

**Town of Warner – Planning Board
Meeting Minutes
Monday, September 14, 2009 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Hank Duhamel (departed after the CIP Program Report discussion), David Hartman, Ed Mical, and Dan Watts

Members Arriving Late: None

Members Excused: Paul Violette, Rick Davies

Members Absent: None

Alternates Present: Harold French (Voting member tonight)

Alternates Excused: Peter Wyman

Alternates Absent: None

Presiding: Barbara Annis

Recording: Jean Lightfoot

Open Meeting at 7:00 PM

Roll Call

Ms. Annis opened the meeting at 7:00 p.m. The roll call was taken. Ms. Annis asked Mr. French to be a voting member tonight.

1. MINOR SUBDIVISION

Property Owners: Wayne and Sharon Face

Applicants: Wayne and Sharon Face

Property Location: 45 West Main Street, Warner, NH
Map 32, Lot 29, R-1 Zoning

Description: Minor subdivision of one lot into two lots of 35,982 sq. ft. and 35,867 sq. ft., respectively, with new lot to have access off of Cemetery Lane

- a. Review Application – Accepted 8/3/09
- b. Close Meeting and Open Public Hearing – 8/3/09
- c. Close Public Hearing and Re-Open Meeting – 8/3/09
- d. Action Taken – Approve/Disapprove

Ms. Annis said that this application was continued from the August 3 meeting. She said that Mr. Face was asked to petition the Board of Selectmen to reclassify the Cemetery Road to a Class V from Class VI. She said that he did do that and it was reclassified to a Class V road on September 1 after a public hearing, as shown in the minutes of the Selectmen's meeting from that date which was provided to the Board members. In addition, she said the Precinct Commissioners wrote to say they were not against the use of a well and that memo was sent to the Board members. She added that he had provided the New Hampshire Natural Heritage Inventory letter tonight. Mr. Face added that it was an e-mail noting that they had found some wood turtles that were near the property but not exactly on the land. Ms. Annis noted that the map and lot number needed to be changed on the subdivided parcels. Mr. Face said that has been done. Ms. Annis said it now has the original lot number and a -1 after it for the newly-created lot. She said there was also an issue with regard to the monument. She said that it is now noted on the plan that there is a monument that will be set on the roadside. She said that the well has now been designated on the plan. She asked Mr. Hartman if the Selectmen have decided on a name for the road yet. Mr. Hartman said they will decide tomorrow, Tuesday, afternoon. He said it is proposed to be Pine Grove Cemetery Lane. Mr. Mical asked if the 911 system was involved in that proposal. Mr. Hartman replied that there as no discussion about the impact on the 911 system. Mr. Mical said that is something to consider because there are already some roads with similar names. Mr. Face recommended that it be called Pine Grove Lane. Ms. Annis said that decision is up to the Selectmen. She said that she believes that covers all that Mr. Face was asked to do.

Ms. Annis asked if there were any questions from the Board or if there were other items that they had requested of Mr. Face. Mr. Duhamel said that it was in the discussion at the Selectmen's meeting of September 1st that it be called Pine Grove Lane. Mr. Mical asked if there is any reference in the new plan to the reclassification of the road. Ms. Annis noted that it is still called a Class VI road on the plan. Mr. Mical said he thinks that needs to be corrected to note that it has been reclassified to a Class V road from the Selectmen's meeting.

Mr. Mical MOVED to approve the plan with the following conditions:

1. The plan will reflect the current status of the road as Class V.
2. If the Selectmen agree to the new road name tomorrow, that name will be included as part of the plan.
3. The home will be hooked into the sewer system as prescribed by the Precinct Commissioners and the home may have the well.

Mr. Duhamel seconded. There was a short discussion about how to treat the naming of the road and it was agreed that the wording proposed by Mr. Mical was what was intended and if the Selectmen did not decide on a name at the Tuesday meeting, then the plan would be complete without the new name. Mr. Duhamel said that he

The vote was taken. Mr. Mical, yes. Mr. Duhamel commented that he felt like something was not right with the way this was done with the power of the Town behind the project. He said that he would reluctantly vote yes. Mr. Watts, yes. Mr. Hartman, yes. Mr. French, yes. The motion was PASSED unanimously.

Mr. Face thanked the Board and left.

2. LOT LINE ADJUSTMENT

Applicant: Town of Warner (Transfer Station)

Property Owner: Town of Warner (Transfer Station)

Property Location: Route 103 West, Warner, NH

Map 17, Lots 1 and 3-6, OC-1 Zoning

Description: Lot Line Adjustment – to record purchase of former NH-owned property for the use of the Warner Transfer Station.

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

Ms. Annis recognized Allan Brown and asked him to explain the plan. Mr. Brown explained that the right-of-way on the plan is a deeded right-of-way that comes up to the gate. He said that the Town is purchasing the portion of the State's property and attaching it to the Highway Department land. He added that the State of New Hampshire is granted water rights from the well that is at the Transfer Station. He said the purchase price of the piece of property was \$86,000. He said the deed is in the process of being corrected right now and should be done by tomorrow. Mr. Duhamel asked about the sight line. Mr. Brown said it is a limited access highway and it is difficult to get improvements made. He said the driveway was moved up so that it could be shared with the State. Mr. Hartman asked about the Ager Lakeland Park on the plan. Mr. Brown said that is the Town of Warner's land that was dedicated 5-acre park from Mr. Ager who was the original owner of all the property. He said that the Highway Department owns that portion, but it is a dedicated area that will not be disturbed. He said that was part of the agreement when they bought the land. Mr. Hartman said that it is his understanding that the line between the Transfer Station and the Public Works Site will cease to exist once this plan is recorded. Mr. Brown said yes. He added that the right of way is about another 1.2 acres which we did not pay for. Mr. Mical asked if the right of way was recorded. Mr. Brown said it will be recorded when the deed is recorded and will be part of the deed. There were no further questions.

Mr. French MOVED to accept the plan as shown. Mr. Mical seconded. Mr. Watts noted that there are iron bars instead of granite. The vote was taken and the motion was PASSED unanimously.

Mr. Mical MOVED to approve the plan. Mr. French seconded. There was no discussion. The vote was taken and the motion was PASSED unanimously.

It was agreed to postpone the public hearing on the CIP Subcommittee Report until after the two conceptual consultations which were on the agenda since the audience members were not there for that public hearing but to hear the conceptual consultations.

3. CONCEPTUAL CONSULTATION

Applicant: Dimond Flag Station LLC (Knoxland Equipment)
Proposal for minor 2-lot subdivision of Map 3, Lot 34, C-1 Zoning

Ms. Annis recognized Allan Jones. Mr. Jones said he has not surveyed the property but wants to find if it is possible to subdivide it in the way he is thinking of. Mr. Duhamel asked about the specific location. Mr. Jones explained it is at exit 7 of I-89 North – just to the right of it. Ms. Annis asked if it is in the C-1 Zoning District. Mr. Jones said yes. Ms. Annis asked if there was another entrance to the property from Old Warner Lane. Mr. Jones said if he did anything, he will have to have a right-of-way. He said he was hoping to get a driveway permit from the Town if he could get a right-of-way from the State. Mr. Brown looked at the plan and said he would not see a problem. The Board Members spent some time looking at the plan. Mr. Hartman asked about road frontage. It was agreed that he has frontage on Route 103 and Old Warner Lane. Mr. French asked if the road was Class V or Class VI. Mr. Mical said that Old Warner Lane is a Town road. It was agreed that there is enough acreage and frontage for the proposed subdivision. There was a short discussion about the potential uses for the property. Mr. Jones thanked the Board and left.

4. CONCEPTUAL CONSULTATION

Applicants: Faith L. Anderson, 1245 Battle Street, Webster, NH 03303 and Hope Lee Dunn, 30 Mathes Cove Road, Durham, NH 03824
Property Owner: Annie Belle Bartlett, 59 Denny Hill Road, Warner, NH 03278
Property Location: 59 Denny Hill Road, Warner, NH 03278
Map 10, Lot 103, R-1 and R-3 Zoning
Description: 2-lot minor subdivision.

Ms. Annis recognized Faith Anderson, Hope Dunn and Douglas Sweet. Mr. Sweet explained that the property is between Denny Hill Road and Old Denny Hill Road. He said that the property was surveyed about 2 years ago and is approximately 16.7 acres. He said there is a house at the corner of the intersection with Old Denny Hill Road and Denny Hill Road and it has a well and is on the Town sewer. He said it is in the R-1 and R-3 Zones. He said there is a power line running through the property and the property slopes from the northeast down towards the southwest. He said that the owners would like to include the stone walls and field that is behind the house in one lot, even though that would make it more than the required 20,000 square feet. He said that the stone wall on the plan is approximate and has not been surveyed yet. He said that the proposed lot 2 would have about 3.1 acres and 276 feet of frontage on Denny Hill Road. He said lot 1 would have about 13 acres with frontage of 645 feet on Denny Hill Road. He added that both lots would also have frontage along Old Denny Hill Road. He said that the larger portion of Old Denny Hill Road is a Class VI road, but it is a Class V road at the north end and changes at the driveway shown on the plan. Mr. Hartman asked if the 538 feet frontage for lot 1 noted on the plan is correct. Mr. Sweet said that is an error and it should be approximately 645 feet. He commented that the slope on the lower part is about 10% and up by Old Denny Hill Road, the land flattens out. Ms. Annis said she knows that the field is boggy in the spring and wondered how much of that field will be buildable. Mr. Sweet said it may not be enough in that field, but in the back there should be enough. Ms. Annis said that since the Class V part of Old Denny Hill Road was done, there is a lot of water that comes down through the field. There was a discussion about

exactly where Old Denny Hill Road turns to Class VI from Class V. Allan Brown commented that the Town has an easement from Annie Belle Bartlett to drain into the area. Ms. Annis asked if anyone saw any potential problems with the subdivision. There were none noted.

Mr. Sweet asked if the Board would consider waiving the requirement to do test pits and topography and the wetlands mapping on the larger lot. Mr. French said that lot 2 has the house and would probably not require test pits. Mr. Sweet said that if the 20,000 square feet could be met, then he did not think they should be penalized by adding more land to it. Mr. French said it is on the sewer anyway, so he did not see that it should be required to do test pits. Mr. Sweet said they would ask for a waiver. Mr. Hartman asked if the 20,000 square foot line on the initial plan will be removed for the actual application. Mr. Sweet said yes. Mr. Watts said that the nomenclature of the lots should be swapped because the house would be on the lot that retains the original number and the new lot would be lot 103-1. He said to check with Martha Mical to see exactly what the new number will be.

Mr. Sweet asked if testing and topography would be necessary on the 13-acre lot. Ms. Annis said that her concern is the wet part of the field and determining what is going to be buildable. She said that the topography is not so much of a concern. Mr. French noted that they could also build on the top which is a good building lot. Mr. Sweet added that the large culvert that has been added should help to diffuse water down through the lot. Ms. Annis asked what the Board thinks about test pits on the 13 acres. Mr. Hartman said he thinks the lot is large enough that test pits should not be necessary. Mr. French agreed. Mr. Hartman said that contours are lacking and noted that he would like the contours to be shown on the plan. He said that he knows there are wet areas in the lower part of the site near Denny Hill Road, but he does not know if they are actually wetlands as defined by the State. He said he thinks they should be noted on the plan. Mr. Duhamel said the markers should be brought up to date, as well, noting that to use the "big oak tree" as a marker is no longer acceptable. Mr. Sweet asked if it is acceptable if they show a 3-acre buildable area on the 13 acres showing it free of the slopes and wetlands. Ms. Annis said that she believes the Board needs to see that within that 13 acre area there is an area that is buildable. The other Board members agreed. Mr. Sweet asked if those 3 buildable acres needed to be contiguous. Ms. Annis said no. Mr. Sweet said they will prepare a plan for submission that shows 3 acres that are buildable. There was a short discussion about exactly where the Zoning line runs between the R-1 and R-3 districts.

Mr. Sweet thanked the Board and left.

5. PUBLIC HEARING FOR THE CIP SUBCOMMITTEE REPORT

Ms. Annis said the next item is the public hearing for the CIP Subcommittee Report. Mr. Mical summarized the activities of the Capital Improvements Program Subcommittee. He said that the committee met five times and reviewed all the departments' applications. He said there were a couple that did not submit anything and the committee did not recommend some of the projects for funding as presented. He said that before the committee met, he met with the Selectmen to ask for their recommendations and to ask what they were looking for in addition to what has been presented in past years. He said that he also met with the Budget Committee to ask for their recommendations. As a result, he said this year's report on page 7, there is a graph showing the distribution of expenses from the budget in 2009 and the various capital reserve items. He said from now on, he thinks this should be shown in the CIP report. He said another thing that has been added is population projections based on the census information up through 2000 and the information from the NH Office of Energy and Planning was used for the projections up through 2030. He thanked Ms. Lightfoot for putting together the graphs. Finally, he said that the other item that was added is on page 22 and it is a pie chart that shows the cost breakdown of the recommended projects for 2010. Mr. Duhamel asked if it would be better to include 2 or 3 more years to get a better idea. Mr. Mical said that the spreadsheet shows the full 6 years, but the budget review for 2010 is the most pressing one, so that is why only that year has been included in the pie chart. Mr. Duhamel said that a 2-year view, anyway, might show an even clearer picture for planning purposes.

Mr. Mical noted that the spreadsheet this year includes the projects that were proposed and funded for the 2009 year and that is an addition from last year. He said that the form that went to the departments and organization was revised again this year to include a question about if a project weren't funded what effect that would have on that project.

Mr. Mical said for years there have been 9 levels in the ranking system. He said that this may be deceiving because the same weight is given to each rank. For example, he said the item called "alleviate substandard conditions" has the same ranking as "removes imminent threat to public health and safety." He said that other towns have come up with a tiered ranking system with some priorities having a higher ranking number than others. He said that one of the recommendations is for the Planning Board to look at and consider setting up a ranking system that might consider these things. Mr. Duhamel said that he thinks public safety and fire equipment might come before a roof. Mr. Mical said that is a point that the Subcommittee did not have available to them this year. He said he will come up with a proposal to the Planning Board to reflect the differences in priorities. Ms. Annis said that in March or April the CIP Subcommittee will be established again and at that time the Chairman will decide how to approach this issue. She said that the Planning Board could recommend it and it has been recommended by the CIP Subcommittee. There was a short discussion about how to have this considered for next year.

Mr. Duhamel said that the report is a good tool for the users of it. He asked if anyone has looked at the numbers that have been submitted to determine if they are realistic. Ms. Annis said it was helpful to have someone on the subcommittee who is in the construction business. Mr. Mical said all the projects were looked at as presented and at the end of each project, there are the CIP Subcommittee comments. He added that in some cases the project is not recommended and the reason why is stated. He explained that they felt that one of the library requests could be done through the normal operating budget rather than through the CIP.

Mr. Mical thanked all the members of the Subcommittee who put in all the hours to prepare it. He said that there were three meetings in one week to try to pull everything together at the end.

Mr. Hartman said that it would help to clarify that the higher number means the higher ranking. It was agreed to put the explanation on page 5 in bold to highlight that. There was also a discussion about which grants have been applied for and who applied for the grants. Mr. Hartman asked about the replacement vehicles for the Highway Department. He said he thought that things would be paced out a bit, rather than spending large sums every other year. There was a discussion about how long trucks should last and what the purpose is for replacing trucks so soon and how it is valuable to have all the information put in writing so the Selectmen can look at things and ask questions.

Mr. Hartman asked how having anything from the School District adds to the program report since it gives no information on capital improvement plans. Mr. Mical explained that he asked them and he has in writing from them that there are no plans. So, he said, if they come back with plans, the Town can at least ask them why they were not told about these when they were requested. He added that he was told that the facilities manager is conducting a study of all the buildings and will be making a report to the Superintendent, so there may be things in future years. Mr. Hartman said that the Selectmen have met with the New London Selectmen about the issue of the school budget and said that the towns are concerned about the School District budget and are meeting together about it. He said that one of the considerations is what is happening to the SAU offices and where are they going to move and what is happening with the old middle school building. There followed a general discussion about the communications between the School District and the towns. Ms. Annis suggested putting another graph in the CIP report which showed the entire amount of taxes and what percentage goes to which entity or department, to show how much actually goes to the School District. Mr. Mical agreed.

There were no other comments or questions. Ms. Annis opened the public hearing. David Karrick was in attendance. He said that Mr. Mical had done most of the work on the report. Mr. Mical said that Ms. Lightfoot had helped a lot in putting the graphs together and putting the report together.

Ms. Annis said she had two e-mails to read into the record. First, there was one from Paul Violette. She said that he agrees with the CIP as presented. She said that the second one is from Rick Davies who said that the CIP was a great presentation. He said that he would recommend \$500-\$750,000 for the Town Hall addition and related work as described.

There were no further comments. Ms. Annis closed the public hearing.

Ms. Annis asked the Planning Board what comments they wanted to insert from the Planning Board into the report on page 7. Mr. Watts said that the wording from last year was good, except he suggested removing the last phrase about the Exit 9 engineer's report being forthcoming. Mr. Mical suggested adding that the Planning Board concurs with the recommendations of the CIP Committee if that is true. Mr. Watts agreed. Mr. Hartman suggested adding the following sentence at the end of the paragraph: "The Planning Board concurs with the recommendations of the CIP Subcommittee." It was agreed to remove the phrase about the engineer's report being forthcoming and adding the sentence at the end as suggested by Mr. Hartman.

It was also agreed to change the numbers to 29 projects received and 26 recommended.

Mr. Duhamel asked about the Conservation Commission request for \$50,000 to purchase more easements and agreed that it should not be recommended. Mr. Hartman wondered why there is so much concern about spending this money every year to conserve land when it is a relatively small amount of money. There was a discussion about how much land is already in the public domain and protected. Mr. Mical said that it is the recommendation of the CIP Subcommittee to remove it this year because they were looking at some of the life safety items that they thought should take a higher priority, like replacing the fire truck because of an unforeseen issue that required its purchase to be moved up to this next year.

Ms. Annis summarized that the comments to be placed in the report from the Planning Board will be the same as last year, except to remove the phrase about the engineer's report being forthcoming and adding the following as the last sentence: "The Planning Board concurs with the recommendations of the CIP Subcommittee."

Mr. Mical referred to the spreadsheet and said that the ones that have not been recommended will be removed from the spreadsheet. It was agreed that the three that were not recommended: the mower for \$13,000, the easement purchase fund for \$50,000, and the upgrade computers and online services for the library of \$15,000-20,000. He added that the first two columns showing the 2009 requested and the 2009 funded will be left in for the final copy. Mr. French asked why the Fire Department pumper needs to be replaced. Mr. Mical explained that the current pumper does not meet the MFPA requirements; the frame is showing signs of weakness; and it did not pass the pump test that was recently conducted. There was a discussion about the current Fire Department equipment.

Mr. Watts MOVED to accept the CIP Program Report as amended. Mr. Duhamel seconded. The vote was taken and the motion was PASSED.

Mr. Duhamel departed.

6. REVIEW OF PLANNING BOARD BYLAWS AND RULES OF PROCEDURE

There was a discussion about the latest proposals and all members agreed to remove H. under MEMBERS which referred to members' discussions with applicants because it was agreed that the issue is covered under other provisions of conflict of interest and it appears to be overkill. In addition, it was agreed to re-word H. under MEETINGS to read as follows: "The use of electronics shall be for Planning Board purposes only."

Mr. Hartman asked if so long as someone calls beforehand, it would constitute an excused absence. Ms. Annis said yes. It was noted that it is hoped that people who serve on the Boards in town are able to attend the majority of the meetings. The other proposed changes were accepted by the Board members as written.

Ms. Annis said that this constitutes the second review and there will be one more time before the proposed changes can be voted on.

7. MINUTES

Mr. Hartman MOVED to approve the August 3, 2009 minutes. Mr. Mical seconded. There was no discussion. The motion was PASSED.

Mr. Hartman MOVED to approve the August 17, 2009 Work Session minutes. Mr. Mical seconded. There was no discussion. The motion was PASSED.

8. SUBCOMMITTEE REPORTS AND COMMUNICATIONS

There were no subcommittee reports or communications.

9. PUBLIC COMMENTS

Ms. Annis noted that there were no members of the public present for other public comments.

Ms. Annis said that the next meeting is the work session on Monday, September 21, 2009. She said it will be a meeting with the Budget Committee and Board of Selectmen and then at 8:15 Vanessa Bittermann from the Central NH Regional Planning Commission will be here for the Master Plan.

Mr. Mical asked about the status of two recent conditional approvals. He noted that in the Subdivision Regulations, it gives the applicant 90 days to meet a conditional approval. He said if that is not satisfied, then he believes that it is null and void. He suggested that follow-up letters be sent to the ones that are outstanding. There was a discussion about how to handle these, but it was not clear what the decision was on how or whether to follow-up.

Mr. Watts MOVED to adjourn. Mr. Hartman seconded. The motion was PASSED. The meeting was adjourned at 9:20 p.m.