

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

**September 10, 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)  
Clyde Carson (BOS Representative)**

**Absent:**

**Ben Inman and James Gaffney**

- **APPROVAL OF MINUTES**  
August 6, 2018

**Approved, 4-0**

- **NEW BUSINESS**

**1. Conceptual Consultation – LOT LINE ADJUSTMENT**

**Owner:** Marilyn Johnson

**Address:** 108 Collins Road. Map 12, lot 050

Last summer Marilyn sold the farm on Collins Road, including all the land. She kept the opposite site in two parcels, 15 acres, to build a small house there. Older maps indicated that there might be insufficient frontage for a building lot on the larger parcel, so she was considering a lot line adjustment. Survey drill holes were found in the stone wall, demonstrating that there was sufficient frontage. There is 250 feet of frontage on that lot, so that where she wanted to build the house would be on the other lot. She was before the board to find out if she can build on that lot. There is an existing driveway that she'd like to use. It would be 30 feet from the other lot, the edge of the driveway would be 30 feet from her adjacent lot. She realized that she has enough frontage as both lots are in R3, where the frontage requirement is 250 feet of frontage. The Planning Board agrees that she does not need a lot line adjustment, only a building permit is required.

**2. DETERMINATION OF SITE PLAN REVIEW**

**Applicant:** Warner Public Market

**Address:** 19 E. Main Street, Map 31, Lot 61

**Agent Name:** Sam Bower

**Description:** Review of changes in response to request for building permit.

**ACTION:** Recommendation regarding need for Site Plan Review

**Sam Bower:**

Thank you for having us and hearing us out. We apologize for the original confusion. Not sure if everyone received the letter from Jason Paul. In the original submission it looked as if we were going to do a change of use.

**Ben Frost:** The concern expressed by town administrator is that the application showed a potential apartment, and potential kitchen.

**Sam Bower:** There has been discussion about an apartment, but that is not for tonight. If it happens in the future, then they will come before the planning board with those plans. Today, they are asking for bit of plumbing for a mop sink, and handwashing sink for selling food. There are upgrades to existing structure that will be done. There are rotten foundation sills on three sides in the back. They will replace the siding. There is a curtain wall in there. We would like to remove the partition wall. If we remove that, then we will be sliding out freezers and coolers. We will replace existing awnings. Those are our only plans.

**Peter Anderson:** Can you explain who owns the building?

**Sam Bower:** Sandy Bartholomew owns the buildings, we have signed a 5 year lease. Six people are members of the LLC under which the Warner Public Market operates.

The planning board is in agreement that this does not require a site plan review. If they are planning an apartment in the future, they will come before the planning board.

**Sam Bower:** I have walked through with Ed Raymond and Sean Twomey. He said we are the envy of the town with tin ceilings. We need to add fire extinguishers. Tom Baye has been to the building and is ready to inspect the building when we are ready to have him back.

**Ben Frost:** We have faced this with Foothills, and Schoodacs converting office space to apartments. Parking perspective, fire and building departments need to be involved if you convert 2<sup>nd</sup> floor to apartment. If you decide to convert, then you need to do site plan review.

**Motion by Clyde Carson** that a site plan review is not required at this time, subject to the Warner Public Market and the property owner to come before the board if they want to convert to an apartment.

**Second by Don Hall.**  
**Approved 4-0**

**Ben Frost:** We also have a letter from Kay Steen regarding the disposition of the property.

### 3. CONCEPTUAL CONSULTATION – SITE PLAN REVIEW

Applicant: **MadgeTech, Inc.**

Address: 6 Warner Road, Warner, NH 03278

Agent Name: North Branch Construction/ Pathways Consulting, LLC.

Presenters: **Nick Trudel (North Branch), Kurt Lauer (Lauer Architects), Jeff Goodrich (Pathways Consulting, LLC.)**

Description: **Request for a building addition**

**ACTION:** Discussion and Recommendation

**Jeff Goodrich, Kurt Lauer architect.**

The existing footprint is 18,000 SF. One plan shows the existing building. Another plan shows the additions. MadgeTech now has 65 people, and they are expanding to accommodate 100+ people. In general terms, the application is to increase the footprint, and also interested in consideration of the parcel next door, adjacent to the MadgeTech facility, that will be for tourists, an ice-cream facility, and to move Justice Souter's homestead (formerly located in Weare, now disassembled and in storage) to this location; the 18<sup>th</sup> century buildings will be resurfaced, and modifications made to attract the public. . The design being considered would accommodate water and sewage.

The MadgeTech site (before us tonight) is for office space and quality control. Plan is to add 15,000 sf., with 10,000 footprint addition and second story.

**Clyde Carson** asked to see drawings of the new building.

**Jeff Goodrich:** For tonight's meeting we are looking at architecture and site plans for the MadgeTech expansion, but the idea is to share the water/sewage. The good soils are on the new property. Test pits have been done on the property.

**Ben Frost:** In your experience, DES is OK with septic systems shared between two properties?

**Jeff Goodrich:** This is a non-transient system for purpose of water, with over 25 people using it. I have been through three iterations with Tartus. and with planning board support, we will go to DES for approval.

**Ben Frost:** You will want to be in communication with the fire department, for the construction, and any materials stored on site. Is there any existing lighting on the building?

**Kurt Lauer:** Yes, there will be lighting on the front. But we will be doing additional lighting on the building. We will have cutoffs. We are fairly far from the property line.

**Ben Frost:** We are concerned about safety of employees, especially in winter. We would need to have a lighting plan. Not concerned about spill over to adjoining properties, you have the interstate, Knoxland, and your own property.

**Jeff Goodrich:** We will put together lighting plans. The gravel driveway is safe.

**Ben Frost:** There is a special exception on the property for the residence. You will want to make reference to that. If you could show the rough location for the residence, that would be helpful. Is there landscaping plan?

**Jeff Goodrich:** For the current site, yes. We will move the parking area to the other side.

**Peter Anderson:** Are you paving the parking area?

**Kurt Lauer:** The gray area will be paved, but on the backside will stay as gravel.

**Ben Frost:** Do you intend to accommodate space for up to 100 employees, or is it in shifts?

**Jeff Goodrich** I can present a plan how a plan to accommodate 100 cars.

**Ben Frost:** If you are planning to put signage on the building, and it is not in your proposal, you will need to come before the planning board again.

**Kurt Lauer:** There will be signs, and we will include that in the proposal.

**Ben Frost:** I did not see a survey. I was trying to figure out the frontage. Old Warner Lane is in fact a Class V, and it is seasonal. You have plenty of frontage but it was puzzling to not see a survey.

**Jeff:** We were going to carry the Knoxland survey forward.

**Ben Frost:** The list of abutters was incomplete. Recognize that our subdivision is different from the state, and it includes any abutter that is within 200 feet. It includes the property that is across 103. You also need to include at least 2 parcels on the other side of I89, the statute requires this. With an abundance of caution, I advise people to do that.

**Peter Anderson:** Is there gravel in the parking lot?

**Jeff Goodrich:** It is a mixture of gravel and sand.

**Clyde Carson:** Would both proposals be in November?

**Norm Carlson** would like to do both proposals simultaneously in October.

#### 4. Public Hearing – CAPITAL IMPROVEMENTS PROGRAM

**ACTION:** Approve or modify CIP

**Ben Frost:** We have received all of the information from the committee.

**Peter Anderson:** You received the Fire Department's in the mail. This is a thinner list from previous years. The numbers still add up.

**Ben Frost:** Your plan is to go to the budget committee?

**Clyde Carson:** The question is there a possibility to change things on the CIP between now and when it goes to the budget committee?

**Peter Anderson:** Once adopted by the planning board, you are free to do what you like. I regard this as a document that is being prepared for other people.

Open Public Hearing:

No questions.

Close Public Hearing.

**Clyde Carson:** Just a question about process. Usually there is a packet that supports the CIP.

**Peter Anderson:** The packet was distributed last month.

**Don Hall:** Was this done to your satisfaction, Peter?

**Peter:** Yes. Everyone met their obligation to make the deadline in July. It was fine.

**Ben Frost:** Thank you, Peter, for putting this together.

**Motion by Don Hall** to accept the CIP as submitted.

**Second by Peter Anderson**

**Approved: 4-0**

- **OLD BUSINESS**

- Review Revised Plans**

- 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

- Address: P.O. Box 179, Warner

- Description of Property:** North & East side 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.

**Art Siciliano:** I met with Tim Allen on-site.

**Ben Frost:** We have communication from Tim Allen, recommending that the first 80 feet of the road should be upgraded to Class V standards.

**Art Siciliano:** I just added that this would be done at the time when someone pulls a building permit. It is written into the deed so that anyone who buys it will know what they have to do.

**Peter Anderson:** You have accepted Tim Allen's recommendation for the location?

**Ben Frost:** Given that the work will not be done until the driveway permit is pulled, it might be five years from now, next month, the issue that the board needs deal with is what sort of condition do we need to achieve that so that anyone in the future will know what is going on. We would need something from the Selectboard. This is a Class VI road. There are two ways to do with this:

- 1) upgrade the first 80 feet to Class V, (town will maintain) or
- 2) have a recorded statement by the property owner that he/she would be responsible for maintaining as a driveway, and there would be no liability to the town for maintenance. This is, by statute, how you can deal with it. Effectively treating a Class VI road as a driveway.

**Clyde Carson** recommended a site walk to get a lay of the land.

**Bret Ingold:** There may already be an agreement with the people on the road. The house has been there since the 70's

**Ben Frost:** I think that predates that statutory authority to use a Class VI as a driveway. However it got there, is through a different mechanism than what we use now. The planning board needs to know if the Selectboard is OK with this. If the Selectboard is OK with either, then we can proceed with an amendment to the plan, and we will figure out what the proper notation needs to go on the plan.

We would like to see the deed language as well. I think there is a form for the use of the road that can be duplicated.

**Clyde Carson** will schedule a time for the Selectboard to go to the site, and **Ben Frost** will plan to attend.

- **COMMUNICATION AND MISCELLANEOUS**

1. Letter to Planning Board, Zoning Board and Town of Warner BOS, from Kay Steen regarding property at 19 E. Main Street.

**Ben Frost:** This letter went to the Selectboard. It was on the Agenda.

**Clyde:** We did not have a formal discussion of it.

**Ben Frost:** I'm not sure what we can do, what has happened has happened. The plan to record a lot line adjustment, was recorded 4 years after the fact, and apparently with one condition not being met, payment of fees for recording.

**Don Hall:** It appears that this gentleman has cut off the access, but also want to bear in mind, I want to understand his ulterior motive. Now it appears he is doing construction on the barn. He has a dumpster. If he is proposing to modify the barn to suite his fancy, he best be explaining himself.

**Ben Frost:** I think this is a civil matter between the property owners.

**Clyde Carson:** Two things came out of this. 1) fire chief for blocking access – fire code. 2) waiting for communication from Town Attorney.

**Peter Anderson:** Can't someone issue a cease and desist to the home owner?

**Ben Frost:** I don't know what is the town's authority.

I believe the purchasers for 21 East Main Street are being advised by the title insurance attorney. We look forward to advice from town counsel.

2. Email between **Chairman Ben Frost** and **town attorneys** regarding lot line adjustment request to combine lots with a road in between the lots.

Nancy Ladd and family are looking for a solution, and one of those is to make a lot extend across a town road. Our attorney's response to that is that it is a terrible idea, but it is legal. That has happened in town but that was because a town road split the property. There is one on Newmarket, and one on Chemical lane . **Ben Frost** forwarded the correspondence to Nancy Ladd so she is aware of it, and asked the board to hold onto the letter as it is likely to come before the board at some point.

**Peter Anderson** inquired if there was anything from the property that indicated they would resolve this themselves.

**Ben Frost:** They could do an easement. An area on one side of the road has a garden, and is gardened by someone on the other side of the road.

There may be something in the future with regards to these properties.

**3. 2018 Municipal Law Lecture Series schedule**

We have a budget for these lecture series. The locations are v, Keene, Stratham, or Derry. There is also a day when they do (Saturday) all three lectures. There is a slight discount for that. That would be at the municipal association in Concord.

• **REPORTS**

**1. Board of Selectmen - Clyde Carson**

We have put in an intent to file for grant funding, for sidewalks from downtown to Exit 9. The central regional planning commission helped support that application by having an engineer come up and do a preliminary review. The hiccup was that the town did not make the mandatory training, so we were not eligible for this round. We will be following up in a month to utilize what we have done for the State's 10-year transportation plan.

**Peter Anderson:** Has anyone monitored how many people use that sidewalk?

**Ben Frost:** Often see people walking there.

**Clyde Carson:** Kids walk from the college on Kearsarge Mountain Road to Market Basket and back up.

**Clyde:** I think this is Planning Board related. I will be filing a bill to name the roundabout for Barbara Annis. The family is excited. The family will plan something on the roundabout.

**Ben Frost:** I will be happy to testify on that bill in both the House and Senate. And I could get a letter of support from the NH Planners Association.

**2. Capital Improvements Program - Peter Anderson**

**3. Regional Planning Commission - Ben Inman**

**Ben Frost:** The projects that are submitted to central, 10 year plan, should the projects come from the PB or the Selectboard? Historically they have come to the Selectboard. I would be happy to take a run through the master plan and look for recommendations, but the town's recommendations should come from one body or another to CNHRPC. We will need to figure out that process.

• **PUBLIC COMMENT**

• **ADJOURN at 8:33pm**