



Town of Warner

Planning Board

DRAFT – Meeting Minutes

July 12, 2021, 7:00 PM

1. OPEN MEETING and ROLL CALL

At 7:00 p.m., Chairman Ben Frost called the meeting to order and took the roll.

ROLL CALL: Ben Frost (Chairman), Andy Bodnarik, Sam Bower (sitting in for Clyde Carson, Selectman representative), Romeo Dubreuil, Ben Inman, James Gaffney (arrived at 7:06pm)

Also present: Janice Loz,(Land Use Secretary)

Absent: Clyde Carson (Board of Selectmen representative), Don Hall (Vice Chair), James Gaffney, Diana Corriveau

2. New Business

A. Subdivision Application

Applicant: Fred W. Courser, Jr. Family Trust, Rebecca & Gerald B. Courser, Trustee

Agent: Holden Engineering & Surveying

Address: 374 Schoodac Road, Warner, NH 03278

Map/Lot: Map 11, Lots 24

District: R-3

Description: Lot 24 – Subdivide 284-acre lot to create one new 3-acre lot with frontage on Connor's Mill Road.

Peter Holden, of Holden Engineering presented the subdivision plan. The land is 284 acres in size. The lot has a little over 300' of frontage on Connors Mill Road. They haven't received the State subdivision approval but the test pits showed good soils. They expect the approval any day. Peter explained the different maps that were included in the plan.

Chair Frost said the Board needs to determine if the application is complete prior to deliberating on it. Once it is accepted, they will open a public hearing and take comment from the public. He noted that a letter from Ausbon Sargent Land Preservation Trust had come in, as well as an abutter, who did not object to the subdivision.

James Gaffney arrived at 7:06pm.

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Chair Frost read through the checklist that was submitted as part of the application. There were five items that were not submitted, but waivers were submitted for each of these things. Everything else had been submitted.

Chair Frost said that the full fees had not yet been paid for the abutter's notices. The amount still required is \$280.00. He asked if there were any concerns from the Board regarding the completeness of the application.

It was moved (Ben Inman) and seconded (Romeo Dubreuil) to accept the application as complete. The motion was approved unanimously.

Andy said the plan says there is a minimum requirement of 200' of frontage but it is actually 250'. Chair Frost said that 300' of frontage is provided. This should be corrected in note #5.

Andy said he wondered if the flood plain rules apply. A portion of the property lies within the flood hazard area. Peter said that it is part of the undeveloped property that has an easement on it. Chair Frost asked where on the parcel the flood hazard was. Rebecca Courser said it is near Schoodac Brook and is not in the 500-year flood area.

Andy said that a late email came in from Ausbon Sargent Land Preservation Trust regarding this application. It is dated April 29, 2021 to the Town of Warner regarding the remainder parcel. The entirety of the parcel is covered by 1 of 2 recorded easements. Anne Payeur, Stewardship and Outreach Manager from Ausbon Sargent was there to explain. She said that the whole property is covered by two different easements. There is a farm conservation easement and the remainder farm conservation easement. The remainder farm easement portion has an allowed reserved right for a three-acre house lot to be removed from it; Ausbon Sargent is fine with this application.

Romeo said the test pits were done in the setback.

Chair Frost asked about the driveway location. He didn't see one proposed. Rebecca Courser said she has one suggested and stakes are in the ground. It is 10' from the north-westerly corner. Chair Frost asked that this be shown on the map. Something in writing from the Public Works Director is needed for support of the location, shown on the plan.

Chair Frost asked if there was any concern of those on the Board about not showing a well location. Andy said he wasn't sure it was mandatory. An approval will be needed and that can't be done until they figure out where the septic is located. Chair Frost said this was one of the requested waivers.

Chair Frost asked what a bar-way is. Peter said it is an opening in a stone wall to keep cows contained.

Chair Frost asked about the trail shown. Peter said it is part of the conservation easement. It was noted that the trail crosses the new lot. Rebecca said that it is a logging road. It was determined that what Chair Frost was looking at on the map was a soil boundary.

It was noted by Peter that sheet #2 of 2 would be the one for recording.

Peter said that all the bounds have been set with holes drilled.

There were no further comments from the Board, so the public hearing was opened.

There were no abutters present to speak to the application.

There were no comments from the remaining public. The public hearing was recessed. The Board would deliberate.

Chair Frost asked for any conditions for approval. Driveway location was one condition. A correction on sheet #1, note 5 regarding the frontage required. Andy said the notes from sheet #1 should be filed on sheet #2.

Chair Frost said the waivers included:

1. proposed meets and bounds for the dwelling lot,
2. contours at 10' intervals were shown should be removed,
3. the location of existing buildings, septic systems and manmade features,
4. location of water courses, ponds, tree-lines, hydric soils, and other natural features, and compliance with Warner flood zones.
5. contours at 2 and 5' intervals

It was moved (Andy Bodnarik) and seconded by (Romeo Dubreuil) to accept the proposed waivers (listed above) as they will yield a better overall plan. The motion was approved unanimously.

Chair Frost said as possible conditions of approval were: proposed driveway location and written approval by the Public Works Director, transcribed notes from sheet 1 to sheet 2, and note #5 corrected for 300' of frontage, and removal of the contour lines.

The public hearing was closed.

It was moved (Ben Inman) and seconded (Romeo Dubreuil) to approve the subdivision application with conditions stated. The motion was approved unanimously.

B. Subdivision Application

Applicant: Timothy and Jennifer Courser

Agent: Holden Engineering & Surveying

Address: 163 Connor's Mill Road, Warner, NH 03278

Map/Lot: Map 11, Lot 63

District: R-3

Description: Lot 63 – Create a 14.22-acre lot fronting on Connor's Mill Road for a single family residence.

Peter said that he has provided a plan that shows the soils and contours. The property has 400' of frontage on Connors Mills Road. The culvert is near an existing house and driveway. Near the corner of the lot there is a piece of wetland that is just off from the property. It isn't on the actual lot. Chair Frost said the brook that feeds the wetland does cross the lot in question.

Andy noted the conservation easement on the property. He noted that part of the property on the map goes into the Town of Webster. Andy asked if a perk test had been done. Peter said it had not; there are a lot of places on the 14 acres where a house lot could go.

Chair Frost opened the public hearing on this application. There were none. The public hearing was recessed. The Board was to deliberate.

Chair Frost asked about the driveway location. It was noted that the existing woods road was the planned location. Chair Frost said this should be noted on the plan and the Board would need something in writing from the Director of Public Works with his blessing on the location of the driveway, per the plan.

Chair Frost asked that the following be amended on the plan:

1. Notes from sheet #1 be transposed to sheet #2,
2. The frontage reference should be corrected in note #5,
3. Add the graphic scale on sheet #2,
4. Remove the contour lines for purposes of recording.

It was moved (Andy Bodnarik) and seconded (Romeo Dubreuil) to approve the application with the conditions above. The motion was approved unanimously.

The requested waivers are the same as they were from the previous application:

1. proposed meets and bounds for the dwelling lot,
2. contours at 10' intervals were shown but should be removed,
3. the location of existing buildings, septic systems and manmade features,
4. location of water courses, ponds, tree-lines, hydric soils, and other natural features, and compliance with Warner flood zones.
5. contours at 2 and 5' intervals

Ben Inman said he can't see how steep the property is because of the tight contours. Is this a concern? Chair Frost asked if Peter had a sense of the grade of the property at the steepest part. Peter said he was not sure. Chair Frost said whoever is building on the property would be advised to meet with the fire department to make sure their emergency equipment can get to the location, considering the steep area. Romeo suggested that departments like the Fire and Public Works be notified of the plans prior to the hearings so their input can be included. Chair Frost noted that the fire department can fail a building permit if the driveway is too steep.

It was moved (Andy Bodnarik) and seconded by (Romeo Dubreuil) to accept the proposed waivers (listed above) as they will yield a better overall plan. The motion was approved unanimously.

C. Conceptual Consultation

Applicant: MadgeTech Inc.

Agent: Rick Desmarais – MadgeTech employee

Address: 6 Warner Road, Warner, NH 03278

Map/Lot: Map 3, Lot 33 or 34

District: C1

Description: For the purpose of erecting an antenna at a height of about 50-feet to be used in product development and testing.

Rick would like to propose a tower, 50' tall. The antenna on top and supporting ballast would be white. It is for a ham radio and used for product development and testing. They have a request for this kind of technology for an application for the military. The tower is free-standing and telescoping.

Chairman Frost said there is an approved plan for this site. He was open to suggestions from the board on how to proceed. Romeo said the building is already under construction. He wondered if this could be an application for a building permit. He felt this was a gray area.

Andy asked if there was a FCC requirement on this tower. Rick said that this is governed by part 95, 15-247 of the FCC. It is a wide band, spread spectrum system. The FCC doesn't really care about this. They are putting out less energy than an electronic exit sign. It also will not be lit; it should be far below the tree line.

There was some discussion about whether or not the applicant would need to go to the Zoning Board. The Use Table was reviewed. Chairman Frost thought a Special Exception and a modification of the site plan was needed. If granted, the applicant should return to the Planning Board.

It was asked if the tower could be lowered to 45' instead of 50' to avoid the height maximum in the Zoning Ordinance. Rick said that was a possibility. Janice said that the special exception could be granted IF it was a television or radio tower. The applicant would still need to go before the Zoning Board to get approval, however. Rick reminded the board that the tower is telescoping, it doesn't remain at 50' all the time. Chairman Frost said regardless of the height, a special exception is needed. The Zoning Board can give a relief for the height restriction of 45' if it is for communications.

The applicant left the meeting at this point.

3. Old Business

A. Comet LLC

Chairman Frost said he had asked the Town Administrator to inquire with Ben Osgood, Comet, what was going on. It turns out the process is ongoing with their approval from DOT. There are some delays but may be due to personnel issues. Some site work has already begun. The driveway permit from the State is pending, so any work done on the property is at the risk of the applicant and property owner.

Andy said he was concerned about the current vs original plans. Chairman Frost wasn't sure why it was taking the State so long to review the plans. It was noted that the owners were already putting utilities on the property; not just moving dirt around.

It was thought that a temporary driveway permit could be obtained. Vehicles are already going in and out of there on the pre-existing driveway. A new driveway has not been constructed; they haven't received the permit to work within the right of way. Chairman Frost said he would email Ben Osgood to make this suggestion.

B. Sign Permit Application for Dasco for Dunkin Donuts

Chairman Frost asked the applicant if the sign was what he anticipated. He said it was. The applicant said the signs are all externally lit. Chairman Frost noted they were downcast. Janice said the total max of 64 square feet is met, but there is a small sign at the drive-through that put them over. She spoke with Mary (?) who said they would remove this small sign.

It was moved (James Gaffney) and seconded (Ben Inman) to recommend approval of the sign application for Dasco for Dunkin Donuts at that location. The motion was approved unanimously.

C. Temporary Sign Permit Application - Chris Collins, Warner Stone

Janice said the sign application was temporary but the post they wanted it on was permanent (granite). Chris said for them (Warner Stone) it is just as easy for them to put in a granite post as it would to use wood. It will be temporary.

It was moved (Ben Inman) and seconded (Romeo Dubreuil) to approve the sign permit for Chris Collins as a temporary sign that may be updated to a permanent sign. The motion was approved unanimously.

At the May Planning Board meeting there were conditions made for the Warner Stone site. Chris asked to review them and see if the plan could be signed. Chris said the driveway permit has been signed by Tim Allen, DPW. Chairman Frost said it appeared that the conditions had all been met. The Planning Board gave permission for Chairman Frost to sign the plan.

D. Town Property Sales Review

Sam Bower said the Select Board is hoping for more insight on how the town can responsibly make a decision regarding the sale of property. The Conservation Commission has come back with three properties in question, and a rubric to help assess the potential for each property. Sam understood that the Planning Board will have a different view of these properties. They are hoping to make informed decisions on what to do with these properties.

Ben Inman (?) said the Town seems to be hoarding property and he feels some of it needs to go. James Gaffney (?) said the Conservation Commission had said they have met their goals for property being conserved in the town. If the Town is looking at more property for conservation, they need to come up with a list of the most important properties to conserve.

Sam said it would be nice to evaluate some of these properties and determine what the best uses for the properties would be. James said the Town has to state their needs and then determine if any of these properties meet those needs. If they do not, they should be sold.

Sam said they are looking for as much input from the different boards and committees before they get rid of properties. The land is an asset; it should be fully evaluated before they potentially make a mistake. James said the properties being off the tax rolls is helping to increase their tax rate.

Andy said it is hard to predict what the future will be. In the past, they have benefited from using town-owned land for the Fire Station development. James disagreed and felt that the Town lost money in that project. He opined that the Town holding onto property is insanity. Andy said that a list of criteria needs to be created to rank properties and determine if they should hold on to it for a use. Chairman Frost agreed but asked who would come up with these criteria. It should be abstract, not specific. What are the criteria they would apply when presented with a parcel of land? James said they should determine if there was a stated, designated need for the property.

Chairman Frost wondered if anyone would be willing to sit on a committee to come up with the criteria. Andy thought they needed to look at the Master Plan to see what the criteria are for evaluating property. James added the CIP information that has been gathered each year should be reviewed. If the major departments don't come forward with a need, that should be the tip that the property should be sold.

Andy said he would help on the committee, but did not want to chair.

James asked if the sale of the three properties that were suggested as being saleable was being hindered by this process of determining what to do with the properties. Sam said yes. They were looking for more input before making the final decision to list the properties.

James thought that the Planning Board should just give their recommendation that the three properties be put up for sale. Chairman Frost said they haven't evaluated the properties because they haven't set up the criteria. Andy wondered if the Regional Planning Commission had criteria already so that the Town wouldn't reinvent the wheel.

Andy said he would like to see tax cards to go with the maps to determine the value of these properties.

James asked how many properties are on the list. Sam said there are somewhere between 25 and 30 properties. Some of these lots are .3 acres and one is upwards of 65 acres. The others are odd in size, shape and use potential. They are starting with the three they think they could and probably should sell. The Select Board just wants another set of eyes before selling.

E. Development of Regional Impact

Chairman Frost said he hasn't had a chance to re-write some of this. He would use James as a sounding board on changes he suggests. There was discussion about other towns and whether they notify the Town of Warner with projects of regional impact. There were a few instances where this happened.

It wasn't sure when the ordinance was adopted. Chairman Frost said it is a Town Clerk issue; if they cannot prove that the ordinance was adopted, it should be removed from the website.

4. Reports

Chairman Frost said the CIP process has started. He has coordinated the Planning Board schedule with the Budget Committee schedule.

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Ben Inman missed the last RPC meeting. He found out that broadband internet coverage was discussed in the town. They are going to form a committee to find out about government funding as it is a need in the town. Sam said one of the improvements they can spend their covid relief funds on is broadband and internet.

James didn't think the towns should be advocating for technology, but rather availability. Let the vendors vie for business in the town.

Andy said a TAC meeting was coming up at 9am on August 6th. There was an OSI meeting on Wednesday, July 15th on meeting mechanics.

Economic Development Committee Meeting – Sam said the mural is coming along. There was discussion of a childcare business going into the building. Sam said the applicants have done their interviews for the Agricultural Commission. The first meeting will be in the next month or so.

5. Public Comment

Christine Frost said she said the level of knowledge and cooperation by the board is exemplary.

The meeting was adjourned by Chairman Frost at 9:50pm.

Respectfully submitted,

Kristy Heath, Recording Secretary

Town of Warner