

APPROVED MEETING MINUTES
TOWN OF WARNER PLANNING BOARD

October 1, 2018

7:00 PM

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

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

Present:

Peter Anderson	Clyde Carson (Representative of Board of Selectmen)
Ben Frost (Chair)	Don Hall (Vice Chair)
Ben Inman	James Gaffney (Alternate)

James Gaffney is appointed, by **Chair Ben Frost**, to vote for the evening.

- **APPROVAL OF MINUTES**

- September 10, 2018

Motion by **Clyde Carson** to approve minutes
Second by **Don Hall**:
Approved 6-0

- **NEW BUSINESS**

1. PUBLIC HEARING - SUBDIVISION

Owner: Mark Govoni
Agent: Jeffrey Evans
Address: 158 West Main Street, Map 14 LOT 5-1
District: R-2
Description: Proposed subdivision

Jeffrey Evans prepared the plan for the minor subdivision. When the original survey was done, there was a consideration of doing exactly what is being proposed now, taking off the rear of the lot, and making another buildable lot. Jeffrey submitted the plan to the Natural Heritage Bureau, and they found one hit for possible endangered or threatened species. The letter from Natural Heritage Bureau and was distributed to the board. Jeffrey reported that they do not know what was the hit.

Ben Frost reported that there is a series of waiver requests submitted as V.a.3, V.a.4, and V.a.7

Clyde Carson asked if the property fell within the area of Split Rock Road that there was a declaration of restrictive covenant when the fire station was looking at the property.

Mark Govoni responded that he thinks the restrictive covenant is the lot size and the size of the home.

Clyde Carson recalled what the town went through for the fire station, and the town wanted to do a lot line adjustment and required permission from all the abutters.

Ben Frost noted that the southwest corner of the land is stone bound set, and asked is that to be set, or found?

Jeffrey Evans responded that it is found

Open Public Hearing:

There are no abutters present and there were no requests to speak.

Close Public Hearing.

ACTION:

Motion by Clyde Carson to accept application.

Second by James Gaffney.

Approved: 6-0

Don Hall noted that although verbal approval was obtained from the water precinct, Don requested approval, all three, signed, and delivered.

James Gaffney asked if we need an indication of where the driveway is supposed to go?

Ben Frost responded that we need something in writing from the Department of Public Works and that it is between the future owner and the Department of Public Works. We need a place on the plan to show the driveway.

ACTION:

Motion by Ben Inman to APPROVE SUBDIVISION application with the following conditions:

1. Location shown on plan for a proposed driveway, for the new lot that is map 14, 5-1-1. Map needs to meet with written approval from Department of Public Works.
2. Written approval for water/sewer from Ray Martin.
3. Add block on plan for Planning Board signature
4. Record of the recorded covenants for the lot.

Second by Peter Anderson.

Amendment to the motion: 60 days to meet conditions.

Approved 6-0.

Mark Govoni asked that at some point on his other property on Pumpkin Hill, he will separate the farm from the 300 acres. Is that considered to be a major subdivision?

Ben Frost responded that two lots is a minor subdivision, regardless of size.

Jeffrey Evans asked if they will be required to survey the entire 300 acres, or can they request a waiver on the rest? The lot will be 20 acres.

Ben Frost answered that they should survey the 20 acres, and request a waiver on the rest.

2. PUBLIC HEARING – RESUBDIVISION / LOT LINE ADJUSTMENT

Owner: Dwight Fraser

Applicant: Robert Fougere

Address: 182 Horne Street, Map 12, Lot 37 and 37-1

District: OC-1

Description: Subdivide lot 37 into one 5 acre lot, and merge the balance into lot 037-1

Ben Frost said that this is a complex survey and it does not create a new buildable lot, so properly a lot line adjustment. He asked if the question for the board was to create the new 5 acre lot and to wave any survey requirements on the balance.

Robert Fougere responded that they are having the survey done regardless, in order to create the deed. They have 3 out-of-state owners that no longer use the property. They propose to separate the 5 acre lot, and clean up some deed issues. There is a 70 acre lot. The three owners are tenants in common, want to get the A section in their trusts, to be inherited by their children. The road is already a Class V Road, and all the land will go into current use.

ACTION:

Motion by Clyde Carson to accept plan for consideration.

Second by **Peter Anderson**.

Approved 6-0

Technically we do not have to have a public hearing. But since it was advertised as such, **Ben Frost** opens the public hearing.

Ben Frost closed public hearing.

Ben Frost said that the application is ready for a motion to approve with the following **conditions**, regardless of deed.

James Gaffney asked if all the names match on the two lots in terms of legal entities. Is there additional documentation required for this?

Ben Frost responded that as long as everyone who is required to sign the application has signed, then there is no problem. This is an old plan, the only issue we had to face is that the current abutters were notified, which they were. We are not obliged to hold a public hearing as long as abutters are notified, which they were. The application has the current owners listed.

ACTION:

Motion by Peter Anderson to approve with the following conditions:

1. Survey of the new 5 acre lot to be created from the change, including monumentation, drill holes, rebars to be set, by licensed land surveyor.
2. 60 days to have survey done.

Second by **Clyde Carson**

Approved 6-0

3. DETERMINATION OF SITE PLAN REVIEW

Applicant: Margaret Kennedy

Property Address: 5 Poverty Plains Rd . Map 7 Lot 59

District: R-3

Property Owner: Cathy Aranosian

Description: Proposed use is for an indoor riding arena, 19 horse stalls, aisle way, hay loft, grain room, tack room, and horse shows.

Margaret is planning to continue the organic plan that Cathy has done, and Brian has done before that. People can come with ponies and small horses, and do everything that the farm has done for the last 20 years. Margaret is asking for the Planning Board's opinion whether she can continue the use under the statute. In an R3 zone in NH, it is low residential, and in some places require a special exception, but not in this case.

Cathy Aranosian has done shows for 20 years. She presented article of the history of horses in Warner. Cathy purchased the Derby's farm and is moving her shows there. Margaret and Cathy will work together. Cathy Aranosian is an abutter. The Courser family is another abutter, and they also have a farm.

James Gaffney recalled that Colby Sawyer used to board there and that Dartmouth came down for the same use.

Ben Frost noted that this is consistent with what was done with Runaway Farm. This could be considered grandfathered in, in superior court. Ben Frost asked if Kimberley Edelman has shows.

The board responded that she does not.

Ben Frost: This would come from the Board of Selectmen, since they are the authority that would enforce. The Planning Board could make a recommendation to the Board of Selectmen that what is proposed is consistent to what has been done on the property for the past two decades.

Clyde Carson would be happy to the make that recommendation to the Board of Selectmen.

Ben Frost asked that one thing to consider is the location of the field access on Schoodac as it is close to Poverty Plains Road, and the road crests there. Move the gate/fence and stonewall to make it safer for people coming down the road. When you turn a trailer in there, it takes over the whole road, and it is a tight turn.

ACTION:

Motion by James Gaffney that application does not require a site plan review.

Second by **Ben Inman.**

Approved: 6-0.

Margaret and Cathy will attend the next Board of Selectmen meeting on October 2, at 6pm. Ben Frost will write an email to the Board of Selectmen.

4. SIGN REQUEST

Applicant: Make Grow, LLC Warner Public Market

Address: 19 E. Main Street, Map 31, Lot 61
District: B-1
Agent Name: Bret Ingold
Description: Review Sign Permit Application

Bret Ingold described the sign, similar to the Local restaurant. There are two other small signs. There had been an awning there, but has been removed and has nothing to do with the sign. There will be lighting that points down at the sign. The lights will turn off at closing, 7pm, and during the holidays they will close later. If approved, Bret reported that they hope to have the sign by the Warner Fall Foliage Festival.

Ben Frost asked if the board has any concerns. The board did not. Ben Frost also asked if there were any public members who had a concern. They did not. Bret can go to the Board of Selectmen for a permit.

ACTION:

Motion by Ben Inman for Planning Board to recommend to Board of Selectmen to grant the design permit application, if it meets the size standards.
Second by Don Hall.
Approved 6-0

5. DETERMINATION FOR SITE PLAN REVIEW

Property Owner: Charlebois Holdings, LLC.
Name of Business owner: Technical Gas Products, Inc.
Address of Subject Property: 652 Route 103, Warner, NH 03278
Representative: Matthew Squance
Map 3, Lot 28
Business Owner: Technical Gas Products, Inc.
Proposed Use: Office and warehouse for sale and distribution of medical gasses and related equipment.

ACTION: Decision regarding need for Site Plan Review

Matthew Squance is the Director of engineering and presented that the company supplies oxygen to hospitals and home care. Hours of operation will be 8-4, or 7-4, Monday through Friday. The company has six box trucks that have tanks in them that do deliveries. It is clean use. The facility also has a tank pad that is on a very small drawing, that was built for a 12,000 gallon diesel tank, which will be used for oxygen storage of 3,000 gallons. The pad is empty. It has a retaining wall around it that will need to be cut open a bit. They will run a 6 foot fence around the pad. They need access for it to drain, or it will damage the tank. This is at the old coach location at exit 7.

Ben Frost asked about oxygen being a reactive gas.

Matthew responded that it raises to zero all the way around. It is not flammable. Things react with it. The hazmat regulation as it relates to health hazard is related to temperature, 108 degrees Celsius, below zero. It is in a vacuum tank.

Matthew reported that they wanted to be sure the Planning Board approved the lot for the proposed purpose and then they will contact the Fire Department. The tank cannot be seen from the street. The company is a supplier for nursing homes. They will be open, for accreditation, should a patient have a question, but they

don't see patients or sell from the facility. There will be 10 employees. The building is used for storage of oxygen tanks. Vehicles will stay outside.

Don Hall would like the Fire Department to conduct their findings, and come back to the Planning Board with whatever they find. There are houses in the area so naturally there are concerns for whatever it is you are going to do.

Ben Frost requested that the applicant provide something, in writing, from the Fire Department for the Planning Board record, and any recommendation they will make. The Planning Board requires feedback from the Fire Department and will wait to hear from them to decide if this project requires a Site Plan review. It is up to Mr. Squance to move it forward. October 15 is the deadline for the November 5th meeting. If the Fire Department says you need to do something to the property, the applicant can come before the Planning Board with this material for the board to decide yes or no, or the applicant could complete the site plan by October 15, for the November 5th meeting.

Clyde Carson asked if they abut the town line, and if there an impact on the neighbors in Hopkinton.

The answers seems to be no.

This is not a public hearing, but a neighbor would like to be heard by the board.

Concerns from the neighbors:

Holly Carlson addressed the Planning Board. We live on Diamond lane, on the first corner. Previously, in 2002, there were going to be 6 buses that they were going to be cleaning, which turned into 20 buses. There were air horns at all hours of the night. I don't want to go through that again. I'm happy to have a good neighbor with reasonable hours of. What time are deliveries?

Matthew responded that they have once a week or once every two weeks deliveries, which they can schedule. There is no maintenance for vehicles. No metal shop working. It is a clean process. It is a health care facility. They are small box trucks. They have backup alarms, but it is daytime use.

Ben Frost noted that any commercial vehicle, by law, has to have a backup alarm.

Holly Carlson recalled that they used to use an air horn followed by a backup alarm.

Don Hall said that they need to have containment of the area, a fence or something of that nature, and lighting. The vulnerability areas, the building, the tanks, anything that would become an issue needs to be contained.

Matthew responded that they don't typically light them 24/7, some are in built up areas. It is behind the building. If the Fire Department wants it lit, then it will be lit. But, it is not their preference.

Holly Carlson asked what is the big green tank.

Matthew responded that the previous owner had plans to get the diesel out, and he plans to move it off the property. The big green tank is empty.

Ben Frost responded that between now and November 5th meeting he plans to review the file for the previous approvals. He would like to be confident that what is being proposed is either that, or better than

that. At the November 5 meeting, a site plan review may be required, depending on what the last approval was in the file.

- **OLD BUSINESS**

- 6. SUBDIVISION OF 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

Application was previously approved by Planning Board with the condition that a satisfactory driveway be found for the lot. A site walk was conducted with Board of Selectmen, Ben Frost, and Tim Allen of Department of Public Works. Based on the 1994 approval of the planning board, there was an approval by a prior subdivision, as you go around the corner on W. Joppa where the Class V extended up the road that is maintained by the DPW. That is shown on the map. This goes up 150 feet, and we are only talking about 80 feet. The condition that the Planning Board made to this Approval, namely that the road should be upgraded to a Class V, is not necessary because it is already a Class V.

Clyde Carson reported that the Board of Selectmen agreed.

Conditions of approval from July 9 were that:

- *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. **The upgrade to Class V is no longer necessary.***
- *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.*

The proposed driveway is no longer necessary.

Approval in writing from Tim Allen is done.

Monumentations to be set.

The issue of the Class V road, is no longer necessary.

Don Hall asked if this is a Class VI road.

Ben Frost responded that it is Class V in the area we are talking about. That was a Planning Board approval 30 years ago. The town has been maintaining it.

There is no need to extend to 80 feet as it is well beyond what we talked about.

Ben Frost seeks authority from the board to sign the plan when remaining requirements are met.

ACTION:

Peter Anderson made a motion to approve the Ben Frost's request to sign the plan when requirements are met.

James Gaffney: Second.

Approved 6-0.

Bret Ingold will get the plans to the Land Use office from Art Siciliano, for **Ben Frost** to sign.

7. CONCEPTUAL CONSULTATION

Applicant: Warner Holdings, LLC,
Address: 6 Warner Road, Warner, NH 03278

Description: Building addition discussion to prepare for November 5 Site Plan Review Hearing to include

1. Expansion of MadgeTech (Map 3, Lot 34); and
2. Relocation of historic building to be reconstructed on adjacent lot (Map 3, Lot 33)

Presenters: Norm Carlson, Mike Rogers.

Ben Frost asked if Norm's plan is to submit two applications next month.

Norm Carlson responded that he plans to expand to 15000 sf, and the adjacent 2.9 acres. Norm purchased three historic buildings from Justice Souter, and would like to start the development as soon as next month. The addition for MadgeTech will take longer.

James Gaffney asked if they are talking about homes, barns, or something else?

Ben Frost responded that this is Justice Souter's town of Weare homestead that has been disassembled and will be reassembled on adjoining parcel.

Norm Carlson said he will build a foundation.

Ben Frost asked if Norm is still intending to have one septic system to serve both properties?

Norm Carlson responded yes, if he can.

Ben Frost sees that as a complication. It is one thing when they are under common ownership, and it is you. If you some day sell one property, then it is a problem.

This will be commercial use for retail, service, and museum and country store.

Don Hall would like to see a complete picture of what is going to happen on that property. He would like to be shown everything that is going to be done, in one whole package, with nothing left out, and that applies to both lots.

Ben Frost pointed out that if Norm would consider merging the two properties, because they have the same owner, it would solve the septic problem. A merger is a very simple thing to do. The demands on the septic from a food service location will be pretty high. MadgeTech is mostly for employee bathrooms.

James Gaffney said that it can be stumbling block to have such disparate uses share a common septic system.

Norm Carlson responded that he will have to put in more wells.

Ben Frost asked if Norm knew the condition of the house's septic system. Will the house be tying into the new septic system?

Norm Carlson responded that yes it will tie in.

Ben Frost responded that it is an issue for Department of Environmental Services (DES) because they will permit the system. They will look at the different uses. The designer will have to get it approved by DES.

The project Designer showed what exists and what they are proposing, on architectural documents. The proposed building will be the red brick, with the green trim, and will be resided.

Ben Frost asked what is the model for this design?

The Project Designer responded that they did not want to build a flat roof that will be obsolete in 20 years. This sits where the MadgeTech building is right now. It will all be old brick. There will be columns of granite. It sits on a slab and it is a modern version.

Ben Frost noted that they are expanding the MadgeTech facility, and they are going to have Justice Souter's home next door, which is an historic structure. If you are driving south on 89, you will see the two buildings.

Norm responded that it is wide open on either side. The existing MadgeTech building occupies a small amount of space and will use the old train station.

The new adjacent lot will have an old fashioned ice cream parlor, country store, and an entry that will house a gift shop, vestibule, gallery. Norm is looking for a home for all the Charlie Brown's work and they will also show local artists.

Ben Frost noted that coming south on 89, barring vegetation, drivers will see these two buildings potentially together. They will complement each other, as opposed to fighting each other.

The tank is near the property line.

The board would like to see full elevation view, colors. Ben Frost suggested that Norm talk to an attorney about the merger issue and what that might mean for his business. From the board's perspective, Ben Frost would like to see them merged.

Norm Carlson asked what is to stop him, tomorrow, from putting in a foundation, and putting these building on it and nothing else?

Ben Frost responded that he need a permit, and the selectman's office will ask the landuse office if you have gone before the planning board, and we will say no.

Norm Carlson asked about putting in a driveway.

Ben Frost responded that if it is residential, then you will need a Special Exception from the Zoning Board; if it is commercial, then you need Planning Board approval.

- **COMMUNICATION AND MISCELLANEOUS**

1. Letter from Department of Environmental Services

Ben Frost: The Department of Environment Services with regard to the Warner River local advisory committee, is asking for feedback from the Planning board. But looking at the letter this is required by law, so it is a matter of the Planning board making a recommendation to the Selectmen to make recommendations from each town. They are asking for two members from each town. **Ken Milender** is interested in serving, and he would be great.

James Gaffney suggested that we put a notice on the website and ask for volunteers because we need two.

Clyde Carson suggested maybe someone from the Conservation Commission might be interested.

James Gaffney asked if the Planning Board should make a recommendation to the Selectment, on who should act in an advisory role. We should strive to enlist a volunteer who lives along the river.

It would be good to have someone who has rights to dam, and existing water rights. Some people might lose their deeded rights if they don't exercise in so many number of years.

ACTION:

James Gaffney made a **motion** that the Planning board Recommend that the Board of Selectmen ensure that one of the members of the local advisory committee be a riparian owner, preferably with deeded rights to the river.

Second by Peter Anderson.

Discussion:

Don Hall said that this also has an effect on surrounding rights. We have water rights to our lake, one of the problems we have watched in this process is it will become a form of dictatorship to these lakes who put water into the Warner River. If we choose to not let water out, then we have a strong issue with this. There is a lot of uncertainty with this package. What are trying to accomplish? We have cleaned up the Warner River. We pour our drinking water into the Warner River. It infringes on the rights of everyone around the Warner River, not just the people on the Warner River. Those who have a vested interest need to come forward.

Clyde Carson: As someone who sat in on all the committee meetings, this is not a federal program, it is a state program. It is advisory, approved, and costs no money. Most of the rivers in the state are already in this program. Most of the Merrimack River is in it. It has not caused issues that are being raised here. Everything I have heard is that it has worked elsewhere across the state.

Don Hall: They can say it is advisory, but the bigger it gets, the stronger it gets. And the next thing you know, they will take it in eminent domain.

James Gaffney: This is my issue because it provides at least some perspective to the advisory board.

The motion is on the floor.

Approved, 5-1 (Don Hall dissenting)

- **REPORTS**

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

There is a public hearing to take place at Oct 24, Board of Selectmen meeting with the DOT, to talk about rebuilding the bridge crossing 127 and to talk about replacing the bridge.

2. Regional Planning Commission - Ben Inman. The next meeting is Nov 11, and Ben Inman is unable to attend.

Ben Frost reported that the town needs to make an appointment to the Regional Transportation Technical Advisory Commission. Tim Blagden is the other member. This might also be put on the website. TAC advisory. Traditionally it had been someone from the Planning Board. Anyone interested can contact the Selectmen's office.

Don Hall asked why James Gaffney has not been appointed to the board.

Ben Frost responded that he twice recommended to the Board of Selectmen that James be elevated from alternate to full member.

Clyde Carson responded that it has not come up on the agenda. There are a few volunteer things that have not come up on the agenda.

Ben Frost responded that Clyde did ask to have this on the agenda.

3. Economic Development Committee - Peter Anderson is resigning from his position on the EDAC.

ACTION:

Motion by Peter Anderson to recommend to the Board of Selectmen to appoint Don Hall to the EDAC

Second by James Gaffney

Approved, 6-0

- **PUBLIC COMMENT**
- **ADJOURN at 8:46pm.**

PLANNING BOARD MEETINGS WILL END AT 10:00 P.M.

CASES REMAINING ON THE AGENDA WILL BE HEARD FIRST AT THE NEXT SCHEDULED MONTHLY MEETING