

**Town of Warner – Planning Board
Minutes of Meeting
Monday, October 6, 2008 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Paul Violette, David Hartman, Hank Duhamel, Ed Mical, Dan Watts
Members Excused: George Pellettieri
Members Absent: None
Members Late: None
Alternates Present: Rick Davies (sitting and voting for George Pellettieri)
Alternates Excused: Robert Ricard
Alternates Absent: Harold French
Alternates Late: None
Presiding: Barbara Annis
Recording: Jean Lightfoot

Open Meeting at 7:00 PM

Roll Call

Ms. Annis opened the meeting at 7:04 p.m. The roll call was taken. Ms. Annis asked Mr. Davies to sit and vote for Mr. Pellettieri.

1. REQUEST FOR EXTENSION OF SITE PLAN APPROVAL

Property Owners: Michael and Gatia McChesney, P. O. Box 152, Elkins, NH 03233
Agent: None
Property Location: 51 East Main Street, Warner, NH 03278
Map/lot: 30/32, zoning B-1
Description: Extension of Site Plan approval dated May 7, 2007

Ms. Annis recognized Michael McChesney and asked him to discuss the extension request. Mr. McChesney explained that the poor economy has affected their plans. He said that their building is about 60% full. He said that they are prepped for the other two buildings to go up. He said that last fall the sewer and water were brought into the property from the state road. He said it is just a matter of filling the first building and then completing the other two buildings. He said he would like to get an extension on the approval so to be able to continue the project. Ms. Annis asked why they chose six years. Mr. McChesney replied that cyclically, that is typically the time frame for real estate markets tend to turn around. He said that it is usually 6-10 years and he chose the 6-year time frame. He said that he hopes to get them done before then. Ms. Annis asked if there were any other questions. Mr. Hartman asked if there are any rules on how long an extension may be. Mr. Mical said that there is a limit in RSA 674:39 because he has not completed the project yet. He said it is 4 years and an additional twelve months may be granted, for a total of 5 years. Ms. Annis said that she thought that because he has done some of the work then he is vested, so he has an interest in it. Mr. Mical said that it hasn't been completed as originally submitted so it has not been satisfied. The Board members then reviewed the RSA referred to by Mr. Mical. Mr. Mical said that the time frame was not specified in the decision, so he said he thought that would automatically revert to the 4-year period mentioned in the RSA. He said that the original approval was in 2007, so the original 4-year period has not expired. Mr. Davies asked if in the letter Mr. McChesney is asking for a 6-year extension on top of the 4 years. Mr. McChesney said no, he is asking for 6 years from this point forward. Ms. Annis said that the original approval was on May 7, 2007. Mr. Davies said that the interpretation of the statute would mean 4 years from that 2007 date. Mr. Mical said yes. Ms. Annis referred the members to the third line of section I of paragraph 39 which reads: ". . . if recording of site plans is required by the planning board or by local regulation . . ." Mr. Violette asked how this relates because it has to do with recording or not recording. Ms. Annis said that is her question, too. She said that we do not require recording of site plans. Mr. Violette said that if we do not require recording of site plans, then this RSA might not be applicable, anyway. Ms. Annis said she is asking the board to consider if this is applicable or not. Mr. Mical said that he thought in the past the 4-year time frame for completion has been used. Ms. Annis said she agreed and said she thinks 6 years

is too much. She said her concern is that six years from now, we do not know who will be on the Planning Board and who will remember what was said and how he presented the application. She said there may not be anyone on the Board in six years who remembered why it was being requested tonight in 2008. Mr. Watts said that his feeling is that we are only one year into the four-year period and it's early to ask for an extension. Mr. Davies said he agrees and in three years, it is possible to grant an additional year. Mr. McChesney asked what the reasoning would be to not approve it. He said the plan has been approved and we know that it has been accepted and asked why the time would not be extended. He said that he is not asking to do anything more than has already been approved. Mr. Watts suggested that the Board follow what others have laid down for us. He said that it's not possible to know what may happen in the future to the regulations that might affect Mr. McChesney, but this would protect him. Jeff Evans suggested that Mr. McChesney come back near the end of the 4 years with a site plan showing what has been accomplished and ask for a modified approval or an addition. He said that would give him more than ample time. Ms. Annis said that as of now, he has more than three years. Mr. Duhamel said that if rules change, Mr. McChesney is still grandfathered into the May 2007 decision. Mr. Hartman said that it is his understanding that Mr. McChesney has approval from the initial May 2007 date for four years. Ms. Annis said yes. There was no further discussion.

Mr. Watts MOVED to deny the request for a 6-year extension because there is no need at this time for an extension. Mr. Mical seconded. Mr. Duhamel suggested that the word deny be changed. Mr. Mical said that it is a denial to the request for a 6-year extension. There was no further discussion. The vote was taken: Mr. Watts, yes; Mr. Mical, yes; Mr. Duhamel, yes; Mr. Violette, no; Mr. Hartman, yes; Mr. Davies, yes. The motion was PASSED.

Mr. McChesney thanked the Board and left.

2. LOT LINE ADJUSTMENT

Property Owners: Douglas Sr. and Michelle Smith, 153 No. Village Road, Warner, NH 03278 and Thomas Greenlaw and Royal Latuch, 179 No. Village Road, Warner, NH 03278

Agent: Jeffrey A. Evans, Evans Land Consultants, P. O. Box 52, So. Sutton, NH

Property Location: Between North Village Road and Flanders Road with frontage on North Village Road
Map/Lots: Map 10, Lots 10 and 10-2 and Map 9, Lot 4, R-2 Zoning

Description: Lot Line Adjustment among three adjoining properties – Residential use to continue.

- a. Application - Accept/Reject/Continue
- b. Action Taken – Approve/Disapprove/Continue

Ms. Annis recognized Jeffrey Evans who was representing the parties. Mr. Evans said that one of the existing lots is to be eliminated. He said that Mr. and Mrs. Smith have a house and a swimming pool which was with an old motel. He said that they want to annex 4700 and add it to the house lot that already exists. He said the other parcel along the brook with the steep bank is going to the other parcel. He said there is no buildable land on that parcel and the State may say it's jurisdictional because they have jurisdiction between the banks. He said the rest of the piece is going with the Smiths' new house. He said that there is no subdivision and there is actually going to be an elimination of one of the taxable lots in town. Mr. Davies asked if the existing lot is extremely small. Mr. Evans said that lot goes back to the 1890's or so and he said he thinks there was a mill operation there back then. Ms. Annis asked if there were any questions. She said that Michelle Smith did not sign the bill of sale and asked her if she was willing to sell the property. Ms. Smith said yes and there is a copy that she signed. There were no other questions. The Board members reviewed the plan and the application checklist. Ms. Annis asked each group if the checklists were complete and accurate. The members said they were.

Mr. Violette MOVED to accept the application. Mr. Mical seconded. There was no discussion. The vote was taken and the motion PASSED unanimously.

Ms. Annis said that normally for a lot line adjustment, there is not a public hearing. However, she asked if there were anyone who wanted to comment. There was no one. She then closed that portion and said she has a comment. She said that in the title it says, "Lot Line Adjustment Property of Doug and Michelle Smith." She said it is a lot line adjustment with Doug and Michelle Smith, but Royal Latuch and Tom Greenlaw are not

mentioned. Mr. Evans agreed, but said that they will get credit in the Registry because every name on the plan, including the abutters, is put in the index of the Registry. Ms. Annis said that it is a lot line adjustment between the Smiths and Mr. Greenlaw and Mr. Latuch. She said that both names are generally put in the caption on the plan. Mr. Violette asked, then, if it was only a matter of adding Thomas Greenlaw and Royal Latuch to the title. Ms. Annis said yes. Mr. Evans suggested using the words "lot line adjustment to be conveyed to Doug and Michelle and to Royal and Thomas." Ms. Annis said it would be helpful to have this information recorded so that subsequent viewers at the registry will be able to see what happened. Mr. Evans said it is very helpful now to have the abutters listed in the Registry index, as well, but, he said, they will add the names of Mr. Greenlaw and Mr. Latuch. It was agreed by the Board that they want the names added to the title of the plan.

Mr. Violette MOVED to approve the plan with the condition that the title on the final plan includes all the owners of the properties involved. Mr. Duhamel seconded. There was no further discussion. The motion was PASSED unanimously.

3. MINUTES

Mr. Hartman MOVED to approve the September 8, 2008 minutes with one minor correction. Mr. Mical seconded. Mr. Hartman said at the middle of page 5 there is a typo – three should be there. That was agreed to. There was no further discussion. The motion was PASSED unanimously.

Mr. Hartman MOVED to approve the September 22, 2008 minutes with minor corrections. Mr. Mical seconded. Mr. Hartman said that on page 2, paragraph 2, 4th line down, law should be lawn. Mr. Davies asked if the site has actually been acquired. Mr. Hartman said that "acquired" should be changed to read "has been approved for acquisition between the State and the town." There was no further discussion. The motion was PASSED unanimously.

4. REPORTS FROM SUBCOMMITTEES

Ms. Annis recognized Mr. Mical to report on the CIP Committee. Mr. Mical said that a draft was sent to the Board members and the CIP Committee is scheduled to meet on Wednesday, October 8, and Wednesday, October 15. He said his request is that this meeting be recessed and not adjourned so that the public hearing for the CIP plan could be held on October 20. He said it could then go to the Selectmen and the Budget Committee instead of waiting until next month. Ms. Annis asked if the final CIP would be ready a week before the meeting so the Board members may review it. Mr. Mical said that what was distributed is nearly what it will be, with just a few other changes. He said that in the discussion, there have always been comments from the Planning Board as part of the CIP plan and there is nothing for that, yet. Ms. Annis said that it isn't usually done until after the hearing. Mr. Mical agreed, but said he wanted to bring it forward so people would be thinking about it. Mr. Hartman asked if the 20th is being targeted for the public hearing. Mr. Mical said yes. Ms. Annis asked about the document that was sent out. She said that the CIP Subcommittee members list does not say who from the Budget Committee is on it. Mr. Mical said that he knows it has to be updated. Mr. Hartman asked how the CIP Subcommittee differs from the names of the people listed above it. Mr. Mical said the names above are those from the various organizations and committees that contributed to the CIP itself. He said the CIP Committee is the one that will actually sit down and review the program plan as presented and then forward that to the Planning Board. Ms. Annis said she thought the report read well, but asked about the spreadsheet having all the road construction projects in one year, which she said gives a false reading. She said she could see the cost being in the program, but the spreadsheet is supposed to show what will have to be raised every year so the Budget Committee can look and determine if the capital expenditures need to be lowered for some particular year. Mr. Violette asked if it should be spread out over some years, with the totals on the right being the same. Ms. Annis said yes. She referred to the Road Committee report in the plan. Mr. Mical said that report is from a year ago and to his knowledge, there has been no Road Committee meeting this year. Ms. Annis said she would have no problem with all the numbers being included in the road report, but she said she doesn't think it should be all in one year. Mr. Davies agreed and said that his first thought was that it indicated that there was going to be a bond to do it all at once and be paying it off for the next 30 years. Ms. Annis asked Mr. Mical to have the committee consider these concerns. Mr. Hartman asked about road construction projects. He said that he knows that the town

is working on a portion of Melvin Road this year. He asked if the \$422,000 is to do the current work. Mr. Mical said he did not know and will find out. Mr. Davies asked if the numbers are spread out over a number of years, would there be an escalation of those numbers. Mr. Mical said he thinks the numbers came from the Public Works Director for this year. He said that because there were no specific dates submitted, then they were put in for this year so they could be captured. He said he noted that Connors Mill is not on the list. Ms. Annis said it is not on the Road Committee Report either. Mr. Davies said that his thought is that it is like the Police Department cruiser in that, over time, the cost changes.

Mr. Davies asked if the number needs to be the purchase price plus any expected upgrades to the transfer station facility. Mr. Hartman said that the \$50,000 as listed is the addition for the Transfer Station, which now totals \$100,000 which will cover the acquisition of the site for \$85,000 plus about \$1,100 as an administrative fee to the State, plus a survey of the boundary which is estimated to be about \$3,500. He said that would leave \$10,000 for additional improvements in next year that is being budgeted for now. He said that he does not think that is enough to do the improvements that the Facilities Committee is talking about, including the building and the rearrangement of the traffic flow.

Mr. Hartman asked about the Parks and Recreation note that there is no request from them. He said he had talked with Alan Piroso who was asking if there should be a capital reserve fund set up for replacement of a major piece of equipment, like the lawn mower. He said that the Selectmen had said that they don't want to put it in at all, but if there is a purchase of a major piece of equipment, then the town will figure out how to work it. He said it was decided to hire a part-time, seasonal employee to do the maintenance of the athletic fields and the Town Beach. He said that he thought that if there is to be a purchase of a lawn mower or large piece of equipment like that, it should not be set up through a capital reserve fund, but should just buy it when it's needed because it's \$10,000 or less. Mr. Mical said that it might be included in the narrative, but not put it in the spreadsheet, like the cemeteries for headstone restoration is handled. He said that is listed in their section but it is less than \$10,000 it doesn't qualify for the Capital Improvements Program. He said it would be listed in the report so the Selectmen and Budget Committee could look at it, but it would not be listed on the spreadsheet and it would be noted as part of the summary that these projects were listed for the departments but were not considered because they did not meet the criteria. Ms. Annis said that we only go to the department and take what they tell us, so if Parks and Recreation said they didn't need anything, then that is what is reported. Mr. Mical agreed. Mr. Hartman asked about the Fire Department – and asked if there is an aggressive program at the Fire Department to acquire a site. He said that the Town Administrator said today that she doesn't have an indication that the Fire Department is actually moving toward doing anything. Mr. Mical said they are looking at things. He said that he has met with Chief Brown and the Fire Department section of the draft CIP will be changed some. There were no further questions on the CIP.

Ms. Annis asked Mr. Violette to report on the Master Plan Committee. Mr. Violette said that the next part is the community visioning sessions. He said that we are looking at the middle of November for a time frame. He said that one may be included during the Board Work Session on November 17th and/or a Saturday session on either November 15th or the 22nd. He said there will be some one- or two-page position paper discussing demographic trends, survey results, location of development, natural resources and other things, plus maps. He said it's hoped to finish this before Thanksgiving because not much gets done between Thanksgiving and the end of the year. He said after the visioning session, the visioning chapter will be prepared and that we will expect by the end of February. He said that will end Phase I. In Phase II, sections on energy, hazardous mitigation, and a natural resources inventory section will be added. He said the estimated cost for Phase II is \$7,500. He said that Phase II will take most of next year.

Ms. Annis said that she has some real concerns about the cost of the next section. She said that she thinks that the transportation section should not change, other than adding the traffic counts and adding the Charrette and the Corridor Study, and, therefore, should not cost \$1,000. She said that perhaps the Road Committee would be inserted, but the whole thing should not be re-written from the current chapter. She also asked how the History section is going to change to the extent that it will cost \$1,000. Mr. Davies said you will update the last 10 years. Mr. Violette agreed that those are two areas that could be questioned and added that there has been no contract signed yet for Phase II.

Mr. Hartman asked Mr. Violette if the Energy Committee will be consulted in connection with writing the Energy section. Mr. Violette said yes.

Mr. Mical asked if it's been discussed how it will tie in to the Hazard Mitigation Plan. Ms. Annis said there is a note that the community facilities chapter will be reduced to \$1,000 because the Hazard Mitigation Plan will do an analysis of the current facilities. Mr. Violette said the resources of the Hazard Mitigation Committee will be used for the Master Plan. Mr. Mical said they have looked at past hazardous events and prepared five maps that show those. He said they have looked at critical facilities and identified them. Mr. Violette asked if that information will be put in a format and size that can be used by the Master Plan Committee. Mr. Mical said yes. He said their plan can be consolidated or even simply referenced by the Master Plan. Mr. Violette said there will be a synopsis.

5. COMMUNICATIONS AND MISCELLANEOUS

Ms. Annis referred to a letter that was received from James and Faye Vadnais related to the Wagner subdivision, the text of which was reproduced in the September 22, 2008 work session minutes. She said it was agreed that it was more appropriate to discuss it at this meeting. Mr. Violette asked if it is possible to re-write the portion of the decision that is in question. Ms. Annis said she did not think it could be. Mr. Davies said he had done some research on the issue and could find nothing on how to change a Notice of Decision, without the parties making a formal protest. Ms. Annis asked if legal guidance should be requested. Mr. Duhamel said that it is recorded, and if there is a question, there is a recording of Mr. Wagner saying that he would like to go to work on his trucks on Saturday, but he said that he can recall him saying that he has no intentions of blasting on Saturdays. He asked why the minutes of that meeting could not be referenced and say it was discussed. Mr. Davies said that a lot of things were discussed that did not make it to the final list of conditions. Mr. Violette said that the issue was discussed, but if you read the decision, it could be read that it's a bit different than what we talked about. He said that the agreement was that the time of day that they would work and what is stated in the decision is the time of day that they would not work. He said he thinks that is what is confusing. He said that days of work were talked about in the discussion. He said he was looking at page 17 of the minutes, where it talks about blasting and who will be notified and that no blasting between the hours of 6 p.m. and 7 a.m. He said that this converts to the hours that they could work which would be between the hours of 7:00 a.m. and 6:00 p.m. He said that Mrs. Vadnais wrote that "Mr. Toth indicated that Monday through Friday from 7:00 a.m. to 5:00 p.m. seemed reasonable." He noted that he was actually given an extra hour. He said that they were also allowed to work on Saturdays. Ms. Annis said that she doesn't know about the rock crushing that is of concern to Mrs. Vadnais. She said that she does not agree with Mrs. Vadnais' point about the blasting and drilling. Mr. Violette said that Mr. Wagner said that he would not be blasting on Saturdays. He said that they could move some machinery around and do maintenance on Saturdays. Ms. Annis said that is not saying that they cannot do crushing, though. Mr. Watts agreed, but said that he thinks it is clear from the discussions that there was no intent that 24-hour-a-day construction, crushing, blasting or whatever work be allowed. He said that should anyone try, he thinks that the minutes will document the intent. Mr. Violette read from the letter again: "This has implications to 24 hours of rock crushing, trucking, blasting, drilling and associated construction on 6 days of the week. We hope that we have misinterpreted what can occur" Ms. Annis said that the decision does not allow 24 hours. She said it is very restrictive and it does allow Saturdays. Mr. Watts said in the minutes Mr. Wagner said he would not blast on Saturdays, but that he might work on Saturdays. Ms. Annis quoted from the minutes, "Mr. Wagner said no, he was not thinking about blasting on Saturdays." She suggested that a letter should be sent to the Vadnais to clarify. Mr. Duhamel agreed. Mr. Violette volunteered to write the letter.

Mr. Davies said that Mr. Wagner will have to come before the Board for the Earth Excavation permit and asked if there is anything in the ordinance about the time of day for work. He asked if conditions could be put on the Earth Excavation permit. Mr. Violette said the blasting time was clarified. Mr. Davies said that some of the other activities might be more annoying than the others. Ms. Annis said that there might be something that can be done under the Earth Excavation Ordinance when he comes in for the permit which he must do. Mr. Violette said that it could also be considered in the pre-construction meetings. Mr. Violette said he would draft a letter and send it to the rest of the Board for suggestions and comments.

Ms. Annis said that George Pellettieri has written to say he is resigning from the Planning Board because of having to devote more time to his work, resulting in his not being able to devote the time he would like to the activities of the Planning Board. She said that the Selectmen appoint the individual to replace Mr. Pellettieri for the balance of his term. She said in the past the Planning Board has recommended a replacement. She said it is a difficult decision for recommendation this time because there are two alternates who are good. Mr. Davies asked if he has actually resigned because in the last paragraph he says he is happy to continue. Mr. Hartman said he read it that Mr. Pellettieri was happy to serve a bit longer if the Selectmen didn't think there was anyone who could be put in his place. Ms. Annis agreed. Mr. Violette said that we have alternates who can take his place. Ms. Annis said that the two alternates she is referring to both attend meetings and are both on committees and interject thoughts and ideas into the meetings. She said the only difference is that one has served a little longer than the other, but she said she doesn't know if that has any bearing. She asked if there were any comments. Mr. Duhamel said that the two people are probably Harold French and Rick Davies. He said that both are equally qualified in many ways, but he said that Mr. French's input from being a realtor and landowner in Warner has been extremely helpful. He said that Mr. Davies could probably do the same thing if he had the opportunity. He asked Mr. Davies how many boards he is on. Mr. Davies said he is an alternate on two town boards. He said he is also on a committee. Mr. Duhamel said that it might come down to whether Mr. Davies has the time to take this on full time at this time. Mr. Davies said that if you look at the input that he did for the Wagner subdivision, even though he was not here to discuss it. He said he put a lot of work into that and other things for the board. He said that when he was being considered by the Selectmen for the board, it was noted that he has a lot on his plate, which he said he does, but he said he has only missed one meeting since he was appointed as an alternate. Ms. Annis suggested that it be presented to the Selectmen to let them decide. Mr. Violette agreed.

Ms. Annis said that it was in the paper recently that there will be a dedication and possibly an opening of the park in honor of Jim Mitchell, which is part of BookEnds. She said they have not come to the Board for a Site Plan Review and, according to the regulations, "for the change or expansion of use of an industrial, commercial or multi-family uses" must come before the Planning Board for a Site Plan. She said that this is an expansion of a commercial development. Mr. Watts agreed that it is a commercial property and that they should be required to come in for a site plan review. Ms. Annis said that she thinks that a letter should go to the Nevins from the Planning Board, reminding them that any expansion of a commercial property must be approved by the Planning Board per our Site Plan Review Regulations. Mr. Davies said that he thinks it may not be planned to do more than put a shovel in the ground this weekend. He suggested sending the letter asking that they come prior to the start of construction. Ms. Annis asked Mr. Davies to write the letter. He agreed and said he would submit it by next Monday.

Ms. Annis said that there is a wireless communication company that is seeking a Special Exception on the towers in Davisville and on Kelly Hill. She said it will also require a Site Plan Review. She said it is to attach to the existing towers. She said there is a possibility of doing a joint meeting between the Zoning Board of Adjustment and the Planning Board. She asked the Board if they would prefer to have their own meeting. Mr. Duhamel said if there were a joint meeting, then if there were questions, we could ask them. Ms. Annis said that the Special Exception would have to be granted before the Site Plan Review could be done. Mr. Mical said it was more appropriate for the Zoning Board to meet and then have them come to the Planning Board. Mr. Watts said he saw no need to rush. Mr. Mical said that, depending on what the Zoning Board does, there is still the appeal period for the Special Exception which has to go by before the Planning Board can act. Mr. Davies asked what situations, in general, would create a need for a joint meeting. Ms. Annis said that there have been joint meetings with other towns' Planning Boards and the Zoning Board has had joint meetings with other Zoning Boards. Mr. Davies asked what rule of thumb is used as to whether to have a joint meeting with the Zoning Board. Ms. Annis said it is usually at the request of the applicant. Mr. Violette said that the public hearing would be held at the same time if there were a joint meeting and the expectation would be that both decisions would be given at the same meeting. Ms. Annis said yes, if the Zoning Board approved it. Mr. Watts said that for the people who may object, it would not make sense. Mr. Mical added that if a balloon test that the Zoning Board is doing, then he believes that the Planning Board is invited for that. Mr. Davies said that there is a place to on the Zoning Board application that says to go to the Planning Board first for a referral to the Zoning Board, so it's possible that you don't need to go to the Zoning Board. Mr. Violette said that the first stop is with the secretary. Then, if there is something unusual, he said, she will discuss it with Ms. Annis and Mr. Violette, as to what action needs to be taken. Mr. Davies

said that there may be some other situations that should be considered in the Zoning decision that the applicant may want the Zoning Board to consider and it may change the way they want to present it.

6. PUBLIC COMMENTS

Ms. Annis asked if there were any public comments before the Board started a round-table discussion of the potential zoning changes.

Carolyn Stoddard said that she is due to have a total knee replacement next week so she will not be back to cover another Planning Board meeting for awhile. The Board members wished her well.

Mr. Mical asked what is going on with the engineers working on the Exit 9 analysis. Ms. Annis said she was there the day they were in town looking at the area and have heard nothing since then.

7. DISCUSSION OF POTENTIAL ZONING CHANGES

Ms. Annis said that there is a second draft for the Building Code. She asked Mr. Mical if he had had a chance to talk with anyone about the points they had discussed. Mr. Mical said no. Ms. Annis said that we will be working on this in two weeks and said she is hopeful of completing it. Mr. Davies asked if it would be appropriate to give a copy to Peter Wyman and Ken Benward. Ms. Annis said yes. Mr. Mical said he would give it to the Fire Chief, as well.

Ms. Annis said that in our zoning, we require 2 exits as a means to escape and windows are not included. She said that the national code did not say 2 exits. Mr. Mical said he asked the Fire Chief about that. He said for a single family, it's a little different than for a rental. He said that for rental, it is specific. Ms. Annis asked if we want to have 2 exits on both rentals and single family dwellings. Mr. Mical said he wants to run it past the Fire Chief again to see what we're thinking of taking out. He said the other issue is chimneys. He said that the Life Safety Code is what the Fire Chief operates under and he will ask him about these two items. Mr. Davies asked about inspection of gas installations and if that would include chimneys for gas appliances. Mr. Mical said he did not know, but needs to find out more information. He said that there are State codes associated with natural gas and LP gas and it may be something that we would like to add into this. Ms. Annis asked if it is the opinion of the Board that we are almost finished with this section. Mr. Davies said yes. He said that we were going to review the definition of Building Permits within the codes to see if they say it is okay to do something and we don't want them to do it. He said there is a long list in the IBC of what does and does not need a building permit and we wanted to be sure that they don't list something that needs one that we think does not need one. Mr. Mical said he thought that we were going to go through it and come up with something. Mr. Violette asked what number 1 on page 1 means when it says that "No permit for the erection, exterior alteration, moving or repair of any building or structure shall be issued – etc." Ms. Annis explained that this is only the beginning of the actual paragraph that is in the Building Code. This just shows the change to the first part of the paragraph. Mr. Hartman asked if the International Building Code is referenced at all. Ms. Annis said yes because the State Statute is referenced and that references the IBC. Mr. Davies said they did review them and did not see anything jump out that was lacking, so they did not add it. Mr. Violette asked about the energy code that Mr. Hartman was to research. Mr. Davies said that refers to the question as to whether it is something that the State has that we do not need to refer to, or if it is an international one. He asked where it says that that form needs to be completed. He said it needs to be tracked back to wherever it is so it can be referred to. Mr. Violette asked if the State has mandated that all towns have to use their code. Ms. Annis said yes. Mr. Davies said that the requirement is that the towns as a minimum comply with the State code. Ms. Annis asked Mr. Hartman to check with Mary Whalen about this. He agreed.

Ms. Annis asked if there was any other business. Mr. Hartman said he wanted to discuss the outdoor wood burning furnaces. He said he thinks that the town should implement regulations to try to effect a proper installation of these furnaces. He said they allow towns to do it, but the State has authority to regulate them, as well. He said he doesn't know if the town needs to do anything. Ms. Annis asked if the Fire Department would cover this. Mr. Mical said no, because it is outdoors. He said that he thinks there is something where the Health Officer should be looking at part of it. Mr. Hartman agreed and said that there has never been an

application for a building permit for one of these. He said it is definitely a structure which could be regulated as far as the chimney height and distances from property lines go. He said that it can be noxious and very obnoxious. He said that in good locations, the smoke from them probably can disperse and not affect any neighbors. Mr. Duhamel suggested that it is a matter of terrain, where there are knolls and air currents, where what might be good on the west side of road X is fine, but in the hollow or lower on the road could be a significant problem to abutters or any habitat that is nearby. He agreed that it should be addressed to protect the citizens of Warner. He said he thinks there should be some guidelines or parameters as a start. He said it could be similar to addressing the installation of windmills. Mr. Violette said there may be some other towns and cities that have already addressed this. Mr. Mical said it's a pretty new law, so there may not be any towns that have addressed it yet. Mr. Hartman said he would like to look at this more and do some research on it. Ms. Annis asked if he would do that and report back to the Board. He agreed. Mr. Watts added that there were discussions a couple of years ago about regulations related to the particulate matter from these furnaces. He said the State has given itself the sole responsibility of regulating the particulate matter.

Mr. Davies said that we were also going to look at the definitions of buildings and structures and have them all tied in with our ordinances. He said that he thought the Zoning Ordinance was going to be tied up in time for the November meetings. Ms. Annis said that as a result of the survey, it has been asked if we will address the buildings being limited to 20,000 square feet. She said there may be some other things. The first hearing should be in December because if there are any changes, they are made in January. She said the first public hearing would have to take place at the regular January meeting and changes would be made at the work session in January.

Mr. Davies said that there were some flyers distributed at the Central New Hampshire Regional Planning Commission meeting in September that explain how the workforce housing law was interpreted and implemented. He said he will scan those and e-mail them to the office to be sent out to the board members. He said that he doesn't think that we need to do anything for this March on the workforce housing, but he is not sure. Ms. Annis asked if it is a new law that needs to be researched more before we start changing things and then have to change them back when we're part way through. Mr. Davies said in the law it says that the number of units we should have in our town is "our fair share," and it doesn't define what that is. There was a short discussion and it was agreed to wait and see what other towns do on this issue.

Ms. Annis asked if there were any other items to be discussed. There were none.

Mr. Mical MOVED to recess the Planning Board meeting until October 20 for the purpose of holding the Capital Improvements Program public hearing. Mr. Watts seconded. Ms. Annis asked for discussion. Mr. Hartman asked why there must be a recess and why that cannot be a meeting of the Planning Board. Ms. Annis said that the Planning Board's official meeting is the first Monday of the month. Mr. Hartman said that every meeting we have as a Planning Board is an official meeting. He said that it is a meeting in two weeks, whether it's been recessed from tonight or not. Ms. Annis said that per the rules, the Planning Board meets the first Monday of the month and as called by the Chairman. Mr. Hartman said that if a meeting is called on the 20th, then it is a meeting. Ms. Annis agreed that a work session is a meeting. She said she thought there is something in the State Statute that says the Planning Board is required to meet. Mr. Hartman CALLED the question. The motion was PASSED unanimously.

The meeting was recessed at 9:01 p.m. until October 20, 2008 at 7:00 p.m.