthews said that may or may not be the case. The two doors going into the store are aligned with the existing doors and it is his understanding from Aubuchon Management that part of the program is that Benjamin Moore will have a separate space inside of the store.

This was discussed further, how it would fit in with the Fire Department, that codes will be met and plans submitted to the Building Department, that it should not be a problem to have an interior firewall and that it might be done because of structural issues.

2. A crosswalk be shown on the plan between Market Basket/Aubuchon and the liquor store. **This was shown on sheet 6 of 19 and the location for the bike rack was shown as well.**
3. The bike rack be shown.
4. A sidewalk be shown on the plan from the McDonalds property line to Market Basket. **Mr. McCarthy noted they had some discussion about this at the last meeting and pointed it out on the Site Plan**

- drawing.** He described it as going up to the McDonalds property line for possible future access if McDonalds does some improvements and could be asked to connect that pedestrian access.
5. Pattee Road be struck from all plans and be indicated as a private right of way. **All mention of the road has been removed from the plans and it has been relabeled as a private way.**
 6. A note regarding notification to the Compliance Officer be shown on sheet six. **Note is now on sheet six and states *if there are any proposed deviations from this plan the Compliance Officer shall be notified prior to changes being made.***
 7. The lights on the utility plan relabeled to be consistent with other sheets. **Utility Plan sheet 8 shows the lights labeled with a dashed-dot line connecting them which is the underground conduit.** Mr. McCarthy added there is a revised lighting plan per the discussed and requested waiver for the light pole height.
 8. Indication of a carriage corral shown on the plan between Aubuchon and the liquor store. **Sheet 6 has a cart corral marked off and labeled.** Chairman Frost noted that is a movable item so this will be an approximate location. Mr. McCarthy said they are on wheels, most of the time they get set in one spot but they are movable.
 9. That sign detail for the liquor store be provided as part of the plan. **The liquor store will have someone come back in for a sign permit at a future date.**
 10. The plan receive Alteration of Terrain approval. **This has not been reviewed, will be shortly and a copy will be provided to the Land Use Office once it is received.** Chairman Frost stated if there are changes to the plan as a result of that we will need to see those as well.

Chairman Frost made the point that internally lighted signs are not allowed per the Zoning Ordinance and if an internally illuminated sign is the desire of the Liquor Commission they could go to the Zoning Board of Adjustment for a variance. Mr. McCarthy said he would let the Liquor Commission know that.

Barbara Annis had a question in the Zoning Ordinance on page 18 in regards to this project and sign sizes. She read from the ordinance as follows:

Where more than one primary business building is on a lot each primary business building signs shall be permitted at least a total of not more than 32 square feet. The maximum total sign area per primary business building shall not be more than 5% of a building total front side wall area up to 64 square feet per primary building.

Darryl Parker said he thought they were fine and Aedan made the point that they are going to come back with sign detail anyway. Barbara said she just wanted them to be aware in case there is a problem. Discussion continued on illuminated signs, that the commission would be advised of the Sign Ordinance and they would do what they need to do.

Don Hall asked what the dimensions are of signs currently on state liquor stores and Mr. Matthews said he didn't know. It was clarified that Don was referring to the circular sign and that it was approximately 8 or 9 feet on the diameter. Chairman Frost said we would deal with that as it comes before us. Mr. Matthews said the commission is in the process of getting bids to choose a new sign company this month.

Chairman Frost stated he spoke with Mr. Matthews before the meeting and Barbara had mentioned after last month's hearing that we had failed to establish an escrow account for inspections for the Compliance Officer which should be done. Barbara followed up with Peter Wyman who estimated he would probably make 10 inspections at the site at \$25 per inspection for a total of \$250.00. Chairman Frost said Mr. Matthews has agreed to make that payment to the town to be held in escrow so that Mr. Wyman can charge against that account. It was clarified that the Land Use Office would monitor that account and authorize payment and the Treasurer would hold it. Barbara asked about escrow for the trees and this was discussed with the point being made that the landscaping was guaranteed for a year which is standard practice and would suffice.

Chairman Frost said that all conditions that had been imposed last month have been met and they have assurance of an escrow check being sent to the town. He asked the Planning Board if there was anything else that needed to be done with this application.

Barbara asked about the Precinct and Chairman Frost inquired as to if the applicant had been in contact with the Precinct to see about connecting. Mr. McCarthy said he spoke with the Commissioner at the Conceptual and he had mentioned they have the capacity for this project but any future projects moving forward will need offsite improvements and upgrades. Mr. McCarthy offered to get a letter from the Commissioner stating this. It was decided that would be satisfactory.

Mr. McCarthy said his understanding in talking to Lois in the Land Use Office is that they need a mylar prepared for recording at the registry. Chairman Frost noted this is not a subdivision so will not be recorded. Lois said she had called them today and they said it should be and she could double check. It was determined that the Site Plan Regulations do not require it so it did not need to be done. In that case we do not need a mylar, the Chairman can sign a paper copy of the Site Plan.

MOTION to make final approval of this plan with the understanding that we will receive from the applicant a check for \$250.00 for Compliance Officer inspection fees, that the Precinct will be listed on the resource list on the cover sheet and that we will receive a letter from the Precinct indicating that R&D is working with them on water and sewer issues to their satisfaction. Motion was carried by Aedan Sherman, seconded by Barbara Annis. A voice vote was taken with all in favor.

Chairman Frost asked, as a separate action of the Planning Board did they want to grant him the authority to sign the Site Plans when those three conditions were met? This MOTION was moved by Barbara, seconded by Selectman Dabuliewicz, with no discussion. A voice vote was taken with all in favor.

5. NEW BUSINESS

Rebecca Courser request for a History Chapter in the Master Plan – Chairman Frost said he had neglected to have this item put on the agenda. Darryl asked him at the close of last meeting about the absence of a Historical Resource chapter in the Masterplan. Rebecca stated she was representing a subcommittee of the Historical Society and that the Masterplans of 1989 and 1999 each contain a chapter with a historical narrative of the town, suggested goals, objectives and actions, a map and a list of historical resources. Rebecca continued by saying she believes the Planning Board is in process of doing revisions to the Masterplan and that it might be good to include this. The subcommittee would like to offer to write that section for the Planning Boards review and public input according to their timeline and in the format of the current Masterplan.

Chairman Frost asked Rebecca how long she thought it would take for her to develop a draft. It was discussed that there are other bits of the Masterplan being worked on, it could be another six months before completion which would be time enough to do this chapter and that it would be on historic resources and may or may not include cultural resources.

Selectman Dabuliewicz asked if Rebecca had a sense of whether or not the goals and objectives laid out in the previous Masterplans had been accomplished. Rebecca listed many of them which included among others; increasing public awareness of Warner's Historical resources, support public information activities of the WHS, initiate a comprehensive inventory of historic structures and sites under the supervision of the WHS, all of which had been accomplished.

Discussion continued with Darryl Parker stating he feels including the cultural component is just as important as it helps to understand the impact of tourism. Chairman Frost said we had talked at the last meeting about the Energy Committees desire to rewrite the energy chapter and there was discussion by the board to not engage in significant work on that. After the meeting Darryl said to Chairman Frost that if people are willing to do the work why not let them do it which is a good point. Chairman Frost said he believes that applies equally to the energy chapter and work to be done by the Energy Committee. He stated he doesn't know how long it will take them to

write that chapter but they seemed to have a good grasp on the current chapter's deficiencies and a lot has changed with energy policy in the state which may warrant a rewrite. He said he would like the Planning Board to consider allowing both of these groups to go ahead and do the work even if it doesn't fit within the timeline as all chapters didn't need to be adopted all at once. Darryl added that the chapters will get a public review and a board review. Chairman Frost asked for thoughts from the Planning Board members.

Barbara Annis said she disagreed and the Historical Society has come a long way but if they come into the Masterplan all of a sudden they're not showing the progress whereas if they use something that is already there and bring it up to date it would be a big pat on the back when you see how much you've accomplished. The discussion continued that in rewriting the plan they would be building on previous chapters, that goals would be created by looking ahead, and that instead of starting fresh with the chapter there would be acknowledgement of past accomplishments. Chairman Frost said he would have no problem with the Historical Society taking the 1999 chapter and rewriting that and adding new material as they think appropriate to submit to the Planning Board.

Rebecca stated that the format that was written in 1999 is not compatible with the format used for the 2011 Masterplan; they need to make sure that it's similar to what is in there now. Don Hall stated if Rebecca came here tonight with a vision of what needs to be done, go ahead with it and bring it back to us at a later date so we can see it. Chairman Frost asked if there were any other comments and said recognizing Barbara's concerns about compatibility with what's being done with other chapters, he thinks Rebecca can leave here with the board's general blessing to proceed. He asked that the subcommittee communication with the board through Darryl who will be involved in the rewrite. Chairman Frost said he will communicate to Selectman Carson that the Energy Committee go ahead and proceed with a rewrite of their chapter.

Zoning Amendment Discussion – Chairman Frost noted they have set aside the October 17th working meeting for this discussion and he wanted to get a sense of what the agenda should be for that meeting. He said we do have a proposal from Carol Zablocki and he will research some issues relative to the town of Henniker and how they have dealt with some things there. We have the revisions that will be necessary to the zoning ordinance as a result of the Accessory Dwelling law which should be relatively minor amendments and he will be prepared to present that on the 17th. Chairman Frost asked if there is anything else we need to discuss and that there is another change which is Agritourism. This is the active marketing of the farm environment for visitors which is a big deal for a lot of farmers. There is a new law on the books now in effect that deals with it and we need to be sure our Zoning Ordinance is consistent with that.

Aedan asked if there is any precedent as to how the zoning should look or feel or the direction it should go for agritourism. Chairman Frost said the statute has a little bit of ambiguity in it. Generally speaking we are supposed to not unreasonably regulate agritourism as an aspect of agricultural marketing but we can subject it to Site Plan Review and other appropriate Land Use regulations such as Conditional Use Permits or Special Exceptions. We need to make sure that if we want to impose some sort of review that we have that in the ordinance. Discussion continued as to what types of situations there may be, whether or not it will affect the Use Table and that the OEP has not provided anything relative to Agritourism. Chairman Frost said there may be some guidance from the Department of Agricultural.

Chairman Frost noted he is doing a talk on Accessory Dwellings for the Law Lecture series and he and his colleague are splitting the Agritourism section. He said there's not real clear guidance as to what to do with agritourism even with their lecture. Chairman Frost encouraged Planning Board members to look at the Use Table under agricultural uses and stated they may need to add something there.

James Gaffney arrived at the meeting at 7:50

6. OLD BUSINESS

Planning Board CIP Request for Map Digitization. Chairman Frost noted in the meeting packets there was a CIP Department Form which Lois Lord had filled out for the Planning Board based on an email from Darryl Parker and the last meetings discussion. Chairman Frost stated it is listed as a proposed \$15,000 expenditure as a separate Warrant Article for 2017. He asked Darryl to review the attached email which was an estimate of the proposed system. It was noted that Hopkinton, Henniker, Bradford and Sutton already have this resource. It was

clarified that the hosting fee for the system is \$200 monthly, it would probably be cloud-based and allows for layers such as floodplain and wetlands.

Barbara Annis asked who this would benefit. Darryl Parker said the entire tax base, realtors, anybody looking to come to this area and commercial developers. He made the point that right now there is a delay in the information so if he needs it he has to contact the Town Hall or Concord and this makes the information available anytime from a computer. Barbara said she is looking at the \$2400 annual cost and asked Lois what it costs now to have the tax maps done. Lois replied it's a little over \$500. Darryl said that cost would not go away.

Chairman Frost asked if we would need to continue producing tax maps in the same way or could we rely on this instead. Darryl said he would think we would want to keep physical copies of the map as well. Discussion continued that it would be good to see a change as far as less cost, that it takes a lot of work now to do the same thing this system would and the question of if it would be wise to make all of this information so widely available. Chairman Frost said he thinks it only makes sense to do this if it's going to be publicly available, otherwise what's the point. Aedan pointed out that it's already public information we are just making the access easier.

James Gaffney asked if there is personal information included and Darryl said there would be names and addresses and it was clarified it would be everything on the assessor's records. Chairman Frost stated that all of that is currently on the town website although it is somewhat cumbersome to use and that he's not heard of any misuse of that information even though it is hypothetically possible.

Aedan Sherman asked Lois Lord if she would see this as a benefit and she replied most definitely and if someone comes in with a question on a property she spends a lot of time researching which this would streamline. Selectman Dabuliewicz asked what kind of a warrant article this would be and it was determined it would be general taxation.

Kimberley Edelman who is Vice Chair of the Budget Committee and was in the audience stated that she recommends that if someone is going to present this as a warrant article and say it is saving money they should show what is being reduced. Chairman Frost said he doubts this would create cutting of any budgetary line item but it would make operations more efficient. Discussion was held that the best argument aside from public convenience is the Economic Development argument as potential commercial developers looking at Warner will first look electronically.

MOTION was made to recommend this for inclusion in the CIP which was carried by Aedan Sherman and seconded by Ken Milender. A voice vote was taken with all in favor except Barbara Annis who voted no.

7. ADOPTION OF CIP DOCUMENT

Chairman Frost asked Peter Anderson to speak on this item. Peter stated that the Planning Board members had a two page document before them outlining the requests for projects received from departments this year. He reviewed some of the data and noted there were some departments who did not respond to requests. Peter said the numbers and priorities were verified where possible and that there are three notes at the bottom of the spreadsheet document.

Selectman Dabuliewicz asked for the backup to the spreadsheet and was told it is available. Selectman Dabuliewicz asked Peter for clarification on a few items. Darryl Parker asked that the Planning Board request be changed to read *digital and online*.

MOTION to approve the CIP for 2017-2022 was made by Ken Milender, seconded by Don Hall. A voice vote was taken; all who voted were in favor. Barbara Annis and Selectman Dabuliewicz abstained from voting.

The Planning Board signed the CIP document coversheet with the understanding that the total indebtedness figure for the town was missing and would be filled in hopefully tomorrow.

8. SUBCOMMITTEE REPORTS

Master Plan Subcommittee – Chairman Frost noted the subcommittee had not met this month.

9. COMMUNICATIONS AND MISCELLANEOUS

Chairman's Report - Chairman Frost said he had already mentioned the Law Lecture series and to note that all three will be delivered on Saturday October 15th at NHMA in Concord.

Compliance Officer Inspection Reports – There was nothing from Peter Wyman.

Determination of Site Plan Review Applications – Lois reported there were no new applications.

Selectmen's Report - Selectman Dabuliewicz said at the last meeting they talked about an Energy Policy which is very general and essentially said the goal is to save energy and to reduce costs.

Most of the comments they've received about the roundabout are positive and it is on schedule.

8. PUBLIC COMMENT – Kimberley Edelmann asked how long does it take for GPS to recognize there is a roundabout at that location now. This was discussed with no answer arrived at.

James Gaffney stated that relevant to the town adopting an online mapping system, under the direction of the Board of Selectmen they need to come up with some sort of electronic records/communications policy. There is an issue of chain of custody and with a yearly update arrives the question is the master online or is it maintained in the office. As soon as the masters are kept online you have to raise the question of the integrity of those maps as they would be subject to hacking.

9. ADJOURN

Chairman Frost declared the meeting adjourned at 8:37 p.m.