

**Town of Warner –Planning Board
Work Session Minutes
December 20, 2010 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Paul Violette, Rick Davies, David Hartman, Peter Wyman, and Ed Mical.

Members Excused: Dan Watts

Members Absent: None

Members Arriving Late: None

Alternates Present: Aedan Sherman

Alternates Arriving Late: None

Alternates Excused: J.D. Colcord

Alternates Absent: None

OPEN MEETING AT 7:00 PM

ROLL CALL

The Roll call was taken at 7:00 PM. Barbara Annis opened the meeting. Barbara Annis elevated Aedan Sherman to a voting member.

1. PROPOSED ZONING AMENDMENTS

A. OPEN MEETING ON PROPOSED ZONING AMENDMENTS

The Board agreed to discuss all the proposed Zoning Ordinance Amendments and then open the Public Hearing.

Proposed Amendment #1

Amend the Town of Warner Zoning Ordinance Article II - Districts, by revising the “official zoning map” to change land on Warner Tax Map 3, lots 48, 51-2-1, 51-2, 51-1, 58, and 84-10A, or portions thereof, from Open Conservation District OC-1 to Commercial District C-1.

REASONING: Warner land currently zoned C-1 is approximately 730 acres, or 2.1% of Warner’s total area of approximately 35,500 acres. This Amendment will change approximately 70 acres in the Davisville area north of Route #103 East, from OC-1 to C-1 to provide more opportunity for future Commercial development. The majority of the land affected is currently a gravel pit or permitted for a gravel pit. Adjacent lot #59 will remain as OC-1 as a buffer to the Warner River toward the north. Adjacent lot #62 will remain part of the R-2 District. Wetlands Regulations, NH Shoreline Protection Act, NH Department of Environmental Services, and other agencies and ordinances will regulate development.

Paul Violette stated that the Conservation Commission requested a 300 foot Riparian Area from the Warner River be shown in the proposed Zone change area. Paul Violette said the letter can be interpreted as a 300 foot buffer be placed in all Zoning Districts from the River. He said he did some research and the average buffer from the water is 250 foot.

Paul Violette said the Shoreline Protection already has a 250 foot protected area from the River. He said at the last meeting they did make some changes to the original idea by leaving lot 59 as OC-1 which would also create a buffer.

Peter Wyman said if they placed a 300 foot buffer along the River they would need to police the extra 50 foot buffer that is over and beyond the State requirements which would cost the Town money to do.

Aedan Sherman read the e-mail from the Conservation Commission into the record:

Hi Barbara and Paul,

At our recent meeting the Conservation Commission discussed the Planning Board's decision to revise its proposal for expanding the C-1 commercial zoning district in Davisville. We appreciate the Board's agreeing to move the C-1 district boundary away from the Warner River. We feel strongly that this riparian area should remain in the open conservation zoning category because of the important natural characteristics and resources that the area contains, such as the underlying aquifer, floodplain, wetlands, and wildlife habitat.

With this redrawing of the commercial district boundary, we urge the Planning Board to make a further modification in the future land use map as part of the updated master plan now being drafted. The Commission asks that a 300 foot buffer, designated as river conservation corridor or district, be shown along the length of southern shoreline from the Interstate to Rt. 103. This would then make the proposed zoning change consistent with the master plan. It would also demonstrate consistency by showing the entire length of the river in this conservation category.

I'm sure that Vanessa can make this change in the future land use map easily and hope that the Planning Board will agree with our suggestion.

Jim

Rick Davies said roughly scaling the drawing where the river dips down into Lot 59 the dip to the right that is almost centered in the area is over 300 feet and the one on the left is approximately 200-250 feet.

Barbara Annis said Rick Davies took his drawing from the tax map. Rick Davies said yes that is true. He said it has been copied so the scale has been changed slightly but it is very close to scale.

Rick Davies said the Shoreline Protection Act that is being referred to does allow some forms of construction but there are a lot of restrictions.

Barbara Annis said it makes more sense to use a boundary line on the tax map as a Zoning District boundary. She stated that in the past there was a situation where a business (Jordan Milton) was going in and part of the land was in the R-2 District and part in a C-1 District. If the Zoning District followed a lot line it would have been easier.

The Board had a brief discussion regarding the Shoreline Protection Act, Riparian Buffer and the letter received by the Conservation Commission. The Board decided to leave the Proposed Amendment as is and take the Conservation Commission's suggestion under advisement.

David Hartman stated that the proposed Amendment #1 does not have anything to do with a River Conservation District it is put forward for the public to vote on a Commercial Zone change in Davisville.

Rick Davies asked if anyone thought it would be a problem having the lot numbers listed in case in the future a lot line adjustment/annexation occurred. Paul Violette said no. The intent is to have the Zoning line along the current boundary lines and that will not change in the future. They will be kept the same no matter what happens.

Proposed Amendment #2

Amend the Zoning Ordinance Article XII - Sign Regulations, paragraph A.5. as follows: *(strike-outs are deletes, all additions are underlined)*

A. ~~5. A temporary sign not exceeding twenty (24) square feet in area, advertising the sale of, or construction on, the premises on which it is located shall be permitted in any District.~~ Temporary signs are regulated by the Board of Selectmen.

REASONING: The Selectmen's Office has requested that temporary sign regulations be administered by their office instead of by the Planning Board. This should help streamline the permitting and control of temporary signs.

Barbara Annis said proposed Amendment #2 was requested by the Board of Selectmen. The Board agreed to the verbiage.

Proposed Amendment #3

Amend the Zoning Ordinance Article XI - Commercial District C-1 paragraph "F" as follows:(*strike-outs are deletes, all additions are underlined*)

~~F. The maximum gross floor area for shops, restaurants, and other retail and service establishments shall be 20,000 square feet. Where more gross floor area is required, multiple buildings may be grouped on the same lot up to a maximum of 40,000 square feet.~~

F. The maximum gross floor area for Retail and Service buildings indicated in Table 1 – Use Regulations shall be 40,000 square feet for an individual building on a lot. For buildings needing more area and/or for multiple buildings on a lot, the following requirements shall be met:

1. Multiple buildings, each with a maximum gross floor area of 40,000 square feet, may be grouped on the same lot if all the following requirements are met:
 - a. Buildings shall be separated from each other by a minimum of 75 feet; however buildings may be connected by a covered walkway.
 - b. A 75 foot landscaped green open space building setback shall be provided from residential and open district abutter's lots.
 - c. Provide or facilitate shared driveway and cross lot traffic including provisions for easements for anticipated future access to adjacent lots.
 - d. In addition to the maximum impermeable coverage, provide landscaped green open space at least equal to one half the total gross floor area of all buildings on the lot. The green open space shall be intermixed within the building/parking areas to enhance the natural setting and reduce/breakup contiguous impervious surfaces.
 - e. Buildings shall be designed to provide multiple roof levels, wall alignments, and sight lines to help minimize the perception of mass and bulk.
2. Additional building gross floor area of up to 20,000 square feet (maximum total gross floor area of 60,000 square feet) shall be allowed for each building on a lot if the following requirements are met:
 - a. A Special Exception shall be obtained from the Zoning Board of Adjustment.
 - b. All items required in section F.1. above shall be met.
 - c. Minimum building separation shall be increased from 75 feet to 125 feet.
 - d. All building setbacks shall be increased to 50 feet from an abutter's lot and 65 feet from the edge of a public right-of-way.
3. For existing buildings which exceed a gross floor area of 40,000 square feet as of March 8, 2011, an additional maximum gross floor area of 20,000 square feet shall be allowed if all items required in sections F.1. and F.2. above are met.

REASONING: Currently the maximum gross floor area of a Retail or Service use building is 20,000 square feet, with multiple buildings allowed on a lot up to a total gross floor area of 40,000 square feet. This amendment is designed to be less restrictive while also providing opportunity for new and additional business to locate in Warner. Proposes

revisions are based on the Planning Board's research in other towns for typical moderate sized buildings for Retail and Services uses. For clarification; uses other than Retail and Services listed in Table 1 – Use Regulations are not currently restricted under this maximum gross floor area paragraph. "Gross floor Area means the sum the horizontal area of the floor or floors of a building as measured from the exterior walls" as defined in the Zoning Ordinance.

Rick Davies noticed a word that was misspelled in the reasoning. Proposes should be proposed.

Rick Davis said proposed Amendment #3 is to give more flexibility. He said he was disappointed there was no public present for comments. The Board agreed to the verbiage. Ed Mical said he thinks a lot of people may be shopping and not able to attend at this time of the year.

Proposed Amendment #4

Amend the Zoning Ordinance Article III - Definitions, "**Major Subdivision**" as follows: *(Strike-outs are deletes, all additions are underlined)*

"**Major Subdivision**" means any subdivision which creates 4 or more lots within a 5 year period. ~~which creates four (4) or more lots or a minor subdivision for which a request for further subdivision is received within a 5-year period of the date of approval of minor subdivision.~~

REASONING: Land owners have been penalized for subdividing one additional lot that would not have been classified as a major subdivision if they had done the subdivision in one single step. ie, subdividing into three (3) lots whether done on a single date or on two dates should be recognized as the same classification of subdivision.

The Board agreed to the verbiage.

Proposed Amendment #5

Amend the Zoning Ordinance Table 1 - USE REGULATIONS, section titled "Agricultural" line #3 as follows: *(strikeouts are deletes, all additions are underlined)*

1. Temporary (not to exceed erection or use for a period exceeding ~~three~~six months in any one year) greenhouse or stand for sale of agricultural or farm products raised primarily on the same premises.

REASONING: The existing wording limits temporary greenhouses and stands operation to only 3 months per year. In recent years some farms have become more diversified and have utilized technology to lengthen their seasons. Year-round greenhouses and stands also indicated on Table 1 are not affected by this proposed amendment.

The Board agreed to the verbiage.

B. OPEN PUBLIC HEARING

Barbara Annis opened the Public Hearing. There was no Public present.

C. CLOSE PUBLIC HEARING AND RE-OPEN MEETING

Barbara Annis asked if there were any further comments or discussions.

Paul Violette made a **MOTION** to **ACCEPT all proposed Amendments**.

Barbara Annis said it would be taking a chance voting on all in case some one does not approve of one or more.

Rick Davies suggested accepting the amendments individually.

Paul Violette **WITHDREW** his **MOTION**.

David Hartman made a **MOTION** to **APPROVE Amendment #1**. Paul Violette seconded the **MOTION**.

Ed Mical asked if the way they are currently written will be what appears on the ballot. Barbara Annis said no the condensed version will be on the ballot. David Hartman asked how differently they will appear on the ballot. Rick Davies said there will be no cross outs and underlines. David Hartman asked if there will be a separate presentation of the verbiage for the ballot. Barbara Annis said they never had one before but they could. David Hartman said in previous meetings they have had the exact wording for the Zoning Ordinance and a summary for the ballot. David Hartman said after the proposed Amendments are voted on a summary for the ballot should be developed and voted on in January. Paul Violette said that even if the Planning Board approves the wording for the ballot it may need to be changed after the Town Clerk reviews it to be sure it meets all legal requirements.

Barbara Annis said tonight they will vote on the Zoning Amendments and in January they will vote on the ballot wording. Barbara Annis said they have never voted on the ballot wording before but she is not opposed to doing it.

All were in favor of **APPROVING** Amendment #1 as written.

David Hartman made a **MOTION** to **APPROVE Amendment #2**. Ed Mical seconded the **MOTION** and all were in favor.

Rick Davies made a **MOTION** to **APPROVE Amendment #3**. Aedan Sherman seconded the **MOTION** and all were in favor.

Ed Mical made a **MOTION** to **APPROVE Amendment #4**. Paul Violette seconded the **MOTION** and all were in favor.

Aedan Sherman made a **MOTION** to **APPROVE Amendment #5**. Rick Davies seconded the **MOTION** and all were in favor.

2. PROPOSED SUBDIVISION REGULATIONS

Barbara Annis opened the Public Hearing for the Subdivision Regulations. There was no Public present.

Barbara Annis stated not all changes were in blue. Rick Davies had noticed that some of the changes were not posted on the website in the proposed changes packet. Barbara Annis said Rick Davies sent the Land Use Secretary an e-mail last week that some of the proposed changes that were discussed in 2009 were not highlighted in blue. Since the secretary did not have a record of the changes Rick Davies sent the information to the secretary. The secretary highlighted the changes in the packets for the Public Hearing. However, since not all the changes were in blue on the website it was agreed to make new packets in blue and post those in the Town Hall. Barbara Annis said the confusion was due to there being multiple changes in secretaries.

The Board also discussed the ad to be run in the newspaper. The secretary handed out a copy of the ad for the proposed Zoning Amendments and proposed Subdivision Regulations. Rick Davies stated all the changes were not listed in the ad. David Hartman said the ad is a condensed version of the changes. David Hartman said the ad does not state that all changes would be in blue ink and not all changes are individually listed.

David Hartman also suggested having Dan Watts remove the scale at the bottom of the street and road drawings. The scales are not correct. The secretary will contact Dan Watts with the information. Rick Davies said the scale is correct for the Typical Section of Improvement-All Roads. Rick Davies is concerned that if the scale is removed a value must be added to the section that refers to Clean Permeable Fill Materials Compacted in 12" Layers. A suggested value was 3' or the option would be to leave a scale on that one.

The Board agreed to postpone the Public Hearing on the Subdivision Regulations until January 24, 2010. A new ad will be placed in the Concord Monitor.

3. MASTER PLAN UPDATE

Guest Speaker: Vanessa Goold, CNHRPC

A. ENERGY CHAPTER

Vanessa Goold said the Energy Committee's proposed changes were added to the Energy Chapter. The Energy Committee also identified a 4th area of interest to support local farms and agriculture. Barbara Annis asked what agriculture has to do with energy. Vanessa Goold said she believes it relates to energy in the sense that it takes less energy to produce food locally rather than transporting food.

The Board reviewed the Draft Energy Chapter and briefly discussed the different charts and energy audit information.

Nancy Ladd from the Pillsbury Free Library said she could give Vanessa Goold the information from the Energy Audit that was done for the Library.

B. FUTURE LAND USE MAP

A discussion was held regarding the request from the Conservation Commission to have a 300 foot buffer along the Warner River marked as a River Conservation Area. Vanessa Goold explained the Future Land Use Map is a guide not a Zoning District map. The Board agreed to leave the area on the Future Land Use Map as it was in the last Master Plan from 1999.

A discussion was held regarding the area around Pleasant Pond.

The Board agreed with the previous changes made to the map.

C. COMMUNITY FACILITIES CHAPTER

Vanessa Goold said she added some additional information received from the last meeting. She will be making some additional changes to the library. Vanessa Goold said she did not receive any additional information from the Fire Department so she will use the information from the CIP (Capital Improvements Program).

Vanessa Goold asked if Magdalen College had their own private cemetery. Paul Violette said he was not sure but he would look into that for her. She said she sent the information to the Cemetery Trustee's for their review.

Vanessa Goold asked where Seavey cemetery was located on the map. Paul Violette said it was close to where she had it shown.

Paul Violette said he would forward the number of lots in the Pine Grove Cemetery to Vanessa Goold.

Ed Mical said Emergency Management will update the Hazard Mitigation Plan in 2013 to comply with FEMA rules.

David Hartman said the Police Department Table CF-3 should have an explanation of why activity has doubled from 2005-2009. Vanessa Goold said she would contact Chief Chandler for an explanation.

Ed Mical asked what the Recreational Facilities Feasibility Committee was in the recommendations section. Vanessa Goold said that was indicated by the responses in the community survey. One of the biggest wishes in terms of services and facilities in Warner revolve around recreational programs. Ed Mical said there is currently a Parks and Recreation Committee. Vanessa Goold said the Recreational Facilities Feasibility Committee would look at increasing the number of facilities available. Vanessa Goold asked if the Parks and Recreation Committee would already be discussing those issues or would the Planning Board be discussing it. Paul Violette said the Planning Board does not get into it as much but rather the Parks and Recreation Committee would probably talk about it. Vanessa Goold used a Senior Recreation Center as an example and asked if that would be something they would handle or do they mainly handle outdoor recreation. Paul Violette said from what he has heard they discuss more current facilities and programs rather than future facilities.

Paul Violette suggested using as a recommendation having the Parks and Recreation Committee look into additional recreational facilities.

Ed Mical said if a new committee would be formed it would need to go before the Town for a vote. Barbara Annis agreed that the Board of Selectmen would need to bring it to the attention of the Town and the Board of Selectmen would need to approach the Parks and Recreation Committee to see if they would be interested in undertaking the responsibility.

Vanessa Goold asked if they should change the verbiage in the recommendation to read the Parks and Recreation Committee should further investigate the need. The Board agreed that would be a good idea. If the Parks and Recreation Committee wanted they could create a subcommittee for that purpose.

D. IMPLEMENTATION CHAPTER

Vanessa explained the Implementation Chapter lists the recommendations of all the Chapters. Vanessa Goold asked the Board to prioritize the recommendations by cost rating, priority rating, project leader, and who would assist.

A discussion was held regarding how to prioritize the recommendations by using a date to begin system for example H= high priority, to begin by March 2013 etc or a number of years scale system for example H=high priority to begin within the next 1-2 years etc. The majority of the Board liked the idea of using a number of years system.

The Board reviewed the first 16 recommendations with Vanessa Goold. Barbara Annis said time was running out and they would need to finish discussing the Chapter at a later date.

Vanessa Goold asked the Board to review the recommendations and prioritize them and they would review the information at the next Planning Board meeting on January 3, 2010.

Vanessa Goold said she is hoping to have a Draft of the Master Plan to present to the Board at the January 24, 2011 work session meeting.

4. SUBCOMMITTEE REPORTS

No subcommittee reports were discussed.

5. COMMUNICATIONS AND MISCELLANEOUS

Barbara Annis said now that the weather may be against us at this time of the year and the Planning Board would be short two members that plow she would like it if the majority of the Board could show up so a meeting could be opened and then continue the meeting on another night especially if there is a Public Hearing scheduled.

A request was received for Yoga classes at 25 East Main Street Main Street. The Board discussed the letter briefly. A decision was not made whether she would need to come in for a Full Site Plan Review or not at this time. The property owner already has received a Site Plan Review for other businesses in the building. A few of the businesses that opened in the building that did not require a Full Site Plan Review.

The Zumba and Kick Boxing classes that used to be held in the Town Hall which are now across the street were discussed. Ed Mical asked if a Building Permit was issued. David Hartman said he was not sure but he would look into it. The property owners did not come in for a Site Plan Review to hold dance classes in the space.

7. PUBLIC COMMENTS

There was no Public present

8. ADJOURN

Rick Davies made a **MOTION** to **ADJOURN**. David Hartman seconded the **MOTION** and all were in favor. The meeting adjourned at 10:11pm.