

MEETING MINUTES
TOWN OF WARNER PLANNING BOARD

March 4, 2019

7:00 PM

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

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

Present:

Andy Bodnarik Peter Anderson **Ben Frost:** (Chair)

Clyde Carson: Carson: (Representative of the Board of Selectmen) **Don Hall** (Vice Chair)

James Gaffney(arrived at 7:29)

Absent:

Ben Inman (excused)

- **APPROVAL OF MINUTES**

February 4, 2019 – Postpone review of minutes until March meeting.

- **NEW BUSINESS**

1. PULBIC HEARING - SITE PLAN REVIEW

Applicant: MadgeTech, Inc.
Property Owners: Warner Road Holdings, LLC
Agent: Erin Lambert, PE, Wilcox & Barton, Inc.
Street address of property: 6 Warner Road, Warner, NH
Map 3, Lot 34, Zoning District C-1

Description: Site Plan Review for proposed construction of 5,883 sf addition to the existing MadgeTech, Inc. building. The proposed site plan will include construction of new parking spaces, storm water controls, sidewalks and a patio.

ACTION: Approve/Deny or Continue Meeting/Public Hearing

Ben Frost said we can review the application, open the public hearing, and if the board decides that there is potential for regional impact, then under state law we are obliged to notify the affected municipality, and affected NH Regional Planning Commission (NHRPC) to give them the opportunity to formally comment. Some notice was done but it was not done specifically pursuant to that statute, and did not include notice to the NHRPC. We will have to continue until April, if the board agrees there is regional impact.

In attendance for MadgeTech:

Kyle Barker, and **Mike Rogers** from TKI.
Gerald Roy representing MadgeTech
Erin Lambert from Wilcox & Barton, Inc.

Erin Lambert presenting: The total square footage, after the addition, will be 25,000 sf. There will be 114 parking spaces, 5 spaces will be handicap accessible. There will be onsite septic and well. Wilcox and Barton reached out to the original designer of the septic/well and found that the septic does comply; a letter is included with the application. Fire suppression will be adequately designed.

The water stays on-site. MadgeTech will be paving the parking lot. Storm water will continue to flow. Water in parking lot will be caught in three places. All the water will be away from the pavement and is designed for a 50 year storm. There will be six light poles to light the parking lot. 20 foot poles will be fully downcast, and situated to not cast light into the nearby home. Landscape requires a certain amount of trees. A second septic system for the home was permitted in 2005.

Andy Bodnarik asked about a reference in the letter to a vent to be added to the septic.

Erin Lambert responded that they will put a patio over it. We have two options, if we make it pervious we will not need a vent. If it is impervious, it will need a vent. Erin will check the septic design with regards to fumes. They have not yet discussed how long the lights will be on. There will be a six foot fence installed.

Mike Rogers responded that the fence will not be vinyl.

Ben Frost asked about the well that serves the property, and requested that the applicant do some research into the house septic system. Because there is a well there, there is some concern. MadgeTech may need to consider tying in the two septic systems. Ben Frost would like to verify that there is a septic system and that it is functioning properly.

Andy Bodnarik asked how far away from the house is the septic system? It should be away from any direction of the well.

Erin responded that the well is approx. 25 feet from the home, on the backside of the property, located northwest of the house. We will need to locate that to determine that the parking will not impact that.

Kyle Barker: We are just working on the design. Details, such as sprinkler, will be worked on in a month or so.

Ben Frost: If there is a concern, we can make it a condition. It is the purview of the Fire Marshall.

James Gaffney(arrived at 7:29pm)

Motion by Clyde Carson: to accept jurisdiction of the application, second by **Don Hall**.

Approved 6-0

There is now a 65 day window for the Site Plan to be approved.

Questions on Content:

Ben Frost: You mentioned the dry well. Is it shown on the plan?

Erin Lambert: on Sheet 1.2, north of the parking lot, they come to the dry well in the center. Looks like a bullseye. The water from that parking lot will flow into the bullseye.

Ben Frost: There was prior discussion about access for the fire department, around the building. Did you say you were checking out the flow?

Erin Lambert: Yes.

Erin Lambert: There is a dumpster on the southeast section.

Ben Frost: Any changes to utilities?

Kyle: A condenser on the Warner Road side of the building.

Ben Frost: I noticed a sign. Please notice that the sign needs to be comply with existing sign which is already on the building. We also note on an elevation view, it is hard to determine the height of the tower.

Kyle: It is 44.10.

Ben Frost: Please have that shown, clearly, on the map.

Erin Lambert: Wetland in the Southeast corner, is less than 3000 sf. I will get an answer on that.

Andy: I am wondering how the drainage will work with the wetlands.

Erin Lambert: The water will all land in an infiltration section. In the back, it will stay at it is today. There are a few drip edges. There will be more infiltration in those. Anywhere there is a place to put a drip age we will put one.

Ben Frost: Were the wetlands delineated for this?

Andy Bodnarik: In the storm water management plan, it is referenced. And also talks about the dry wells.

Ben Frost: I understand you have included this because it is not part of your work.

Ben Frost: OPEN THE PUBLIC HEARING.

Abutters invited so speak.

Anthony Mento – Newmarket Road. Asked if there is 18 wheeler traffic coming into the site?

Kyle: The addition is for offices. Whatever the traffic that is for machinery, will be what it is with after the construction.

Anthony Mento – I was not clear if this is for office space, or something else.

Erin Lambert: When I was there, a truck came in on Old Warner Lane, and went to the loading dock, turned around, and left.

Ben Frost: We can expect that the new traffic pattern will stay the same?

Erin Lambert: Yes.

Ben Frost: On C-1.1.1. you'll need to show the existing gravel drive going to Old Warner Lane.

Jim McLaughlin, resident from School street, and **Anthony Mento** voiced support for the project; they think it is a great asset of the town.

Ben Frost: RECESS THE PUBLIC HEARING.

Question of potential for regional impact. Statutes for regional impact. As you know, in regards to the site plan for the abutter property, for an indoor shooting range, in the indoor gun range, the board found that it had regional impact. It is almost as close to the municipal line as the range.

James Gaffney: All the same questions apply. We had endless testimony about traffic. I recall traffic going up and down the road to Hopkinton. Concern for kids safety on the road. I will work on the assumption that MadgeTech is doing shift work. Just trying to understand the traffic patterns. The change in traffic will be distributed. My assumption is that it would maintain some sort of shift schedule, coming and going at the same time. I am wondering what sort of impact that will have on the traffic pattern. Everyone has to come out to 103 and go either Left or Right.

Gerald Roy: It is primarily office workers, and traffic is not going to change.

We are bringing all of our staff forward, so that they will relieve the space for manufacturing. It will not necessarily increase our employees.

Clyde: What happens if there is regional impact?

Ben Frost: We have to notify town of Hopkinton, central regional, then they have the opportunity to address the board. They cannot appeal our decision, but they can provide comment to the board.

Andy Bodnarik: The only ones that would have an impact are the schools. My only question is the traffic flow. If it is what it is. The question would have been had another expansion been in question. The lighting plan satisfied me.

Clyde Carson: My comment is an observation; at public hearings, there were substantial people at the previous hearing.

James Gaffney: That does not address the underlying reasons why something would have regional impact or not.

Motion by Peter Anderson that this does not have regional impact. **Clyde Carson:** seconds.

Voice Vote:

Peter Anderson, Clyde Carson: Yes

Ben Frost, James Gaffney, Don Hall, Andy Bodnarik: No.

Motion Fails.

James Gaffney makes a **Motion** that this project has regional impact. Second by **Don Hall**.

Discussion:

Andy – my concern is traffic, and proximity.

Motion Approved 5-1, (Peter Anderson Dissenting).

We have to notify the Selectboard of Hopkinton, and the NH Regional Planning Commission.

Ben Frost: I would like to take some time to review the lighting plan, we talked about the septic system, and details on the lighting.

Ben Frost:

Check List for MadgeTech:

Hours of operation of the lights

Venting of septic

Details on the fence

Show tower at 44'10"

On C.1.1. you'll need to show the existing gravel driveway going to Old Warner Lane.

Height of the poles.

Confirmation in writing from the Fire Chief, access around the building.

Proposed signage.

Wetland dimensions – from the plans that were referenced

Ben Frost: We need a discussion of traffic flow. Will there be a capacity for more employees? We need to have a discussion of what future traffic will be.

Kyle: Current staffing is about 70. The equipment manufactured is relatively small, so does not go out on tractor trailers.

We will continue this to April 1.

2. APPLICATION FOR LOT LINE ADJUSTMENT

Applicant: Thomas M. Ladd, Trustee of the Paul R. Ladd Jr. Trust and Peter Ladd, Nancy Ladd, Trustees of the Douglas Ladd Trust
Property Owner: Paul R Ladd, Jr. Trust and Douglas Ladd Trust
Agent: Nancy Ladd, 483 Newmarket Rd., Warner, NH 03278
Street address of property: Corner of Ladd Lane and Howe Lane
Map 13, Lot 38 and 38-1, Zoning district OC-1
Details of request: Adjusting Lot Lines between 13/38 and 13/38-1.

ACTION: Approve/Deny or Continue Meeting

Paul R Ladd, III. Representing Thomas Ladd. First cousins are Nancy and Peter Ladd. We are looking to adjust two boundaries of a lot that was unmerged, the smaller lot. We are looking to expand that to the north, and move the southern boundary to the adjacent property to account for the road. The intended use is gardening. We are looking to clean up ownership of the various ownerships of lane. This is a long sought resolution. It is important to us.

Ben Frost: This is different from an earlier iteration. There is not a public hearing associated with this, but if there are abutters, they can be heard.

Nancy Ladd: We are waiting for your approval to change the deed language.

Paul R Ladd: The deed language would be that a section would be used for gardening.

Ben Frost: In the application, there is some proposed deed language.

Andy: In the proposed language, you mention a bridge, and it is not showing.

Paul R Ladd: It is not in this parcel. It is in reference to a family memorial site. Our intent is to have all members of the family have access to that. The deed language was to allow for preservation of that bridge. It is a historic road

Ben Frost: I do note that on the detail, it shows IPS Iron Pipe Set – have these been set?

Peter Ladd: We still have to set some of them.

Ben Frost: My concern is that the requirement is for stone or concrete monument. The other two are mtbs. It should be a 4x4 and 4 feet in depth, and a rod is set next to it.

Nancy: In talking to the surveyor, it is important that it is done, and he will not provide mylars until it is done.

Peter Ladd: Waivers – we are asking for, which are relative to the map that would make sense. And the other is that we are not showing contours, and not showing wetlands as there are not any. There is no building, ever, on this lot.

Peter Anderson makes a **motion** to accept the application.

Second by Don Hall

Approved 6-0

Waiver request for contours and wetlands

Andy Bodnarik makes a motion to grant the two motions

Peter Anderson second.

Approved 6-0

Anthony Mento, abutter, did not know if the person who will own the parcel that abuts his land is present.

Peter Ladd: The intention is to focus on the farm house. I cannot tell you that if in fifty years, it will be different. I have 10 kids, so it is complicated. Our intention is to preserve the land.

James Gaffney: I have one concern. We spoke at great length at the consultation trying to get to the understanding of what is happening and why. I want to be sure this is documented in a manner that people can understand and it is clear to them. The large drawing we have refers to parcel lot. The sheet included looks more of what we looked at.

Peter Ladd: There are historic deeds that refer to A, B, and etc.

Nancy Ladd: the attorney doing the deed language suggested x and y instead of A and B.

James Gaffney: My concern is that it will be confusing.

Peter Ladd: Can we submit a memo?

Ben Frost: Yes. I would not change the plan. The plan is clear.

MOTION BY James Gaffney to approve the Lot Line Adjustment with the following conditions.

CONDITIONS TO THE FILE:

1. We have a memo to the file with the changes from A,B,D,E to X and Y to avoid confusion.
2. Changing the northeasterly IPS to be a MTBS.
3. Met within 60 days.

Second by **Andy Bodnarik**.

Approved, 6-0.

James Gaffney: Does it matter that the microfiche in the packet shows area prior to lot line adjustment, and after lot line adjustment, and the numbers do not match? I am asking the question to avoid a dispute.

Nancy Ladd: It happened because the surveyor changed the size of the lot, and he had the square footage correct.

Andy Bodnarik: Be sure there is a paper trail to the final drawing.

Ben Frost: The signed plan that is recorded is what matters.

Nancy Ladd: Isn't there a 14x 17 that matches the big one.

Ben Frost: As is often the case, we get a lot of these.

James Gaffney: Is there a process for submitting, approving, that language?

Ben Frost: There is as part of the lot line adjustment checklist. We have this proposed language here. We don't ask for a full deed description. We do not submit this to our attorney for a review. It is more that the questions in the transaction are property addressed.

3. CONCEPTUAL CONSULTATION

Applicant: Old Window Restorers. Dave Bowers
Property Owner: Town of Warner
Address: Old Firehouse. 27 East Main Street
Map 30, Lot 2, Zoning District B-1
Proposed Use: Business consisting of period and historical window restoration.

Alden Withim: Old Window Restorers fixes windows, woodworking, performs paint removal, and lead safe removal. All lead paint removal is with steam. No contaminants. They paint windows, weatherize, and install. They work only on-site in NH, but they get windows from all over the country.

There are five full-time who work approximately 30 hours. Parking will be for employees and customers but the anticipated parking for customer is only one car per day, and perhaps one tractor trailer per month.

Although there are two bays for parking, they have not decided if they will park inside our outside.

Depending on how the Selectmen move forward, Alden plans to use the upstairs as an office, and the downstairs for our work area and a place to mill. Alden has not yet been inside the building without firetrucks. The business is currently located in Weare, in a 800 sf facility. There is dust collection inside the building. It is a standard woodworking dust collector with a collection drum inside.

The business collects approximately 45 gallons every two months. Most of our work is hand tools.

One reason they are interested in this location is the sprinkling system.

Clyde Carson: The expectation is that the selectmen want to sell, or lease to sell.

Andy Bodnarik expressed concern with the sawdust that will be generated.

James Gaffney: Asked about the disposal of lead.

Alden follows the EPA standards. On hazardous waste day, they bring a bag of paint chips, hand it to the hazmat people, and the hazmat people put it in the dumpster. That is the EPA standard for what is produced. Alden produces a 50 gallon drum ever three months.

Ben Frost: This board has some experience with dealing with lead. As a result, people are appropriately sensitive to lead, in particular to children. I would like to know the process you use, and how it controls for accidental release of lead. Please provide written material. What are your protocols for indoor and outdoor for lead?

Alden: We do not test how much lead paint is on our windows. A portion of what we move is probably not lead. We assume it is there.

Ben Frost: This is a pre-application, nothing we have said is in any way binding. You will need to demonstrate how you will deal with parking. If you cannot meet the town's site plan with regards to parking, you'll have to request a waiver.

We will also look at hours of operation, signs and lighting.

Don Hall – I think the selectmen at this point are somewhat undecided. Until they reach an agreement, and informally post that the building is for lease or for sale, we will step back and wait.

Clyde Carson: – The Board of Selectmen suggested that Alden come before the Planning Board, and there is a petition coming before the town meeting, with a lease with an option to buy.

- **OLD BUSINESS**

- **COMMUNICATION AND MISCELLANEOUS**

Economic Development Advisory Committee (EDAC) Discussion of mural and communication between the Planning Board and EDAC. – **Bret Ingold** representing the EDAC.

Bret is here to talk about a mural on the side of the LOCAL restaurant. The EDAC had an idea to tie into the approaching 250th, and to beautify the downtown area, to cultivate the tourist appeal. The owners of the building are in favor of moving forward with a mural that celebrates the history of Warner. They are meeting with the Historical Society. The EDAC will put together a Request for Proposal (RFP) to the artist community, and see what comes back, to celebrate the anniversary.

Ben Frost: James Gaffney, in the past, had concerns about political message.

James Gaffney: My concern is that it doesn't fit within the existing sign ordinance.

Ben Frost: It is a sign if it is advertising something.

James Gaffney: It is advertising the town.

Don Hall: Do you have written permission from the owner?

Bret Ingold: I believe we have written permission.

James Gaffney: How long will it be up for, and how will it be maintained.

Bret Ingold: That will be part of the RFP and the fund raising.

James Gaffney: There is no way to make everyone happy.

Bret Ingold: We wanted to open up the design committee to anyone who is interested. That can be part of it, an open public forum to have it be inclusive.

Ben Frost: Who would own it?

Bret Ingold: I imagine the building owner would.

James Gaffney: My previous concerns revolved around it not being political, and not touching upon hot button issues. How you do that, I don't know. You read the news and everyone is offended by everything.

How would the planning board resolve this with the sign ordinance?

Don Hall: It is not a sign. It is a mural.

Ben Frost: I am on a listserv of municipal attorneys nationwide because property owners get asked to put murals on their property. If the town owns it, then it is government speech, and not subject to the sign ordinance. If it is privately owned, then there is a possibility of it being sign.

Bret Ingold: There will be panels and they could be removed.

Ben Frost: I don't think we will resolve this tonight. But we just brought up some issues. And we have a couple of years yet. I will put out yet another hypothetical to the listserv.

Andy Bodnarik: There are murals all over the country, not necessarily privately owned. Even in Amish country there are murals.

Ben Frost: In some places, buildings have public murals and cannot be disturbed under federal law.

TERMS OF SERVICE FOR BOARDS AND COMMITTEES

Don Hall and **Ben Inman** have expiring terms. **Don** will stay on as Vice Chair of the Planning Board.

There is a request from the selectmen's office with regards to **Ken Millender** on the NH planning Commissions.

Diane will email Ken and ask if he would like to be reappointed to a 3 year term as a representative to the Regional Planning Commission.

Resident **Romeo Dubreuil** has submitted an application to volunteer on the Planning Board. Romeo is the Building Inspector in a NH own.

Ben Frost: Years ago, the board took the position that we don't take a position for people serving on the board.

Ben Frost would like for **Clyde Carson** to take the following message to the Board of Selectmen: We take no objection to Romeo's service on the Planning Board.

• REPORTS

1. Board of Selectmen -**Clyde Carson:**
Next week is election on the 12th. And the following Saturday is Town Meeting.
2. Regional Planning Commission - Ben Inman (absent, no report)

3. Economic Development Advisory Committee – Bret Ingold reported that the website is ongoing. There are some opinions about the fire station. The town brochure is coming along nicely.

- **PUBLIC COMMENT**

Andy Mento – with regards to the old fire station, and if there are floor drains, and if they are running out, where are they going? What are the EDACs interests in that. In the proposed use, a great things for a small country village, I don't know if it is the best use for Main street development.

James Gaffney– we reached out to the liquor commission, and lights being left on. I drove down through town at midnight last night, all lit up like a Christmas tree. They fixed the issue with the timer, and now it is back.

Ben Frost: – One thing that might help is for us to document send an email to Diane so we can keep a record of it.

James Gaffney: I did have a conversation with a manager and they were unaware of the issue. Things were corrected and now they are back to a non-functional state.

Ben Frost: If we can catalog it is a common event, then we can make things happen.

Clyde: Spoke to them already and they thought the problem was fixed.

- **ADJOURN at 9:15pm.**

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