



TOWN OF WARNER

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Planning Board Meeting

Minutes of October 4, 2021

Town Hall Lower Meeting Room at 7:00 PM

I. OPEN MEETING at 7:05 PM and ROLL CALL

ROLL CALL: James Gaffney, Andy Bodnarik, Ben Inman, Clyde Carson, Romeo Dubreuil, Ben Frost (Chairman)

Absent: Don Hall

Also present: Janice Loz (Land Use Administration), Nancy Martin (Conservation Commission)

II. APPROVAL OF MINUTES OF September 13, 2021

The Chairman noted on page 2 under the Old Business section of Comet, Mr. Adams should read *Adam Quinn*. Also, the same edit should be noted in the following paragraph. Also, under B. the Warner River Local Advisory Committee after Ken Milender's name the word should read *proposed*. Andy noted also on page 2 in the last paragraph it should read *Chairman*. Also, the reference to type of stream should read *fourth order* streams.

Andy noted on page 3 in the first paragraph the word Zoning Regulations should be capitalized and changed to *the Town's Zoning Ordinance*. Also, the Chairman noted under the Communications section the last line should be *formally the NH Office of Strategic Initiatives*.

On page 4, Andy noted in section D, the sentence in the last paragraph should read *purchase of*.

Motion to approve minutes as amended, by Andy Bodnarik and seconded by Clyde Carson. **Discussion:** None. **Voice Vote. Tally:** 6 – 0. The minutes of September 13, 2021 were approved.

III. NEW BUSINESS - CIP Program

The Chairman discussed the spreadsheet he worked on and distributed to the Board. All department's CIP information was compiled into a single *pdf* document. It contains a spreadsheet and a transmittal memo. The appropriations line to a Capital reserve fund is the focus of the document. It does not contain expenditures made in the later

years. It would probably be helpful to the Board of Selectmen (BOS) and the Budget Committee to have a separate spreadsheet noting expenditures. The Chairman said he would be willing to do this tonight. He is presenting this information to the Budget Committee on Thursday, October 7, 2021.

This is the same form used last year. Request lines 22 through 27 are the actual appropriations. Potentially to be acted at the Town Meeting. Selectmen, Clyde Carson's understanding of the CIP is to not identify the appropriation, but the need and in what years they should occur. What goes to Town Meeting is determined by the BOS. The Chairman concurred saying this is the first step in the process. The statutory process for the CIP is to serve as an advisory document to the Budget Committee and the BOS as they develop the annual budget in the succeeding year. Also, with an eye towards what is coming up in the next six years.

James said every year the out-year requests are much larger than what ends up being requested. The Chairman said potentially more speculative. He believed the current request year numbers are generally consistent with the previous year. James said it seems the wish list and what actually gets requested are two different things. He said it puts in question the value of the future forecast. The Chairman said the value is getting a sense of what the department heads see as being the future need. Five to six years out may be very different. For instance, if a ten-wheel dump truck breaks down it may need replacement sooner than projected. The actual year of the expenditure is often time flexible.

James said the CIP's this year is more toned down than in the past. The Chairman referenced last year's projected requests of \$1,070,000 compared to this year's projection of \$1,147,000. The Chairman commented that those figures are comparatively close. James said in the past the further out we project the more divergent the figures are. The Chair agreed, they were more uncertain. Andy said it varies by line item some of the figures for the projected years are noted as a percentage. The revaluation capital reserve is consistent, the total was divided and spread out over a number of years. Out years can bring a lot of uncertainty, including costs of materials, labor, etc.

The Chairman said he can prepare a second spreadsheet with expenditures for the Budget Committee and the BOS. What is in the current spreadsheet is what effects the tax rate. They are appropriations that are voted on at Town Meeting. As opposed to what is drawn out of a Capital Reserve Fund (CRF) which doesn't impact the tax rate. It already has impacted the tax rate when the Town voted to appropriate the funds. Clyde, Selectmen, said upon attending Budget Committee meetings second spreadsheet won't impact them. They will want to know what the actual expenditures are as of December. The need will change by the time they talk about capital expenditures in December. The Chairman thought it may give them a more complete view of the capital improvements program. Ben I. thought providing that information would be good documentation. The Chairman was going to compile the second spreadsheet that evening.

Andy asked about the department ratings column, being incomplete. The Chair said they would work on the rankings after the public hearing. James said the Conservation Committee has a ranking that does not comply with the ranking summary. There is a “D” noted in the column. The Chairman said it should be a “DS” for Desirable. The Chairman noted the Transfer Station has two Capital Reserve Funds. The compactor/s/ creates overlap between the two projects. That needs clarification which he will communicate to the Budget Committee.

The Chairman opened the Public Hearing portion of the meeting.

Nancy Martin of the Conservation Commission was the only public in attendance. Nancy said if the Board had any questions about the commission’s CIP submission she would gladly answer them. The commission has not requested funds for over nine years. They have two projects before them and have considerably spent down their funds. They are asking for \$25,000 to be in a decent negotiating position for these two projects. Projects sometimes occur unpredictably and can be time consuming.

The Chairman said tonight the Planning Board is establishing their position on the departmental recommendations. He will present on Thursday, October 7, to the Budget Committee. The BOS are invited as well. The Chairman clarified the two projects the Commission is planning for would essentially deplete the funds to zero. Nancy concurred. He asked what as to the average annual revenues generated to the Conservation fund from the Land Use change tax. Nancy said the most they receive is \$25,000. Their revenue comes from the Current Use exchange tax. That is highly dependent on the economic situation as to whether people are cutting their land, or not. It ranges from \$10,000 to \$25,000 unpredictably. The Chairman asked if Warner has voted to devote 100% of the change tax to the Conservation fund. She said, yes.

She closed expressing the hope the Board will recommend the CIP to the Budget Committee. She briefly mentioned projects the commission has been involved with in the past five years. They supported the Brown Family Frazier Brook Farm. The Children’s Brook protection for fishing. The Vegetable Ranch. Also, paid for the survey on the Ledger Farm. Purchased two parcels from the DOT, one is in the ROW of the I89, for future construction of the rail trail. The second parcel is off Route 103, also for future construction of the rail trail. In the past, they have also protected the Courser Farm. The Chairman thanked Nancy for coming to the meeting.

The Chairman said the Board has tried to smooth out the impact of the tax rate particularly for larger projects. When they met with the Fire Department (FD) last week. In 2026 the Fire Equipment CRF has a large hit due to replacement of scuba gear. The Board’s recommendation was next year to revisit the appropriations to reduce the impact in 2026. Additional appropriations in 2024 and 2025 may be necessary to smooth out the impact. The year 2026 would be the year of acquisition.

The Chairman revisited the rankings. He said Kearsarge Mountain Road alternate route had been ranked last year as DS and the Board changed it to an “N”. Clyde said the design work is probably going out to be bid now and will be done. He said the expectation would be the capital reserve money will be used for that purpose. What we do not know is the proposal developed from that design work and the future costs.

James clarified the proposal was to use part of the school's property. The Chairman said that is one proposed alternative route. Clyde said there are three possible routes. One is lower on the mountain, exiting on North Road. The other one is Quimby Road to the Town of Salisbury. James was concerned the Quimby Road alternative was expensive. The Chairman said a good recommendation may depend on providing alternatives. He noted in 2022 and future years no money is requested because they don't know the cost. Although, it is staying in the CIP as a place holder and reminder. There is likely to be capital requests for this project.

CIP Ranking Codes: U = Urgent, N = Necessary, DS = Desirable, DF = Deferrable, R = Research.

The Chairman said a difference from last year is the revaluation has been put in the CIP. The BOS and Assessing has ranked it as a "U". He said a revaluation is done every five years by state law. Previously, it was ranked as a "N". Does the Board agree with this change in ranking to a "U"? Clyde questioned whether it should be a CIP item, historically it would be in the Operating Budget. The Chairman said we have defined Capital Improvement Projects as both equipment and projects. It is not just tangible items but also services. Clyde said if it were in the Operating Budget, it wouldn't be seen in the CIP. The Chairman said, it could be in both. CIP's and CRF's are two separate things. CIP is just capital projects however they are funded. The Board has defined a capital project to cost at least \$15,000 and has a useful life of at least three years. Whether it is in the Operating Budget or a free-standing warrant article for one year or multiple years of appropriations to a CRF. The Board can change that definition. James said it would be helpful if the Town would adopt a single definition of CIP. James said the ranking of an "N" for the revaluation is appropriate.

The ranking definitions for "U" and "N" are: U = Urgent: cannot be delayed needed for health or safety. N = Necessary: needed to maintain existing levels and quality of community services. Ben I., concurred with James the revaluation for Assessing seems appropriately ranked at "N".

James said the FD and the Pillsbury Library HVAC have chosen more than one ranking. He said most of the FD items are Urgent due to safety. Ben I. said the HVAC breaking in the Library could be a hazard, due to mold and reasons of preservation. The Chairman said the Library is also designated as an emergency shelter.

James Gaffney made a **motion to accept the CIP spreadsheet as amended**. Ben Inman seconded the motion. **Discussion:** None. **Voice Vote. Tally:** 6 – 0. The spreadsheet was adopted for recommendation to the Budget Committee.

IV. OLD BUSINESS

A. Comet, LLC., Conditions of Approval

The DOT issued a driveway permit on the September 9, 2021, with no changes to the submitted plans. Also, enclosed in the packet are the two Notices of Decisions. One outlining the 17 conditions determined by the Board. The Board has two full sets of paper plans. Janice said these plans were received that day, Oct. 4. Romeo

thought they were going to simply accept the plans submitted to and approved by the DOT. The Chairman said they have to be sure the conditions 1 thru 9 have been met.

Conditions as outlined in the March 1, 2021 Planning Board Decision:

1. Change Sheet 2 to accurately reflect the uses addressed in the Zoning Ordinance's Table of Uses; add all current owners' names on abutting properties.
2. Modify Sheet 3 showing the boundary of the Warner River to identify specifically what aspect of the river is intended to be depicted (e.g. "top of bank," "seasonal high water," etc.).
3. Modify Sheet 4 to state that the cross easement between lots 4-2 and 4-3 is for vehicular and pedestrian access and utilities.
4. Correct Sheet 14 labels of landscaping and snow storage shown at the front of the lots.
5. Modify Sheet 17, Erosion Control note 18 to read "Any sediments removed from erosion control devices, catch basins, and stormwater structures shall be disposed of in accordance with state regulations and best management practices."
6. Add a new sheet containing the conditions of the SWPP and drainage systems maintenance.
7. Permits for access by NHDOT and Alteration of Terrain by NHDES are to be submitted to the Land Use Office and all conditions of such permits are to be incorporated herein. Substantial changes to the plans required by such permits shall require plan modifications presented to the Planning Board for further approval.
8. Written confirmation from the Warner Village Precinct regarding adequacy of water supply.
9. Written approval from the Warner Fire Department regarding revised truck turning plans.

Andy said the DOT permit references the plan but doesn't have more detail than ours. Ben I. said if there are any substantial changes made they are required to be on the plan. The Chairman said the last two revisions were done specifically to respond to DOT comments, in July. Then on September 8, the curbing at driveway entrance was revised in response to the permit.

The Board split into two teams to review each set of plans and verify the conditions in the decision have been met. Romeo, Clyde and Ben I. reviewed conditions 6 thru 9. Andy and James reviewed 1 thru 5. The teams also referenced the Zoning Ordinance USE Table. After review, Ben I. mentioned the need to get a letter from the Water District and Fire Department (FD). A big item for them was number 6 which discussed the water drainage and erosion. Also, construction conditions for erosion control. They need to have continuous inspection from DES as the project is developing. The plan does note conditions of the swift(?) and the drainage system maintenance program. The state does an inspection every three months by a registered professional engineer.

Janice offered to follow-up on the Water Precinct letter, discussing adequacy of water supply at the site. Andy remembered seeing an email from the Fire Department, last year. The Chairman said the plans have changed since the previous Chief commented on them. They need a new approval based on the new plans to make sure the fire trucks can access and turn around at the site. Andy thought they had widened the lane to ease access. Ben I. said the secondary entrance from the roundabout was to be made accessible, as well. He felt a letter from the FD was necessary. Romeo asked if the Town issues a certificate of occupancy upon completion. The Chairman said, yes. These two documents could be a determinative factor in issuance of a certificate of occupancy or a full building permit.

The Chairman said since these are the only two conditions yet to be met and they do not affect the plans. The Board could authorize him to sign the plans, when those conditions are met, so we do not have to wait until the November Board meeting.

Ben I. said there is an email from July 22, 2020 from Ben Osgood to the previous Chief, Sean Toomey. Then on July 28th Sean responded, “these look good”. The Chairman said there were revisions made to the plans, after that date. A new letter needs to be issued to account for the current plans.

James made a suggestion the Board email both the Water Precinct and the FD, including Ben Osgood, saying we need sign off on those items. Janice will follow-up on those items. Clyde asked the BOS to be included in those communications.

James Gaffney made a **motion to authorize the Chairman to sign the plans for Comet, LLC., for the two lot site plan and alterations of the subdivision approvals subject to meeting the conditions precedent 8 and 9 in the Board’s March 1, 2021 approval.** Andy Bodnarik seconded the motion. **Discussion:** None. **Voice Vote. Tally:** 6 – 0.

A. Regional Impact

The Chairman will email James the Development of Regional Impact guidelines.

The Board discussed changes to the Rules of Procedure document. The document indicates they have to hold two public readings and a third meeting to approve changes. Potentially initiate process in November and December. Andy said they can change the procedure requiring the Board publish a public meeting in the Concord Monitor. The state no longer stipulates meetings be published in a newspaper, reference paragraph A., Section 13., Notice of Public Hearing. We could delete that stipulation in the Board’s procedures. It would still have to be posted at the Town Hall, the Post Office and the Town website. James said we should state where it is going to be posted for the public’s knowledge. The Chairman said we need to do what the statute requires. We have to post to the website. If we want to do more, we can, but it has to be consistent. Postings for Zoning Ordinances is different than for applications and subdivisions. James said we should adopt one process and apply it to everything. Andy said 13.A., needs to

be consistently applied in other relative documents. The Chairman said cross referencing one source, means you only have to make the change in one place. Andy said the Library announces meetings online, weekly.

James asked Clyde if there is a process where a “date posted” tag could be visible when documents are added to the web site? He said the web site does not indicate a date when something was added. The Chairman said the Town should have a standard posting format. There are statutory requirements for posting, that should be documented and could be a good defense against a claim of error. James was just trying to get this on the BOS list. James said the Town notices should be archived. The Chairman said that would be helpful.

Andy brought up cancellations of meetings in the Rules of Procedures and notices being posted in three locations and the Town web site. Which is inconsistent with the Public Hearing notices, which is two locations and the web site. Clyde suggested that rather than note where each regulation is to be posted, say two locations and if we need a third we have flexibility. The Chairman said we need to date stamp notices. Janice said that is possible.

James said we should consider posting the electronic versions of the packets, which Janice has prepared, on the website. James said this could be helpful to the public. The Chairman said lots of town’s do that. Janice said she would follow-up.

The Chairman said they will work on the Rules of Procedure including the Developments of Regional Impact appendix, this winter.

V. COMMUNICATIONS

The Chairman discussed an email from David Bates inviting the Board to a screening of the Communities of Consequences II. Full disclosure the Chairman’s employer NH Housing is the sponsor of this program. It is a movie done by Jay Child’s, a filmmaker from Exeter, who also did the movie “Food Fight” about Marketbasket. Communities of Consequences is about communities struggling with different issues. The screening is virtual on October 14, at 6:30 PM for Warner residence courtesy of PBS. He will forward the link. Clyde said it is available on YouTube to view at any time.

VI. REPORTS

EDAC – none

BOS – none

RPC – none

The Chairman said in November they need to discuss any potential zoning amendments. Andy is there anything they need to know about changes to the statutes. The Chairman said he doesn’t think there are any that would affect the zoning. Andy said flood plain changes may be something we may want to check. The Chairman said the Office of Planning and Development would tell us what we have to do to be in compliance, especially in terms of eligibility for flood insurance.

VII. PUBLIC COMMENT

None

VIII. ADJOURN

The Chairman adjourned the meeting at 8:52 PM.

Submitted by Janice L. Loz