

Town of Warner  
Planning Board



**APPROVED Meeting Minutes**

**September 9, 2019**

7:00 PM Warner Town Hall Lower Level

**1. OPEN MEETING and ROLL CALL**

|                |           |               |
|----------------|-----------|---------------|
| Romeo Dubreuil | Ben Inman | Clyde Carson  |
| Ben Frost      | Don Hall  | James Gaffney |
| Andy Bodnarik  |           |               |

Romeo voting in place of Peter Anderson who is no longer on the Board.

**2. APPROVAL OF MINUTES:**

Motion to approve minutes of **Aug. 5, 2019**, as amended, by Don Hall, second by Ben Inman.  
**Approved 6-0.**

Motion to approve minutes of **Aug. 19, 2019** by Clyde Carson, second by Don Hall. **Approved 6-0.**

James arrived after the vote on meeting minutes at 7:05pm.

**3. NEW BUSINESS:**

**I. LOT LINE ADJUSTMENT**

**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: The proposal is to annex 20.8 acres to Tax Map19, Lot 25. The major change is that the frontage on Map 19, Lot 23 will not be reduced. Instead they will do a small easement, along the front.

Ben Frost: Lot 23 will intersect at a point on the road, as opposed to a line. It is unconventional. There is a provision in the Subdivision Regulations, (page 25) Section VII, Design Standards, C. Lots. 2.:

*“Insofar as is practical, side lot lines should be at a right angle to straight streets, and radial to curved streets.”*

This is not consistent with that. I suppose it is not practical to do that, or if the Board thinks this is inconsistent with that standard, then we could look for a waiver to that standard. This is at an angle that is something other than a right angle. You can see it in the inset detail. The shaded area remains with Lot 23, and there will be an easement over that in favor of Lot 25 so that you can access it. Lot 25 will be subject to a conservation easement, and never developed. Other than getting a Variance, there is no other way to do this.

**James Gaffney** asked if there was a downside to setting this precedent.

**Ben Frost responded:** The standards for a waiver in subdivision regulations are two-fold: (RSA 674:36, II(n):

“... The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning Board may only grant a waiver if the board finds, by majority vote, that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

So either of those two would be justification for a waiver. It is a pretty unusual circumstance.

Clyde: What is the intent of the subdivision?

Clayton: Trudy and her husband bought the acreage 25 years ago with the intent of protecting the beaver meadow. Everything outside that small lot will be in conservation. This seems it will be in the public's interest.

Ben Frost: Who thinks that it would be impractical to require right angles?

All board members are in agreement that it is impractical to require right angles in this situation. The negotiations with the Conservation Commission are pending.

Ben Frost: I recommend that the Board condition their approval on a note on the plan saying that Lot 25 will not be used for building purposes. (To the applicant): Would you be Ok with saying that Lot 25 will not be used for building purposes? The conservation easement is not yet ready, so we cannot condition this approval on the conservation easement.

Trudy: There are over 100 year old trees there, I want to protect them.

James: Even if it goes into conservation easement, it could be pulled out at some time?

Ben Frost: Not easily. Conservation easements are a matter of public trust so it would require an act by probate court. Trudy, to your knowledge and to the extent you are able to talk about

it, will the conservation easement with Osborne Sargent land trust, does their conservation easement contemplate any construction?

Trudy: It is to protect the beavers.

James Gaffney: Shouldn't this wait until the conservation easement is done?

Trudy: I cannot move forward until this is done.

Clayton: The lot we are talking about (Lot 25) does not have road frontage now or when we are done. I don't see why the conservation easement has to be done. After the last time, I was concerned with going before the ZBA.

Don Hall: If there are any abutters here, they could come forth.

Ed Mical, abutter, is present and does not have any concerns.

**Motion** to approve the plan for the Lot Line adjustment as presented by Clyde Carson, Ben Inman second.

**Approved 7-0**

## II. CONCEPTUAL CONSULTATION

**Applicant:** Mike Jones, Knoxland  
**Address:** 25 Old Warner Lane, Warner, NH  
**Description:** Adding cold storage building behind existing shop, roughly 75' x 75'.

Ben Frost: We have the application for the dredge and fill with us tonight because it includes what we are going to talk about.

Mike: This was a tentative for what we asked for from the state, and approved for 99% of it. I had to have a legitimate reason. We wanted a cold weather facility. There was a lot of dry area along the highway and we used as much as that as we could to maximize the expansion, and minimize the fill. We made a funny shape out of it. The land is wooded wetlands, it is not a true swamp. It is dry 80 percent of the time and when it rains, it gets wet. It was all dry until they put in the highway.

Ben Frost: There is also a skidder road coming off of Kearsarge road.

Mike: That had nothing to do with me. You cannot see what I am doing from the rail trail. It was too wet this spring, and cannot cut between July and August. I would like to have enough room for a shop. You can only get the permit once so want to be sure I have everything ready.

Ben Frost: Where equipment is currently stored was previously approved in 2013.

Don Hall: How much fill will you bring in for the cold storage, and what are the requirements?

Mike: I don't have the numbers with me, but there is a plan with drainage and it is very involved. It has to be built to a certain point. I think one building will be higher than another. The floor will be higher.

Ben Frost: Is it your plan to submit an application to amend the site plan? Your engineer should create plans.

Mike: I don't have a building design yet. I am waiting for proposals.

Ben Frost: Assuming you don't have elevation views, we can approve subject to elevation views.

Ben Frost: The deadline for the October 7 meeting is September 16; that is statutory, and we cannot change that.

Mike: I can give you then as much as I have.

Don Hall: It would be helpful to come back with the application in its entirety.

Clyde: As the Planning Board, do we weigh in on the dredge and fill?

Ben Frost: We do not; that is Conservation Commission and it has been done.

Mike: I am not going to dredge and fill within weeks, not months. Then I can fill and do that and get it done.

Ben Inman: Why can't he come in with the grading and drainage plan, and later with the building plan?

Ben Frost: That's a good idea.

Mike: I want to get it done before the ground freezes.

Clyde: Ben Inman suggested that if you are doing the grading and draining that is in the plan, that would be good, and then do the building separately.

#### 4. OLD BUSINESS

#### 5. COMMUNICATIONS

##### I.

**Update:** Abutter, Nate Burrington would like the shed at Simonds moved  
**Agent:** Todd Fleury, KRSD  
**Description:** Request to move the shed located on Simonds School property.

Nate Burrington has made a request for the shed, located on the school property, to be moved away from his property. The shed is located at the top of the stairs that are owned by the Town. Because the shed is at the top of the stairs, pedestrians do not realize that the stairs are to be used to get up the hill, and instead they walk through Nate's property. There is a similar situation for people walking down the hill, away from the school. Instead of going around the shed and down the stairs, they cut through Nate's driveway where he has trucks turning and delivering. Nate feels it is a safety concern.

Ben Frost reminded everyone that the Planning Board has no jurisdiction about what happens on school property and the board acts in an advisory role. The Board of Selectmen could address the issue of the stairs, and their safety as well as the parking. Andy pointed out that the stairs are not safe. Nate would like to use one of the Town's parking spaces. He was under the impression that the shed would be built, and then moved away from his property. Instead it is close to the property line. Nate and Todd agreed that any change can wait until after Warner Fall Foliage Festival weekend of Oct 11. Todd agreed to move the shed further away from the property line which will free up 1.5 parking spaces. Todd will also contact Ray Martin (current Chair, WFFF) about the shed move.

## II.

### **CIP Discussion**

Energy Committee funding request – Clyde Carson. This was on the CIP in prior years and has to do with the sidewalk going by the Old Graded School to the Exit 9 area. I have not seen the guy on the motorized four-wheeler for some time. We had a chance last year at some matching grant fund, it was an 80/20 match, but we did not fulfill all the requirements for it, and we were disqualified. The next round for this project is 2021. The thought would be that we will put in some earnest money with the plan of getting enough for the match for the next year. The total project cost is about \$750k. Central NH Regional Planning Commission had a support engineer who spent time with Tim Allen and got an idea of the impact.

Ben Frost asked why it is coming from the Energy Committee.

Clyde: It could have come from any place, but the Energy Committee is consistent with other things they do, such as non-motorized vehicle traffic, pedestrian and bicycle traffic.

Ben Frost: The grant program is the federal alternative transportation program.

Clyde: The Energy Committee has also been involved with bicycle route traffic in the past.

Andy: This has been brought forth before at town meeting; what has changed since the last time?

James: I think it was shot down.

Clyde: The money was shot down, but I don't think the idea was shot down. Times have changed and there is more activity in that area now.

Andy: The question was if there are alternative routes. It shows a dashed oval where it says village/commercial district, that covers both sides of the street.

Clyde: It would be on the right side if you are going toward Market Basket. The same side as the Police and Fire stations.

Ben Frost: The dashed lines are simply indicating the areas that would be linked by a sidewalk.

Andy: We don't have an actual drawing of the sidewalk. From the drawing we have tonight, it is the one closest to CAT building. That would be part of the engineering phase of the project.

James: There are so many things including the impact on property owners. Does this sit squarely inside the ROW? It seems as if we are leaping ahead without laying the groundwork.

Clyde: I think there is a difference between identifying the need, and then the process of making it happen.

James: I disagree as I think this is not a necessity.

Ben Frost: After we have reviewed all the proposals, with departmental recommendations (urgent, necessary, desirable, et al., ) then we, the Planning Board, will make our own recommendations. We will not change the dollar numbers, but we can make comment on what this board thinks is a priority or not. I anticipate we will do that at the next meeting, after all the recommendations are done.

Don Hall: A number of years ago the telephone company put in a telephone underground system with conduit. It is something to look at if there is anything that they could use, that is a time to look at it when they are digging up the sidewalk. We may want to schedule this with the re-paving of 103.

James: From a maintenance perspective, do you want it under the sidewalk or not?

Don Hall: It depends on the Master Plan, water and sewer. There are a number of issues to integrate into it.

Ben Frost: It depends on what you are building the sidewalk out of. If it is asphalt it is one issue, or if it is stamped concrete, then it is a different issue.

Ben Inman: My concern is that if it makes some sense for safety for pedestrians and cyclists. We should not do things after something happens, we should be pro-active if we need sidewalks. The problem with this project is you're going to put up a curb and that will create a drainage problem that drains into a river that is protected, and this may increase the price from \$750k. It does not make sense to have sidewalks on both sides.

Romeo: A sidewalk is a good thing, no matter how you look at it. Before any money is allocated to it, the lion's share should be locked up.

Andy: My problem with this is that we have an application that was put in in 2018, where all the details are for that application.

Clyde: There was an application that went into CNHRPC, and it was fairly detailed and met their needs.

Ben Frost: Could we get a copy of that 2018 application?

Andy: Does the project cost include obtaining right of way easement? What is the cost of that? Are you using existing right of way or would you have to buy it? I need more information. I feel this is incomplete.

Clyde: From a CIP perspective, is this a total project cost, or identifying needs?

James: Ultimately it is something that needs to go to Town meeting.

Clyde: We starting putting away money for a round about long before we knew the final cost.

Romeo: Putting money away for something that has not been approved- can the town do that?

Clyde: We put money away for a roundabout. We established a traffic calming project at Exit 9 without knowing if it was going to be a roundabout or something else. This would be a new capital reserve.

Ben Inman: Wondering about Route 103 and paving with DOT – which is next year. Coordination with DOT would push the project out.

Ben Frost: If the Town votes to approve this, then that might delay the repaving of 103 so that they can be done together.

**Emergency Management** – Ed Mical began the discussion about an access road from Kearsarge Mountain Road to North Road for emergency vehicles in the event of a downed tree (which has happened), where there is no access to the top of the road. Ed is going to talk to Central NH Regional Planning Commission about options and will try to get something for the September 19 meeting. He said he had a meeting scheduled with CNHRP on Friday to start the process. This project has been on the CIP since 2003 and it is time to do something.

Ben Frost: We are trying to a ball park figure for a recommended route, or a recommended alternatives.

**6. REPORTS**

I. Chair's Report – Ben Frost

II. Board of Selectmen – Clyde Carson

Construction of offices in the downstairs of the Town Hall will take place after Warner Fall Foliage Festival. We have two safes that could use a home if you know of anyone who is interested. The Board of Selectmen will be talking about budgets this week.

III. Regional Planning Commission – Ben Inman. There will be a meeting on Thursday regarding right of way and easements.

IV. Economic Development Advisory Commission. EDAC has not met yet.

**7. PUBLIC COMMENT**

**ADJOURN 8:18pm.**