



Town of Warner
Zoning Board of Adjustment

APPROVED Meeting Minutes

Wednesday, April 19, 2018
5:00 PM Schoodac Road Site Walk

SITE WALK OF PROPERTY ON SCHOODAC ROAD

1. OPEN MEETING at 5pm and **ROLL CALL**

Sam Bower
Janice Loz (chair)
Howard Kirchner (Vice Chair)
Barbara Marty
Elizabeth Labbe
Harry Seidel joined the site walk at 5:20pm.

Also attending:

Warner Conservation Commission Members: Scott Lauren, Nancy Martin, Susi von Oettingen,
Abutter: Maureen Hampton
Public: David Hartmann, Ed Mical, Timothy Flynn, Kim Nolan, Steve Brown
Applicant: Joe Mendola, Jason Bielagus (Attorney), Jennifer McCourt (Engineer)

Janice Loz read the guidelines for a site walk.
Conservation Commission is permitted to ask questions.

Board Member - Subcommittee Member Conduct/Expectations. The Board members and Subcommittee members will stay together in a group and refrain from engaging in private conversation. The Board members and Subcommittee members shall view only the properties relevant to the pending application. The Board members and Subcommittee members can ask questions of the applicant and the abutters. Board members and Subcommittee members shall refrain from making statements of opinion.

CASE # 2018-02

APPLICANT: Joseph Mendola
Property Owner: Alan C. Wagner, Jr.
Property Location: Schoodac Road
Map #11, Lot 14-1. R-3 District

Description: 13 unit Tiny house open space development under the Manufactured Housing Park Regulations.

Request for a Variance to the terms of Article XIII, section E of the Warner Zoning Ordinance, for the proposed used of 13 tiny house open space development, under the Manufactured Housing Park regulation.

Where the record shows Q, the person is unidentified.

Q. How wide does the road have to be?

Jennifer McCourt: The pavement is 22 feet wide, and then the shoulder is going down.

Q. So about 40 feet?

Jennifer MCCourt: Yes.

Howard: Can you show us where the boundary is for the jurisdictional wetlands?

Jennifer: Pink markers are the Barclay Brook wetlands.

We just came up the slope, there will be one site in there, and a double site in there. We crossed the stream. It is a permanent stream, not a vernal stream. I am not a wetlands scientist, so I don't know if it is permanent or not.

Questions regarding wetlands. Has a wetland scientist delineated the wetlands? Is it your company?

Jennifer; It was done when there was more snow than this. We are all independent contractors. I will find out so we can have it on the records.

Maureen Hampton pointed out where her property line was located.

Q. Did you include the non-buildable land in the calculations?

Jennifer: No, we did not. We took out the wetlands, the steep slopes, (inaudible), as required.

Jennifer pointed out the gravel pit and four sites.

Sam: Approximately how far back is this trailer going to be? (Pointing to the back of the lot at the gravel area.)

Jennifer; The back will be where it goes back again.

Sam: And that is the furthest one back, and the other will tuck in on the back, and then on this side of the easement?

Jennifer; Yes.

Someone pointed out wetland plants.

Sam asked where the septic was located.

Jason: Sam is looking at the plan that is not the actual proposed land. It is the yield plan.

He has both plans in his hand.

Scott Lauren: I see some plants that are wetlands plants. That does not necessarily mean that it is a wetland, but they are wetland plants. New Hampshire has its own set of definitions, but there certainly are wetlands here.

Sam: So at full occupancy, there would be four 8 x 40 trailers here, and each trailer is allowed 2 permanent parking of cars? And you are allowed to have friends, and family over, so you there could be a few more cars? There would be minimal movement of the landscape, and just some tree removal, upgrades for parking, and foundation spots? So 8 – 10 cars, and four 8 x 40 trailers.

Jennifer: If there were two cars at each. But there could be one. There is parking for two.

Scott Lauren: So it looks as if there are three or four lots going into the elevation rise? Am I reading this correctly?

Jason: There are no lots.

5:20pm – ZBA alternate member Harry Seidel joined the group.

Jennifer: The pink flags are for the surveyors, they are control points where they point the instruments.

Jason: If you are shooting a long line, as a surveyor, it is difficult to do a long line accurately, so they chop it up into segments, from A to B, and then B to C, as opposed to shooting a very long line.

Jennifer: You can see the rocks starting a formation. There is a change in soil type up through here, from the gravel pit to the hills.

Voices are pointing out power lines.

Howard: Does anyone know the prior use of this property, and why this road is here?

Joe: It was a gravel pit. Word has it that the town used it for buying gravel and making roads.

Howard: It was a gravel pit down there, but what were they doing up there?

Joe: I don't know. But they went through some trouble to put in the road.

Maureen Hampton: This lot once belonged to the folks that own the property over there. This lot was split off and it was supposed to be where the transfer station was going to be. It was not a good place for the transfer station, so they ended up putting it down by the town sheds. It has been for sale for some time. The price was extremely high back ten years ago. Mr. Manning had priced and got a quote at \$240,000 at the time, so it was not touchable for 15 acres. I don't know about the gravel. I thought there was more gravel here. I have not been on the property in many years. I know my daughter used to jump from one sand pit to another, 20-25 years ago, but I don't see those now.

Jennifer: The wetlands scientist is Spencer Kate. He is a consultant and does not work for the state.

Jennifer points out the septic systems.

Sam and Harry have broken off from the group and the group awaits their return.

Janice: They are standing out where the end of the last trailer will be.

Q for Conservation Commission: The road that we walked up on will be re-seeded?

Jennifer: Yes. The site is long and narrow. Trying to navigate it. There is a pocket of wetlands that we are trying not to disturb. We had him stop mapping here because for our purposes we would not develop that area.

Q for Conservation Commission: Are they all meeting the setback requirements?

Jennifer: Yes.

Joe: Yes, we are not asking for a variance on the setbacks.

Jennifer: Just the size of the sites and the frontage on the road.

Joe: to minimize the environment impact.

Q for Conservation Commission: You are asking for a variance on the road.

joe: no.

Janice: we will get to that in the public hearing. You should keep your questions to the CC.

Jennifer: But part of our argument, without doing the grid subdivision which we are allowed to do, we won't be disturbing the wetlands on the other side of this hill. We would extend this further.

Joe: So that is allowed, and we want to minimize the impact on the environment and we need your permission to do that.

Jason: I just want to be sure that everyone is clear, (pointing to the map) this is what the zoning ordinance allows. You have a manufactured housing park, with 15,000 square feet per unit, with 100 on the front end, and 150 feet on the sides. What we are seeking is a variance from the literal application of

the zoning ordinance for this development which follows the contours of the land, so there is less disturbance of the land, and more of the buffers that you are asking about –the setbacks are increased on the requested version vs. the allowed version.

Q for Conservation Commission: What would be the wetland impact between those? Well you cannot figure it out because you don't know if those are wetlands down there.

Joe: This piece here (pointing to map) will not be disturbed.

Q for Conservation Commission: Can we walk back to where that would be?

Jennifer: We can guesstimate it. It has not been laid out.

Janice: we are going to look at the furthest back on the yield plan.

Jason: from where we are, we can see how steep the land is here. You can also see that area where we just walked by the power lines. Those power lines are there by virtue of an easement to the power company, so we cannot do anything in that area. If you remember when we first entered the lot, there was the wetlands that we walked over, which again are restricted so you have a restrictive hill here, a restrictive easement here, and wetlands at the front. Those are the factors with which we are dealing, and the factors that led to the proposal.

Sam: How will the road be constructed over the little point of wetlands. Is that area culverted? It will be paved?

Jennifer: Yes, and will be a 15 foot culvert.

Harry: Where does this water go, normally? Down there where you have a septic system?

Jennifer: Right. But the wetland stops here.

Harry: So the water comes down hill and gets to here, then goes toward your development.

Jennifer: Or it could be ground water that just comes up and goes back down. Or, if you look at it, it goes through there too. There is always water coming from the skies, so you'll always have water going around where you put the development. If you are on any sort of a hill, the water will run downhill.

Sam: On the proposed variance, will there have to be a series of culverts?

Jennifer: Yes, we have not gotten into that level of detail.

Jason: That will be a planning board issue.

Janice: We have moved to the end of the road, on the other side.

Q for Conservation Commission: You walk about this plan, the small wetlands – we asked if you would put a culvert across but that you would fill it?

Jennifer: If we did the yield plan, we would not touch that wetland. But if we did the grid one, which is the allowed use, we would fill that and putting a culvert in.

Q for Conservation Commission: My understanding is that if you fill in a wetland, you have to do mitigation somewhere else?

Jennifer: Not for a roadway, and not for access, and under certain square footage too. If we are going to do it major, then we are going to be in to mitigation anyway. But, for a normal access crossing, we don't have to do mitigation.

Q for Conservation Commission: On the plan for which you do not need a variance, would they all have their own septic and well?

Jennifer: Yes.

Harry: Where exactly will these units go? I have a tape measurer, and I know the scale. Where will the sites be located relative to the septic?

Jennifer: Basically, it is approximate. I have not had them surveyed to provide an exact location. The test pit was located by the surveyor.

We are looking at the proposed plan. Harry stands where he thinks one of the units will be.

Jason: We are not surveyors so we cannot tell you an exact location. What we can do is give you a general sense of location.

Harry: We are going by your plan where you have identified where the natural feature are, where wetlands are, and where the boundaries are. I am just trying to figure out what are the limited spaces that are left, and there is not a lot of it. My question is about the proposed plan, and what you are trying to do.

Jennifer: We could go out back to where we will not be building, and there is a lot more space there.

Sam: So on this one, you are just about parallel with the easement.

Jason: And that is about as specific as we can get.

Harry: And there will be driveways, you will make a hammerhead there, and you will cut in driveways.

Jennifer: Only one is coming off of the hammerhead and I did talk to the DPW about that, and where would be the best place to do that. The other ones are coming off of the road.

Tape ended here. Jason taped the end on his phone and sent to Landuse.

Harry recaps his questions:

Harry: I just had a couple of questions about where the manufactured home sites actually were, based on the test pit that was there. On the land, that is one of the few things you can see because it is marked. The boulders are not on this map, so it is difficult to see, but there are a lot of other natural features. I just wanted to see where these units actually were, standing in the field. There is another trailer site here that has a long driveway off the road, not from the hammerhead. And then there are three more along the edge.

Q from Conservation Commission: Do you know when the wetlands will be delineated?

Jennifer: I don't know. We are going through this process at this time.

Scott Lauren: What are your plans for the fifty – five foot road?

Harry: I think it is 60 feet.

Jennifer: the ROW is, but not the actual work.

Scott Lauren: Well as you move down the hill, it is either vernal pool or intermittent.

Jennifer: It is either intermittent or perennial. Basically, we will do whatever is required by the state, and bring it back to the Conservation Commission and the Planning Board.

Harry: I have a q for the CC. What is a vernal pool? Is it a pool that it dries up?

Scott Lauren: It is wet in spring, then it dries up. But if it stayed wet all the time, you'd get fish that would eat the salamanders and the eggs.

Jennifer; It has to be wet enough and deep enough in order to sustain the eggs in order to hatch. You may see pockets of water on the ground, like the one that we saw up there. Sometimes you will see a pool that has eggs in it, but the pool is not deep enough, and does not last long enough so the eggs do not hatch, and it is not a viable vernal pool.

Conservation Commission: Vernal pools are important because they provide all the nutrients for all the other critters. They are a great source of food. You will go there in August, and most will be dry.

Jennifer; Even the state says you have to delineate vernal pools in the spring. Usually in April it is great time to do it, but not this year because of all the cold. We don't know yet if the pools will be viable.

Maureen Hampton: I do get salamanders on my land, so I know they are coming from somewhere.

Adjourned at 6:03pm.

