

**MEETING MINUTES
TOWN OF WARNER PLANNING BOARD**

April 1, 2019

7:00 PM

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

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

Andy Bodnarik Peter Anderson Clyde Carson
Ben Frost (Chair) Don Hall (Vice Chair) Romeo Dubreuil (Alternate)
James Gaffney Ben Inman

Chairman Ben Frost welcomed Romeo Dubreuil as a new member to the Planning Board.

- **APPROVAL OF MINUTES**

February 4, 2019

Motion by **Don Hall** to approve the minutes as amended. **Second** by **Andy Bodnarik**.
Approved 7-0

March 4, 2019

Motion by **Clyde Carson** to approve the minutes as amended. **Second** by **Don Hall**
Approved 7-0

- **NEW BUSINESS**

1. CONCEPTUAL CONSULTATION

Applicant: Bagley Pond Farm
Address: 648 Pumpkin Hill Road
Property Owner: Broadleaf Warner
Agent Name: Kris Daniels
Map 19 **Lot 24 Zoning District, R-3, and OC-1**
Proposed Use: Events in the barn. Applicant would like to hold weddings, reunions, birthdays, etc., in the barn at Bagley Pond Farm. Events would be mostly between May and October.

Ben Frost noted that this is an informal Conceptual Consultation. Anything the board says is not binding but will give you a chance to show us what you are proposing.

Kris Daniels explained that they are a completely organic farm growing hops and perennial natives, and would like to increase income to the land by using the barn and keeping events to a six-month period. Music and noise would be limited. Parking would be on the property. Size of the events will

be under 100 people. Kris would like to be respectful to the abutters and neighbors. Kris believes she would need a Variance for 20 and a Special Exception for 19 on the Use Table. Mostly it would be in the barn but some people would want to have a tent outside.

Ben Frost: This would probably require a variance for # 20 on the Use Table.

*20. Other amusement and recreation service, event venue and function services **indoor**.*

The outdoor activities are permitted by Special Exception.

Kris Daniels: Peter Smith of Mink Hill Lane had 1 Special Exception and 2 Variances, and all were granted. This would also be agritourism, and would be an accessory to what we do on the farm.

Ben Frost: This would be the Planning Board's first application of agritourism under the new statute.

Clyde Carson: Is the application being filed under agritourism, under our existing zoning, or both? If you look under agritourism, it is to promote the use of the property.

Ben Frost: I encourage all board members to familiarize yourselves with the statutory provisions on agritourism as there are new statutes. With reference to the New Hampshire Planning and Land Use Regulation manual, page 23 of the RSA 21:34-a, it is a page-long statute, a portion of which covers agritourism. It is a complex statute. There was also, last year, a change to the agritourism statutes, broadly speaking, in the planning and zoning statutes, on page 425, in RSA 674:32-b II which deals with establishment and re-establishment expansion of farm stands. This new language was added:

“No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.”

Hence, the need for us to be really familiar with the statute and the definition.

This legislation established an administrative law process for adjudicating disputes between municipalities and what is agritourism, and these are to be resolved by the Commissioner of Agriculture, which is a unique process, at least in NH law. We need to be aware of that as we move forward.

Andy Bodnarik, James Gaffney, and Don Hall recommended that the application should address concerns regarding noise, signage, traffic, septic, wildlife, residents raising bees, indoor vs. outdoor camping (if any), and questions from the fire chief.

Kris Daniels explained that her property is over 300 acres and is very aware of wildlife and the environment, disposal of trash, and not attracting wildlife. She has had the fire department visit the property already and realizes she will need to acquire an official report from the fire department.

Martha Mical (resident) also suggested that Kris will need to address sewage.

Andy Bodnarik said that the town recently passed, at town meeting, a definition about agritourism.

Ben Frost: I recommend that you first present to the ZBA to request two variances on the property, and you may want to work with an attorney. The ZBA deals with what is done on the property and the Planning Board deals with how that use is done. The Planning Board will be looking at lights, traffic, impact on the neighborhood, and sound; but first the ZBA needs to decide if the events can take place. We generally recommend people go to the ZBA first as the threshold is higher but the cost to prepare an application is lower than for the Planning Board.

Ben Frost encouraged Kris Daniels to check the ZBA minutes regarding Pumpkin Blossom Farm from several years ago.

Janice Loz (Chair of the Zoning Board), audience member, said to make sure to look at 19, 19A and 20 from the Zoning Ordinance Use Table to be sure you are writing out the application for the right thing. You would be asking for 2 Variances, and not a Special Exception. The issue of “including” and “excluding” is very important.

Martha Mical: Point of order that the lot was listed incorrectly on the agenda (now corrected), and you need to be looking at parking and sewage.

Ben Frost: Good luck with the ZBA. If you get through the ZBA, we would be happy to entertain an application.

- **OLD BUSINESS**

2. PUBLIC HEARING - SITE PLAN REVIEW (continued from March 4, 2019)

Applicant: MadgeTech, Inc.
Property Owners: Warner Road Holdings, LLC
Agent: Erin Lambert, PE, Wilcox & Barton, Inc.
Property street address: 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 patio.

Erin Lambert reported that she needed to complete some follow-up work since previous Planning Board meeting, and then described the overview of the project. There will be 114 parking spaces. They will use existing septic and well. Since she was last before the Planning Board, there have been modifications to the design. They used to have an underground infiltration system. No more stormwater will leave the site than it does now. There will be an underground cistern. The entire building will be sprinklered. Erin spoke with the fire chief and he looks forward to seeing the cistern design and sprinkler design.

The well radius and the location of the leach field were identified. Parking is slightly reconfigured so as to not disturb the leach field.

Site lighting will be added. The poles are redesigned to accommodate our zoning of 15'8" maximum. There are LED lights, on timers, to go off at 10pm.

Erin showed the Pathways plan that showed the wetlands which are far away from the proposed construction. Pathways did some work mapping the wetlands and Erin will leave that with the Planning Board.

Clyde Carson: How do you define wetlands?

Erin Lambert: Plants, hydrology and soil types. There are no wetlands within our project area, that is why we did not delineate that part.

We talked about the type of fence. If there is a fence, it will be wood. We would like to not put in a fence. As long as there is no objection, we will remove the fence from the plan. If MadgeTech needs to provide a buffer, we would prefer to put in plantings between the parking area and the house on site. This would be between the residence and the parking. The house is currently occupied.

Traffic – The building is designed for up to 100 employees. MadgeTech currently has 65 employees today and anticipates increasing to 100. Most employees come off of Route 103 and enter on the main entrance on Old Warner Lane.

The height of the building on the original elevations – the building height at its peak is 45 feet.

James Gaffney: Is the lighting down facing?

Ben Frost: I think I asked for detail on the light fixtures.

Erin Lambert: I handed them out at the last meeting.

Clyde Carson: The last time we said that this project had regional impact. Were they notified?

Diane Ricciardelli: Yes, they were notified and we met our obligation.

Andy Bodnarik: The location of the fence wobbles depending on which drawing you are looking at. When I looked at C0.1 the fence is outside the septic. C 1.2, C 1.3, there is some indication that it would be under the fence?

Erin Lambert: That was what precipitated the removal of the fence.

James Gaffney: Isn't that between the tenant and the landlord?

Andy Bodnarik noted that it does not makes sense for a pole to go through a septic system.

Ben Frost: It is all part of the same property. This is Norm's tenant. I was not paying attention to the boundaries until I was reviewing this plan. The driveway is part of the right of way? Is it a state right of way?

Erin Lambert: It would be part of Old Warner Road, it is town right of way.

James Gaffney: I know it is challenging to address because it exists in a number of places. I think we need to find a way to indicate right of way on all the applications we receive. The boundary survey should include all of that.

Ben Frost: That is part of the check list. The thumb off of Old Warner Road is part of the town right of way? Is that state right of way?

Erin: No, it would be part of Warner Road.

Ben Frost: It is part of the checklist that all rights of way will be shown. Does the town plow it?

Norm Carlson: No.

Ben Frost: You plow it for us? Thank you! Do we have any detail on the sign that is on the building?

Norm Carlson: Not yet. We checked on the size and we were under it. But we don't have detail yet.

Andy Bodnarik: The fire chief needs to provide something in writing.

Ben Inman: The bio-retention area, is that typical for bio-retention?

Erin Lambert: We can do a soil mix but these are such well-drained soils. It is part woodchips, part organics, and part sand.

Romeo Dubreuil: Given that it is commercial, will there be a 3rd party inspection?

Ben Frost: We do have a compliance inspector who will look at it.

Andy Bodnarik: I am wondering about the second wetlands on the site. It looks like a hole in the ground.

Erin Lambert: It is from the Pathways plan. It is a low point on the road. That is far outside our project area but I wanted to share with you that it is there.

Romeo Dubreuil: The cistern location, is that proposed?

Erin Lambert: The design will dictate the size, and then it will be as close to the building as it can be. The footings will dictate where that might be.

Ben Frost: For that, we will ask for an as-built because it is fluid right now.

Conditions to be met within 60 days, with the exception of the as-built:

- An as-built, in particular for the sprinkler tank
- Remove the fence from the plan.
- Sign detail that is on the building
- Written confirmation from Fire Chief, that he is OK with building access.

Bio retention detail
Escrow of way for inspection. \$250.00 check for inspections.
Catch Basin – already on the plan.

Ben Frost: re-open the public hearing.

Ed Mical: I apologize that I was not here earlier. Is there any hazardous material on-site?

Norm Carlson: Batteries.

Ed Mical: You don't have any chemicals that you are using?

Kyle Barker: Any hazardous materials are kept in a storage area and then carted off-site. There is no outside pit or storage.

Ben Frost: I assume your concern is about the emergency plan?
What would you like to see us do?

Ed Mical: I would like to see an emergency plan for the increased number of people.

James Gaffney: I think there was a statement that there was no hazardous material, but now I hear there is.

Kyle Barker: We have building codes that are given to the fire chief. The addition, as designed, will meet all codes. I am unfamiliar that there is a code requirement for an emergency plan.

Ben Frost: Ed, is this a desire or a requirement of code?

Ed Mical: It is a strong recommendation under Right to Know laws. Local planning committees in NH are pretty much non-existent. When I see something come through in Warner, I try to do follow through. The State fire marshal's office is looking to do more.

Ben Frost: Norm, would you be willing to work with Ed?

Norm Carlson: Yes. We have had the fire department there a number of times.

James Gaffney: What type of batteries?

Norm Carlson: Lithium. They are all sealed. They are in a container within a container, and within a locked room. We have invited people over many times. We welcome people to come down any time.

Ben Frost: Please invite him again.

Ed Mical: I have one other question. Are you still storing vehicles at night?

Norm Carlson: Knoxland used to own the building. They made an agreement with UPS. This is about the UPS trucks. If we did not allow them to park their vehicles at night, they would have to drive to Manchester, and back. Is it a problem?

Ed Mical: I am not saying it is a problem, but the Fire Chief might.

Jim McLaughlin: I live on School Street. I understand that the Planning Board needs to be thorough. I would make this observation, the fact that you indicated that this a project that has regional impact, and you contacted the town of Hopkinton and got no response, I think that you should consider that approach in the future.

Ben Frost: Close Public Hearing.

Motion by Clyde Carson to approve the site plan with the following list of conditions.

- An as-built plan, in particular for sprinkler tank
- Remove the fence from the plan.
- Sign detail that is on the building
- Written confirmation from Fire Chief, that he is OK with building access.
- Bio retention detail
- Escrow for inspection. \$250.00 check for inspections.

Second by **Ben Inman:**
Approved 7-0

Ben Frost:

I would like to ask a question of Mr. Gerald Roy. I would like to address the EDAC minutes from February 20, 2019, specifically a quote by Mr. Gerald Roy:

From the meeting minutes of February 20, 2019:

Gerald talked about the Planning and Zoning Board of Adjustment process, he said he wasn't very pleased and found that both groups are not able to make decisions, so the decisions keep going back and forth between the two groups.

Mr. Roy: I said I was confused.

Ben Frost: By what?

Mr. Roy: I said that many of the things that were visited when I attended the Planning Board, were visited here, and then when I talked to the Zoning Board, they said it was their responsibility even though it was revisited; so it seemed to me that it was going back and forth.

Ben Frost: But you have not been to the Zoning Board. Have you been to the Zoning Board on this project?

Mr. Roy: Yes. I attended the Zoning Board meetings.

Ben Frost: For a Variance or a Special Exception?

Mr. Roy: We initially went for...I went for...

Ben Frost: I am unaware of any communication between this board and the ZBA. And with regards to this application, we have dealt with this in two meetings, which I think is fairly expeditious. Frankly, I find your comment offensive.

Mr. Roy: I was confused. I tried to figure out how best to make decisions.

Ben Frost: “both groups are unable to make decisions?”

Mr. Roy: That is not my voice. Evidently, I was mis-quoted. I am sorry.

- **COMMUNICATION AND MISCELLANEOUS**

CNHRPC – Traffic Counts

Ben Frost: We are supposed to make recommendations to Central, by April 26, in coordination with Department of Public Works, Board of Selectmen, and Police Department. Last year it was Barbara Annis.

James Gaffney: There is a list that is done regardless. Then there are some small number of optional that we can request.

Ben Frost: Last year we had one done at the end of Henniker Road.

Andy Bodnarik read aloud the locations that were counted in 2018.

- Hopkinton Town line on Route 103.
- North of Schoolhouse lane, and south of Schoolhouse Lane.
- SB off Exit 9, and NB east bound lane.
- Kearsarge Mountain Road, north of Kirkland.
- And Kearsarge Mountain Road north of the college.
- Mason Hill road, east of Pumpkin hill.
- Warner Road at the Warner River.
- 103 Bradford Town Line.
- 103 at Hopkinton Town Line.
- Warner at Steven’s Brook.
- At Sutton town line on 103.

I had questions on some of these because I did not know how far east or west of a certain exit.

Clyde: Are we looking for suggestions?

Ben Frost: Barbara and Aiden had a way to make suggestions of what we would like done on an annual basis. We can revisit that, but have limited time.

James Gaffney: Was there discussion about traffic over Pumpkin Hill, historically speaking, about counters?

Don Hall: I brought up a few years ago that from 103, up Old Main, onto Denny Hill road, onto School street, has had an increase of traffic and trucks. I had suggested that they do it, but they were doing it on School street, so they were getting nothing off Denny Hill Road. Since I live there, on Denny Hill, I see a lot of traffic there. With a nursing home, it is very busy. In summer months you also get Tucker Pond traffic.

Clyde Carson: We had development by exit 9. I think it would be good to look at that area, with the new fire station. It might be useful for future planning. Either side of the round-about, and beyond Market Basket, so you know who went beyond the round-about and continued to the town. Who got off of 89 and did not make it up the hill? 100 cars came off 89, and only 75 made it up the hill toward the downtown.

James Gaffney: I think it would be interesting to know who is avoiding going around the rotary to get into Market Basket. In order to get around, you have to get up on the cobblestone. 18 wheelers get on the cobblestone. Large vehicles are getting off on 8 instead of 9 to avoid the rotary.

Andy Bodnarik: You have to be careful where you place the counter. You have to put it up high enough.

Ben Frost: I will communicate with the Police Chief and the DPW Director, and Jim Bingham, and look for, globally, what is cross-town traffic.

Don Hall: Just off 103 on Old Main Road.

James Gaffney: Do we want to try to capture up Pumpkin Hill toward 127. That is a major cut through, from 127 to Warner. Look at the town line.

UPDATE ON LIGHTS AT THE NH STATE LIQUOR STORE AT EXIT 9

James Gaffney logged when the lights were on at the liquor store well after closing time. A representative of the Liquor Commission said that they would be off at least one hour after closing.

Ben Frost has communicated with the Liquor Commission's attorney who said they want to be a good neighbor.

James Gaffney: I have seen them on or off at 8:30pm, and on or off at midnight. They are supposed to be on a timer. How much was spent on the timer and the system? They should put on a check list for a human to turn off.

Ben Frost: I will document and forward to the Liquor Commission. They want to be a good neighbor, at least at the Concord level.

Clyde Carson: I can get back to Andy Davis with information that it is not all fixed, even though it may have been.

Ben Frost: If anyone sees lights on after 10pm, send an email please.

Re-assignments

Don Hall – Vice Chair, Planning Board

Ben Inman – Member, Planning Board

Ken Milender – Member CNHRPC

Planning Board New Member

Romeo Dubreuil – Alternate

Ben Frost reminded the board that we need someone to serve on the EDAC.

James Gaffney will try to attend EDAC.

Diane – There was a question of the Olde Windows Restorer company leasing the old fire station, and if the Planning Board could have a second meeting in May in order for the company to move from Weare to Warner without having to use a storage facility.

Ben Frost: The Planning Board could have a second meeting in May (usually a planning meeting) to help them meet their move out date of May 30.

James asked if the property is going to be leased or sold.

Clyde answered that the upcoming select board meeting will be deciding that.

• **REPORTS**

Chair's Report - Ben Frost

House Bill 500 to name the roundabout after Barbara Annis has passed the house, and the senate committee. It is on the consent agenda for the next senate meeting, which is next week. **Clyde** would

then go to the governor's office to arrange a ceremonial signing ceremony and it would be great to do in Warner.

Ben Frost received communication from Charles Albano who had reached out to the new owners of the 3 parcels opposite the park and ride. Several members of EDAC met with them on-site and talked about the town's desires. The new owners may be interested in acquiring a 4th parcel. Based on Charlie's feedback, it was a positive meeting. Ben Frost had an opportunity to attend the meeting but chose not to in order to avoid the appearance of being too close to the project should one come before the board.

Board of Selectmen - Clyde Carson

The focus of the Board of Selectmen is to find 34k to cut out of the budget. Also looking at trying to fill an interim bookkeeper position and have several good applicants.

Regional Planning Commission - Ben Inman

Ben Inman is interested to know the process of the Transportation Advisory Committee. **Ben Frost** responded that the Board of Selectmen is responsible for this. The Planning Board could recommend to the Board of Selectmen that Ben Inman be appointed as one of two people from Warner to be on the committee, with Tim Blagden being the other member from Warner.

Clyde Carson made a **motion** that **Ben Inman** be recommended to the Board of Selectmen to represent Warner on the Transportation Advisory Committee.

James Gaffney Seconds.

Approved 7-0

- **PUBLIC COMMENT**

Ed Mical – Regarding the public meeting on hazards mitigation, this plan is in its final stage to go before the state to have it approved. When that is done, the plan will be submitted to the Planning Board to be included as part of the Master Plan.

Planning Board APPROVED Meeting Minutes April 1, 2019

Andy Bodnarik asked when the board could expect to see an updated Zoning Ordinance. Ben Frost responded as soon as Diane has a chance to install Word on her computer. Her computer crashed on March 1 and she received a new computer just a few days ago; she was without her files for 3 weeks.

- **ADJOURN - 8:36pm.**

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

APPROVED