

**APPROVED MEETING MINUTES
TOWN OF WARNER PLANNING BOARD**

July 9, 2018

7:00 PM

**WARNER TOWN HALL - LOWER MEETING ROOM
5 East Main Street, Warner, NH 03278**

- **OPEN MEETING**
- **ROLL CALL**

Present: Peter Anderson, Don Hall (Vice Chair), Ben Frost (Chair), James Gaffney, Ben Inman

Absent – Clyde Carson (Representative of the Board of Selectmen), Barbara Annis

Ben Frost appointed James Gaffney to vote in place of Barbara Annis

- **APPROVAL OF MINUTES**

June 4, 2018

Motion to accept minutes Don Hall

Second by Ben Inman

Approved 5-0

- **NEW BUSINESS**

1. Determinations of Site Plan Review (2 adjacent locations)

Property Owner: **Ron and Debra Moore**

Property Address: 17 East Main Street and 15 East Main Street, Warner, NH 03278

Map 31, Lot 59 and Map 31, Lot 58.

Business Name: DRM Properties LLC

Purposed: Move The Foothills Country Treasures retail store from 17 East Main Street to the Coldwell Banker Real Estate location at 15 East Main Street (Foothills restaurant building), and convert Country Treasures to a 1 bedroom apartment. (Variance granted in March, 2000.)

15E Main – Convert from office space to retail. There is parking in back which is also used for the Warner Fall Foliage Festival. The owners are not making changes to the inside. Site plan regulations for this level of retail are less than an office space.

ACTION:

Motion to not require a site plan review by **Peter Anderson**

Second by Ben Inman.

Approved: 5-0

17 E Main. A variance was granted to Rhonda Rood in 2000. Currently there is an apartment in the back where the barn section is located, then the pizza place, and there is an apartment upstairs. There are currently 2 apartments, Charlie Macs, and the retail. They would like to convert to 3 apartments, and Charlie Macs.

Ed Raymond, Fire Chief, provided a letter that the property requires an addition of a CO detector, and two to three smoke detectors. The door leading into Apartment #1 needs to be changed to a 1-2 hr fire rated door. These changes will bring this up to the life safety code needed for a safe apartment. After the work is complete, Chief Raymond will inspect prior to anyone moving in.

Ben Frost suggested that Ron and Deb Moore speak to Tom Baye to determine whether a fire alarm system will be required, because of the mix of commercial and residential uses.

Ben Frost noted that we need to treat people the same who come before the board. When Darryl Parker upgraded Schoodac's building (1 East Main) to include an apartment above the coffee shop, he was required to complete a site plan review. In order to find that a site plan review is not required, we need to find characteristics that distinguishes this from Schoodac's. The front downstairs unit at 17 E Main was recently used as a residence so that makes it different. And 17 E Main previously went before the ZBA and was approved.

ACTION:

Motion by **Peter Anderson** that a Site Plan review is not required.
Second by **James Gaffney**.

Approved: 5-0

2. Application Acceptance and Public Hearing for Subdivision

Property Owner: **R. Peter Ingold**

Property Address: 340 West Joppa Road, Warner, NH 03278

Map 6, Lot 2

Agent Name: Arthur F. Siciliano

Address: 52A Hal Avenue, Henniker, NH 03242

Description of Property: North & East sides of West Joppa Road.

Details of Request: Subdivide into two lots. Both lots can have on-site septic system and well with the 75 foot radius on the lot.

Arthur Siciliano: Two lot subdivision with property on east and west of West Joppa road in a residential Zone. There are no dwelling on the site. Wetlands flagged by Tom Carr, wetlands scientist, in early spring. Request is to create Lot 2 and 2-1. Lot 2 will have 3.46 acres with 2-1 having 3.61. (Arthur needs to reverse the lot numbers on the drawings.) Both lots have over 3 acres which is required. The reason for the subdivision is because Peter Ingold's son is going to build a house on the lot. They will turn the rest into conservation land. Did the test pit near a Class VI road. Driveway will go on Class V road. The land is a little higher so will require a cut through.

James Gaffney asked about markings for well.

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Arthur responded that there is nothing there. Bret, the applicant's son will build on lot 2, in the south east corner, in the woods. They received state subdivision approval today.

ACTION:

Motion to ACCEPT application for consideration by **Ben Frost.**
Second by Don Hall.

Approved: 5-0

Public Hearing:

Comments:

Audience member **Steve Hall** asked if there would be boundary pins, and if the setback would be at least 40 feet on the sides, and 50 feet in front.

Arthur responded Yes to both.

Close Public Hearing.

Ben Frost noted that the planning board is looking at this as a proposed building lot. If Mr. Ingold wants to put a conservation easement on it, he can do that without the planning board's approval.

ACTION:

Motion to APPROVE subdivision, subject to the **following conditions**, to be met within 60, days by **Peter Anderson**

CONDITIONS:

- Lot # references be corrected in note #3 on the drawing.
- The proposed driveway to be built on 2-1, be moved to an appropriate position on the lot, on the Class V portion of W. Joppa Road.
- Approval in writing from Tim Allen, DPW Director, showing his approval of the driveway locations, with attention to the cut into the side of the hill for lot 2-1.
- Monuments to be set.

Second by James Gaffney.

Approved 5-0

3. MASTER PLAN TRANSPORTATION CHAPTER.

Ben Frost said that Tim Blagden had approached him previously about the possibility of including this paragraph about the rail trail in the master plan.

Chapter 7, Transportation – *Insert a new section 7.9.1 between Section 7.9 Pedestrian Infrastructure and Section 7.10 Bicycle Infrastructure.*

Section 7.9.1 Rail Trail

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Traversing Warner is an abandoned railroad corridor. Portions of this old railroad line have been converted into rail trail that supports pedestrians and bicyclists. This is intended to be part of The Concord to Lake Sunapee Rail Trail (CLSRT), a proposed rail trail connecting downtown Concord to Lake Sunapee along the abandoned Concord to Claremont Railroad bed. The planned trail would pass through the towns of Concord, Hopkinton, Warner, Bradford, and Newbury. There are teams in each community along the corridor working simultaneously to open pieces of trail in their towns. The CLSRT is envisioned to be an economic development opportunity, tourist attraction, a historic resource, a recreational amenity, and a non-motorized transportation corridor connecting town centers and open spaces. A non-profit board has formed to help advance the project.

The town should work with NHDOT, private land owners, volunteers, and the non-profit board to complete the trail in Warner along this corridor using the former rail bed when possible.

Also submitted to the Planning Board is a Rail Trail document. Please feel free to comment to Central NH RPC on the section dealing with the Warner Rail Trail.

The timing of this request for an amendment to the master plan is based on an application that the town will be making to the Department of Transportation for funding for the rail trail. The application would be stronger if the master plan addressed the question of the rail trail. If we want to go ahead with this, the process would be:

- 1) To post it for public hearing, because the master plan can only be adopted by the planning board after a public hearing, and amendments to the master plan are the same.
- 2) To then make a decision to make a change, or not.
- 3) We could do that in August. The application is due to the DOT in September.
- 4) The only decision we need to make tonight is whether to hold a public hearing. The master plan is supposed to be based on the views of the public, in addition to the wisdom of the planning board.

Concerns/thoughts from the Planning Board

- The trail will be built and after some time, the volunteers will no longer be cleaning the trail, which it will then fall to the DPW to dispose of trash.
- This could impact the town services, police, fire, highway.
- What will the uses be? Will it be horses, ATV, walking, biking? There is concern that if the trail is for limited use, then it is not for everyone to use.
- Concern that we are rushing into this.
- Are there property owners that will say "no" and block the trail?
- Is there liability for the town? The snow mobile club has coverage.
- What is listed in the amendment is not enough to satisfy the questions.
- Some members (**Don, James**) cannot see themselves giving this the thumbs up, as written, but do not know what is the right question.
- Conservation Commission states in their own document," There is no shortage of trails in the town, for any type of trail users."
- How are the existing trails being handled, who is liable, where are the boundaries drawn?
- The town highway department had to give up 3 or 4 days of work to institute work related to this at exit 7. Tax payers are paying for this, and this takes priority over other things. It becomes too easy for people to say that the Highway Department will take care of this which is not their job.
- What are other towns doing in terms of clubs that supports this type of activity and project?

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- Invite abutters to the public hearing. This will not happen unless property owners are on board. However, Planning boards make changes to the Master Plan that effect property owners, without consulting with the property owners. This is just an idea.
- The planning board would not be involved with the rail trail unless the town assumed responsibility for it and it ended up in the CIP. It is a possibility.
- The idea of going through exit 9 would require a bridge. The NH DOT is going to be the hardest part.
- You would have to build a deck at exit 9.
- Some people will read this as adoption by the planning board, and then there will be people running through private properties. There is nothing in the wording that suggests property owners cannot say no.
- Does this belong in transportation or recreation?
- Does this require a caveat that as of this date, the project needs to be done?
- Possibly add a sentence or two that respects the rights of property owners.
- Tim Blagden should notify property owners with a mailing.

Ben Frost: Recognizing that we can change this, because it is our document, do you see statements in this that can be adjusted to address the concerns of the board?

Peter Anderson: Can we put a disclaimer in there? With a date, if this is not a reality? Put in a date, a possibility but not definitive? I like the paragraph, non-committal, but descriptive.

Ben Frost: We could put in something that respects the rights of property owners.

James Gaffney : I will take a draft and send it to you. That is acceptable legally?

Ben Frost: Not a violation of 91A because it is only two members communicating informally, and not a quorum. This is not a proposal for a permit, it is the master plan only.

If there are specific concerns (in addition to the above list), please email to Land Use Secretary by July 23. (landuse@warner.nh.us)

ACTION:

Motion: Propose that we put this proposal (or something like it) to a **PUBLIC HEARING** on August 6 by **James Gaffney**.
Second by **Don Hall**.

Approved: 5-0

• **OLD BUSINESS**

Review Agreement on driveway use from Schoodac's between the town and Darryl Parker.

Ben Frost: the last outstanding condition is the completion of the fire alarm and he did have a contractor in there last week. I think that Darryl has met all the conditions that were set out for him by the Planning Board.

• **COMMUNICATION AND MISCELLANEOUS**

Email communications between Mark Govoni and Ben Frost regarding **agricultural use** in Warner's zoning ordinance. Mark Govoni attended the June meeting and was talking about the definition of a farm, and made reference to a conversation with Agriculture Commissioner Jasper. What Commissioner Jasper was telling him about the definition of a farm is that which is used by the USDA for the five-year census of agriculture. So it is the USDA's definition of the purpose of statistical record keeping on farms. It does not have a bearing on how we deal with things in Warner, and how the state defines agriculture. That was relative to how we are dealing with agriculture in the zoning ordinance. In some instances our zoning ordinance may not be consistent with state law.

James Gaffney noted that he does not want to be party to regulating what people can and cannot do on their private property, and that we should spell out clearly what are the boundaries.

Don Hall noted that many people in the town survive on what they grow on their own property.

Ben Frost's objective is to reduce the regulatory barriers regarding agriculture in this town.

Zoning Ordinance notes from Andy Bodnarik – we will figure out what to do with that at the appropriate time. Copies of Andy's notes have been sent to all Planning Board members for a future meeting.

Combined Meeting with ZBA work session scheduled for Monday **September 17**, 2018 to work on zoning amendments. Chair Ben Frost would like to have a combined meeting once a year.

Our September PB meeting is scheduled for **September 10** , because Monday September 3 is a holiday.

Subdivisions – when subdivision applications are received by Land Use office, copies will be sent from the Land Use office to all department heads.

Subdivision and Site Plan applications – should always go to Tim Allen, Director of DPW.

- **COMMITTEE REPORTS**

- Capital Improvements Committee – Peter Anderson

Peter Anderson distributed a revised **CIP 2019** form. Forms went out in June and should be returned by July 16. Peter and Diane will work on the response documents to distribute at the August 6 PB meeting so that members can ask questions that can be answered by September. There is a one-page form this year.

- Regional Planning Commission – **Ben Inman**

Ben Inman will attend **Regional Planning Commission meetings** – **Ben Frost** will get the meeting information for **Ben Inman**.

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- Economic Development Advisory Committee – Peter Anderson. No report.
 - Board of Selectmen – Clyde Carson. No report.
 - Transportation Technical Advising meeting that **Barbara** usually attends (one of two appointees) needs a member of the Planning Board as a representative. In place of **Barbara, James Gaffney** will attend the Transportation Tech advising meeting; Ben Frost will send the info to James. They meet at Horseshoe Pond Drive, Concord, at 9am on Friday.
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- **PUBLIC COMMENT**
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- **ADJOURNED at 8:29pm**