

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

August 6, 2018

7:00 PM

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

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

Present: Ben Frost (Chair), Don Hall (Vice Chair), James Gaffney, Ben Inman,
Clyde Carson (Representative of the Board of Selectmen)

Absent –Peter Anderson

Ben Frost began the meeting by recognizing the passing of Barbara Annis. “It is difficult to imagine how we will continue without her, but we will. She was a good friend.” Ben Frost was deeply honored to present the NH Planners Association Citizen Planner of the Year award to Barbara last year. A gathering with Barbara’s family will be held at the Town Hall on Friday, August 10, at 5pm.

- **APPROVAL OF MINUTES**

July 9, 2018

Motion to approve minutes by Don Hall
Second by Ben Inman

Approved 5-0

- **NEW BUSINESS**

1. Public Hearing to make an amendment of the Master Plan

Presenter: **Tim Blagden, Board President, Friend of the Concord-Lake Sunapee Rail Trail**

Master Plan changes to include rail trail as follows:

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

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

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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.

Tim Blagden presented where, in the Master Plan, references and support of the rail trail already exist, but have not named it as such. Tim Referenced the following items in the Master Plan, in support of his argument: 14, 21, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44,45, 46, 47, 48, 49, 54, 55, 56, 57, 58, 61, 62, 64, 65, 71, 73, 74, 75, 76, 77, 88, and 91. The Master Plan does not currently reference the word Rail Trail, but it would be good for the town if it did.

Tim is applying for grants for the project. By using the word Rail Trail in the master plan, the grants for which he applies will be strengthened.

Tim feels this is necessary and desirable for the master plan.

Public Comments in support of the change to the Master Plan were heard from the following audience members: David Karrik, Dan Watts, Rick Davies (former member of Planning Board who worked on the Master Plan), Michael Simon, Sarah McNeil (worked on an early version of the Master Plan).

COMMENTS FROM THE PLANNING BOARD

James Gaffney feels that Tim is asking for the weight of the planning board to get behind this project, and makes reference to eminent domain and people not wanting this to run through their yard. James is concerned that Tim is asking the government to get behind this project that is not yet developed. There are many challenges to this, dealing with DES, DEA, that is an expensive and laborious project. Without the permission of land owners, James does not feel that the planning board should support this idea.

Tim Blagden will defend anyone's right to not want this in their yard, or going through their property. The rail trail can come together in any order, from public access point to public access point. If Tim cannot get individuals to sign easements, then they do not build there. They are creating a linear park to bring people to beautiful places. **Tim** said that all the information is already in the Master Plan and he is asking that the plan simply call it by name – Rail Trail.

Don Hall is concerned with liability, police, fire, and highway department. Don is aware that Tim has already utilized the highway department to do some of the work. Our highway department is maxed out. There will be renegades that go onto this property and destroy it. Looking at it from the perspective of safety, and what it means to the tax payers, or going out there to put out a fire, or to go out for someone who is injured, how much of a strain will it put on our public services?

Tim Blagden spoke about the number of trails that already exist, and the snow mobile trails that are cared for by people that use those trails. Trail gates will be put up to allow fire trucks to have access if necessary. The burden on police actually will be less police because when they build a trail, they first clear away all the junk that has accumulated. Then people who cause trouble do not want to get caught will go somewhere else. There are cameras installed on the trail. Tim does not feel it is a huge negative impact on town services. The

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rail trail did get help for the highway department in 2014, which was requested and provided. Since then, the town has come to Tim saying they could not do that again until we know that the town wants the rail trail.

Clyde Carson: The Rail Trail is a recreational trail that does not add liability to the town. We already have class 6 roads that we do not maintain. My expectation is that those same people will maintain the rail trail. I believe that we will be able to leverage grants if we adopt this. The EDAC thinks this is a good idea and wants to move forward. It is not only a regional resource, it is a local resource. For people who do not want to climb steep slopes, the rail trail has a nice slope that makes it easy to get around town for older and younger people. If we waited until the entire plan was complete, there are many things we would not have, such as state parks, state forests, interstate highway. This is a long-term project that has a direction.

Tim Blagden: We move from one place to the other. Bagley is currently a dead-ended section. We needed a place to put the trail on the ground. People feel safe separated from traffic and on a safe surface. Every piece we put down makes the world a better place. Over time, they will connect. They are building in Contoocook and Bradford this year. Then there is a 2.5 mile section going down between Carter Road and Fisherville road in Concord. We have not hit a roadblock that makes the trail impossible. This does not pose a risk to the town or private property owners. The state has laws protecting private land owners.

Ben Frost: This has been a good discussion and Tim has come very well prepared. I recently stopped in Grafton on a bike ride to shop because we were on a rail trail in an area that they would have not have had any reason to stop in Grafton. Also, trying to ride a bike to Bradford is frightening because of the danger of being on the road. Is it OK to do things recognizing that things will happen? If this is put to the town at the next town meeting, then great.

Tim Blagden reported on fund raising, all the places that have donated to the project, ones that have been received, and some that are pending. The organization is very good at writing grants, and they receive private donations. If you look at guidestar.com, you can see our organization with a gold star.

Clyde Carson: The Town meeting is not to discuss the Rail Trail, per se, but it is to discuss a piece of property that may have value to the town for Rail Trail use, in addition to other uses.

Audience member asked if the planning board makes a recommendation and then it moves on to town meeting for a vote.

Ben Frost: No, We make the decision to amend the master plan right here at this board.

CLOSE PUBLIC HEARING

Ben Frost: Proposed that we add the following to the amendment to address some of James' concerns.

The town should work with NHDOT, private land owners, volunteers and the non-profit boards to complete the trail in Warner, along this corridor, using the former rail bed when possible, doing so in a manner that respects and protects the private property rights of owners.

ACTION:

Motion to accept the revised amendment by **Clyde Carson**
Second by **Chair, Ben Frost.**

DISCUSSION:

Clyde Carson: The master plan seems to support this in name only. The recreational committee would be in support of this, also the EDAC, Chamber of Commerce, BOS, Conservation Committee, are supportive. The sense of the community seems to be that this is in the best interest of the town.

James Gaffney: The master plan broadly and nebulously, in most every case, addresses the general desires and needs. It is vision vs execution in almost every case. Now we are talking about a very specific proposal, bordering on a project. I think that a Rail Trail on this section , between Warner and other towns, particularly the section along 103 would be pretty spectacular. My concerns are around property rights, and other issues, costs, and the specifics. I feel that it is specific enough and close enough to a project that it would be better suited to be a warrant article, than something adding to the master plan, because it is so specific. I am not against a rail trail, my concerns are how it gets executed.

Ben Frost: I disagree with your assessment of the master plan. In some sections it is vague, but there are other places where it is very specific.

The board discussed the gateway to Warner at exit 9 and how that is a gateway for some people but not for others, depending on how you use it.

Don Hall would like this presented to tax payers and let them vote at town meeting.

Ben Frost: The difficulty is that the master plan is not a town meeting function. We could not, legally, put the question to town meeting to change the master plan. Only the planning board can do that.

Clyde: Having something in the master plan is not a go ahead to do something. We have a safe way to get to exit 9, in the master plan. The cost, and the properties impacted are not in the master plan. We may make the changes, but when it comes time to put money toward it is when the discussion happens.

James: You are saying that this is a done deal, and asking the PB to put their weight behind a solution. Saying that this will happen one way or another, is exactly the problem. Is that the property role of government? It is much of the language we already have, “seek solutions broadly” instead of saying that it will happen in this narrow area. This will impact property values, neighborhoods, and increase traffic in areas where there currently is none. I think this is much better suited to be a warrant article question.

Ben Inman: What about the other trails in the system?

Clyde: By putting this in the master plan, then it provides possible resources (in terms of grants) that would help make it so. I don’t see this as an item that says this will not go through.

ROLL CALL VOTE:

James Gaffney:	No
Ben Inman:	Yes
Clyde Carson:	Yes
Don Hall:	No
Ben Frost:	Yes

MOTION PASSES 3-2 (Don Hall and James Gaffney dissenting.)

- **OLD BUSINESS**

Ben Frost reported on the Ingold Subdivision.

Map 6 lot 2, and lot 2-1 – Tim Allen, Director of DPW met with Arthur Siciliano, Jr. to review the proposed driveway location for the two lots on West Joppa, and reported the following:

For lot #2, there is no problem with the driveway location. There is plenty of site distance in both direction and grade away from West Joppa is ok.

For lot #2-1, There is no location along the class 5 section of West Joppa that would allow for a suitable driveway entrance as far as site distance and grade change. Tim's recommendation would be to access lot 2-1 at the south-west corner off of the Class 6 section of West Joppa Road. This would involve upgrading the first 80' of the Class 6 section of West Joppa rd. to Class 5 standards (20' wide gravel, 18" bank run gravel, 12" crushed gravel.) Then access lot between the two existing foundation holes. This would be a much safer and, in Tim's opinion, less costly driveway entrance.

This will require a change to the plan, and, more importantly, it would require the BOS to upgrade the 80 feet of West Joppa from Class 6 to Class 5 standards. Jim Bingham received a copy of this letter that Tim sent to Landuse. There are two options for the BOS, 1)allow for potentially a building permit if a permit is requested for lot 2.1, allow it on a class 6 road, and allow that portion of the road to be used as driveway subject to be appropriately recorded in the registry of deeds. Or 2) allow for the upgrade to a class 5 for the 80 feet where the town will be responsible for maintenance of the 80 feet of road.

We will leave this in the selectmen's hands and if neither works, then they need to figure out an alternative or the subdivision does not go through.

- **COMMITTEE REPORTS**

Capital Improvements Committee – Peter Anderson is absent. **Ben Frost** spoke on Peter's behalf about the CIP.

The board received the materials from each of the departments. Peter Anderson requested that the materials be recollected at the end of the meeting. Members need to review the papers in order to provide comments. Thus, members will take the materials home.

Planning Board will meet about the reports at the September meeting in order for the report to be at the Budget Committee by October.

There is a request for Kearsarge Mountain Road access from Emergency Management. Years ago the planning board had talked about an engineering study, a conceptual plan of where the route might go. The KMR request did not have a dollar amount on the request.

Don Hall: The Nichols' property had previously been considered for a road off KMR. because it has a ROW, but it is now listed as commercial property for sale.

CIP will be discussed at the September meeting on **September 10**, which is a rescheduled meeting due to the labor day holiday.

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BOS Report, Clyde Carson. This Saturday is hazardous related materials collection. Materials will be collected this Saturday, 9-1.

Grant: The town has submitted a letter of intent for submitting a grant for a multi-use path from downtown to exit 9. There are pre-engineering resources available to help with estimating the cost which helps with the application process. 80/20 match with the state (80% from town, and 20% from state) and then the town is responsible.

- **COMMUNICATIONS**

Communication from Alice Chamberlain asking about the master plan and the Rail Trail. Ben Frost explained why the Rail Trail was before the board now, and not a full rewriting of the master plan.

- **PUBLIC COMMENT**

- **ADJOURNED at 8:37pm**