

Town of Warner
Planning Board



APPROVED Meeting Minutes

August 5, 2019

7:00 PM Warner Town Hall Lower Level

OPEN MEETING and ROLL CALL

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

Absent: Andy Bodnarik

In Andy's absence, Romeo Dubreuil will vote.

1. **APPROVAL OF MINUTES:** July 1, 2019
Motion to approve minutes, as amended, by James Gaffney. Second by Ben Inman.
Approved 6-0

2. **NEW BUSINESS:**

I. **ADVISORY REVIEW**

Agent: Todd Fleury, KRSD
Description: Location of shed on Simonds school property.

Todd Fleury – 10 x 20 shed for sand and salt, adjacent to Odd Fellows lot and town offices. It sits on skids. It is not permanent. We seek permission to leave it in that position. If it becomes an issue, we can move it. If we need to move it now, it may be in the way of WFFF. We are becoming land-locked due to the Odd Fellows building changes. It sits on school property, and partially on a parking space. The shed is 5 feet from the property to the edge of the town property and has been there for approximately 1 year.

RSA 674:54 covers Governmental Use of Property, and the location is exempt from seeking a variance from the ZBA .

There have been no concerns raised by abutters (Town of Warner and Odd Fellows building).
The Land Use office will contact the owner of the Odd Fellows building and ask if there are any concerns. If there are concerns they will be asked to respond by August 30 for next steps with the Planning Board. The Land Use Office will inform Todd Fleury as progress is made.

Clyde Carson noted that the Town negotiated the sale of the Odd Fellows building and Clyde does not have an issue with the location of the shed.

Ben Frost said that following a response from abutters, which the Land Use secretary will contact, further discussion will be held until September 9.

II. **CONCEPTUAL CONSULTATION**

Applicant: Ada Daniels, Trustee Daniels Living Trust
Address: 685 Pumpkin Hill Road
Agent: Clayton Platt
Description: Proposal to annex ~22 acres from **Map 19 lot 23 to Map 19 lot 25**. Lot 23 will have ~3 acres with an existing house. Lot 25 will have ~147 acres farm and beaver flowage with a conservation easement in progress.

Clayton Platt and Trudie Daniels presenting.

Clayton: I believe that Trudie was here before. We hope to get this in for September. We would like to iron out any issues. There would be a ten-foot reduction on the house lot, which is already non-conforming. The change will allow them to get into the existing trail system without crossing the other property. It is an old farm road. There would be no vehicle path.

Ben Frost: When we looked at this in November as a Conceptual Consultation, there was no indication of reducing frontage, which requires ZBA approval. The lot is already non-conforming. Doing something that increases the non-conformity requires a Variance from the ZBA. We can generate a referral letter to the ZBA to ask for them to review the request. This requires a Variance.

Trudy and Clayton will review their options and make a decision about asking for a Variance.

III CONCEPTUAL CONSULTATION

Applicant: Lon H. Thorpe
Property Address: 17 Kearsarge Mountain Road
Description: Review of requirements for proposed conversion of single family residence with in-law/accessory dwelling space into a multi-family residence.

Lon: The building is two buildings up from the bank, has an acre of land, zoned B1 which means it is zoned for multi-family dwelling. It is listed for sale as single family. The assessing card has it listed as an in-law apartment. And when I did a walk through, there was a third possible apartment. Trying to figure out what I need to do if I purchase the property. Is it a one, two, or three family dwelling?

Ben Frost: You are correct, in B1 district, that three or more units is a permitted use. A house with an ADU is considered a single family home, as opposed to a two-family where there is not a primary or a secondary.

One family or two family would not require Planning Board review. If you go to three units, then it becomes a multi-family dwelling that requires a Site Plan Review, unless that has already been done. There is nothing in the file of a previous site plan granted for this. So the space in the back that was being worked on to turn it into another unit was not sanctioned by this Board. If you wanted to pursue as a 3 or more, then you would come before the Planning Board. We would look at exterior appearance, parking, and my guess is that you have space.

Lon: Almost 3500 square feet.

Ben Frost: You will need at least 2 means of egress. If you were doing something on the second floor you might need a fire escape, and you would talk to the Building Inspector and the Fire Chief, for building code and fire code. Given that it is an existing structure, not sure if it needs to be a sprinkler system. Can be expensive if it is over 2 units which would require a sprinkler system.

Lon: Would that be up to the Fire Chief? I am not sure if it is building code or fire code.

Romeo: NFPA 101.

Sara Johnson: There may be asbestos issues and lead issues. If is it your own building you can do it yourself, but if you are renting, you have to have a certified contractor for lead and asbestos.

Lon: The assessment card says there is asbestos on the outside.

Ben Frost: You would need a contractor who is certified in asbestos and lead. You might want to talk to a banker before you close on the property. It would be nice to see the property spruced up.

To recap: If it is anything more than a single family home, even without the ADU, we need some history and find out if the second unit is legal. If you are doing substantial rehab, you would have to bring it up to code.

Romeo: There is a 50 percent rule. September 15 the state is implementing 2015 code. New state building code will be the 2015 suite of codes.

Ben Frost: We are currently on the 2009 codes.

Ben Frost: I would encourage you to talk to Fire Chief and Building Inspector which may not be germane to this Board's authority but is within their authority.

Lon asked if the lot can be subdivided; it has 170 street of road frontage.

Ben Frost: The minimum road frontage is 100 feet so you don't have enough to subdivide without a Variance from the Zoning Board. The minimum buildable area is 10,000 sf, per lot, it excludes steep slopes, water ways, poorly drained soils, rights of way, easements, and does not exclude setbacks.

Lon: There is a third floor on the front part of the house that looks like it was used space when the house was built. There would be additional codes if that is to be converted to usable space.
No height issues?

Romeo Dubreuil: The biggest issue will be egress. The modifications they made back in the day, did not accommodate today's requirements.

IV CONCEPTUAL CONSULTATION

Applicant: Cyr Lumber
Property Address: 717 E. Route 103
Tax Map: 03 051-1 C-1 district
Description: Addition of one temporary trailer on the lot.

Ben Frost: This came from the Board of Selectmen. We do not have anything that fits into this category in terms of zoning. The other way to look at this is as a storage container, which is the on page 6 of the Zoning Ordinance.

Judy from Cyr Lumber: We are looking to expand, and we are doing a test run to see if that is viable. It is on wheels. It is a construction trailer. It is being used for office space. There is no water. Contents of the trailer are: two offices, samples of granite, computers.

Ben Inman was concerned about buried electric cable on the property. If cable is run then it needs a permit and the it is in the file.

The Board decided that the next step is to for Cyr Lumber to write a letter to the Board of Selectmen and request that the trailer be permitted for one year. Jen (from Cyr) will contact the Land Use Office for the wording of the letter.

Judy of Cyr Lumber will call the Land Use Office in the morning to get the information to go into the letter.

3. OLD BUSINESS

Olde Windows Restorers discussion and questions from the Planning Board.

Ben Frost: I would like to preface this discussion with because we have already approved this, our jurisdiction is pretty limited. If the board feels there is anything that needs to be enforced, we will recommend it to the BOS.

David Bowers was invited to the board to talk about venting after a board member noticed the doors were open while people were working.

David Bowers: It is not just for the purpose of venting that the doors are open. We have not assumed a full operation yet. It can be for fresh air.

Romeo: During the approval process, I recall asking specifically if the doors would be open when the business is operating. Were you going to be able to smell anything from the sidewalk?

It was my understanding that the doors would be closed, and the operation would be confined in the area. I witnessed someone coming outside with sticks and hanging something outside to dry. I recall that this was not supposed to be happening.

Ben Frost: I do not recall that the doors will be closed. I recall that you would not be venting to the outside.

David: Venting to the outside would be having a vent that goes to the outside. We did not say we would not have the doors open. We had them open the first few days when we were trying to move in. The door you came in is basically a storage area. I then invited you in through the door to the big bay.

Alden Witham: We understood where you are coming from and the impression for the public, and we had a discussion with our employees about the doors being open and people wearing masks.

David Bowers: We understood your concern, and we acknowledged it, and when you saw things outside, we acknowledge and addressed it. As a matter of due course, the doors will not be open. It is not all the doors.

Ben Frost: We could say that the doors would be open from time-to-time, and there would be incidental venting, but that is not the purpose of having the doors open.

David: Sprinkler system. The sprinkler system was audited, corrections were ordered and the work was done last week. The Fire Chief is aware of it. He would like a drawing of where the sprinklers are located.

David: Regarding the hazardous waste generator:

Sara Johnson: He has all the paperwork. Fees have been paid.

David: Now we are waiting on the process.

Next question is about should they be operating the scraping area.

We now have finished rooms that are partitioned. Window openings are covered.

Romeo: What I saw was a plywood box with a vacuum attached, and it was almost square.

David: it is 3x5 feet.

Romeo: My first impression was that I saw the paint scraping along the side. How are you getting that material into another container? I would have a bag inside that so that when it fell in, so you just removed the bag.

David: There is a pull out drawer. We have respirators and get the contents into the bag. You would still be closing up a bag. Thus, the drawer.

David Bowers explained the HEPA unit and how it works.

Sara Johnson: How do you get the scraping out?

David: At some point you have to do something.

Ben Frost: DES is the permitting agency on disposal.

Sara Johnson: Correct.

Ben Frost: I would look to DES.

Sara Johnson: If they were sand blasting outside, we would be on it.

David: These have been inspected by OSHA. There are hundreds of them all over the country. The employees wear a monitor and we get a report for each employee and you get a report of how many micrograms of lead were affected.

James Gaffney: If I recall, the federal measurement is you want to stay under 30 microgram per cubic meter. Do you know where you have measured?

David: Yes. 2 or 3. The units have been tested, and several units in Massachusetts as well. If we let the filters get full on the HEPA unit, it could reduce the ability to do its job.

James: my personal feeling is that 1) they have demonstrated that they know what they are doing and 2) that they are the people most concerned because it is their own health in their own building.

Sara Johnson: I appreciate you looking into that stuff. As a resident and citizen, you should do that. There are people at DES that will look into it. Also, we work with code enforcement officer. I do a lot of visits to towns with code enforcement officers.

Ben Frost: We do not have a code inspector. We have a building inspector. Peter Wyman is our compliance office. He inspects construction after something is built. But he does not perform as a code officer. It is the BOS.

Sara Johnson: I also go out with a Fire Chief.

Clyde Carson: The BOS has been in close contact with the Fire Chief and the Building Code Inspector, and the feedback is that they are meeting all their requirements. I have watched the process of the construction and they have gone over and above what they said they would do.

David: And in the future if you have a concern, please talk to us.

Alden: We have been blown away by the support of this Town. We have had a wonderful reception.

David: That is why a town of 2800 people is doing so well.

4. COMMUNICATIONS

I. CIP Discussion – Chairman, Ben Frost

We will be getting a response from Nancy Ladd that the library does not have anything new, just a continuation of what they have.

Please combine your questions and send to Diane.

Don Hall: Most of the department heads would like to be brought in 1:1.

Ben Frost: Our workshop would be August 19, 2019. My hope is that by that time we would have all the forms in. **Work Session at 7pm.** Would like to schedule some department heads to come in to discuss the sheets.

Don Hall: Tim and Varick could come together. Fire Department Also on that date. Police Chief for Aug 19.

5. REPORTS

I. Chair's Report – Ben Frost -nothing new.

II. Board of Selectmen – Clyde Carson. We are looking at doing office expansion.

Records will be centralized in the area where the Town Administrator has been sitting. Putting two offices down here and using the downstairs office for tax collector and assessing clerk. We would reorient this room.

The current tax office would be for the Town Administrator. We are working through the budget now. We want to do it this year because next year is a busy year for town officials. Next year there are four elections.

Working with DOT on a possible sign for the Barbara Annis roundabout to go in the roundabout.

Clyde: We also going to paint and re-carpet the old Land Use office.

III. Regional Planning Commission – Ben Inman. Nothing to report.

IV. Economic Development Advisory Commission – James Gaffney. Nothing to report.

PUBLIC COMMENT:

Tim Blagden: This is my last chance to talk about Complete Streets. It will be a few weeks before we get the piece that will increase traffic into Warner.

Ben Frost: I did see an email about repaving 103. This would be a narrower travel way. This would slow down traffic and widen the shoulder for bicyclist. We are getting an increasing number of bicycles.

ADJOURN 8:37pm