

**Town of Warner – Planning Board
Work Session Minutes
Monday, May 11, 2009 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Paul Violette, Hank Duhamel, David Hartman, Rick Davies, Ed Mical, Dan Watts
Members Excused: None
Members Absent: None
Alternates Present: Harold French, Peter Wyman
Alternates Excused: None
Alternates Absent: None
Presiding: Barbara Annis
Recording: Jean Lightfoot

Open Meeting at 7:00 PM

Roll Call

Ms. Annis opened the meeting at 7:02 p.m. The roll call was taken.

1. WORK SESSION ON ROADS AND DRIVEWAYS

Ms. Annis asked Mr. Davies to conduct the meeting. Mr. Davies asked to begin with the March 14th and March 31st e-mails and the Subdivision Regulations. He said that Allan Brown wants to get everything into one location. He said it is the responsibility of the Planning Board to regulate the roads for subdivisions where the Town would potentially be taking over the road. He said that Mr. Brown wants some "teeth" in the regulations, but he also wants some latitude to work with the developer. He said his intention is to have the Board agree and then write it into the Subdivision Regulations.

Mr. Davies suggested starting with the "Draft" dated March 14, 2009. It was agreed to start with the subdivision regulations and some of Mr. Brown's suggestions. The first suggestion from Mr. Brown is as follows:

Section V D.2 For ice storm and sight considerations, revise to encourage putting power, telephone, CATV, internet cables in conduit underground.

Mr. Davies said that he has noted that underground utilities are recommended in the Site Plan Review regulations. He said that he thought with the Wagner subdivision because of the amount of blasting required, there was a waiver on this. He said that Mr. Brown reported that all the subdivisions in the last 20 years have had the utilities underground. Mr. Violette said there is a difference between buried and underground. He said that underground means in a conduit which is very expensive and buried means directly buried. He said that in New Hampshire it is very hard to do. Mr. Wyman agreed and said that to bury utilities, it has to be at least 18 inches and it's hard to do with the ledges that may be on the property. He said to require that for everything will make it extremely expensive for a builder. Mr. Davies said that he believes that the regulation uses the word encourage. Mr. Mical said in the Zoning Ordinance, under General Provisions, Section 0 reads that "Any underground utility within a Public Right-of-Way or dedicated Town highway shall be buried no less than 36 inches below ground surface and in schedule 80 conduit." Mr. Wyman commented that that is in a public right-of-way – it does not include across lots. There was further discussion about who would bear the additional cost, concluding that it would have to be the buyers, if it were changed. Ms. Annis raised the question of how it would impact the workforce housing issue. She said that the Site Plan Review Regulations say that all commercial sites shall be serviced by underground utilities. Mr. Davies suggested having similar language in the Site Plan Review, leaving some of it open, and then for the Subdivision Regulations, and have a set of waivers possible. There was a discussion about water and sewer pipes, as well as utilities being underground. Mr. Davies said he would leave it with similar language as that in the Site

Plan Review Regulations. He said that the language may have to be different for residential vs. non-residential in the Subdivision Regulations. Mr. Violette asked if the Zoning Ordinance should then be changed to encourage vs. require. Mr. Watts commented that the way it reads, it says if it is in the ground, then it must conform to those standards, but if it is not in the ground, then the rule does not apply. Mr. Mical said that if something is going through the right-of-way, then it does not give an option. Mr. Violette said that it does not mean that you have to put it all underground. After some further discussion, it was agreed to add the following to Section V D.2. of the Subdivision Regulations: "It is encouraged that all utilities be placed underground and in conduit."

Mr. Davies said that he is willing to do a next-level draft using the current Subdivision Regulations, including the various items discussed tonight. It was agreed that Mr. Davies will do the proposed changes and send the draft around to everyone for comments and suggestions.

Next, Mr. Davies referred to Section V D.9. and Mr. Brown's comment about Erosion Plans. His suggestion was to check to see if the US Dept of Agriculture reference is correct or if it is an EPA or State requirement. He said he thought it was the EPA or DES. Mr. Mical said that he thought it was EPA where if you are disturbing more than 100,000 square feet, then you are required to have another permit for the plan. There was a short discussion and it was agreed to change the reference to "shall meet with all Local, State and Federal requirements." Then, Ms. Annis said the applicant will have to do the research.

Next, Mr. Davies referred to Section V D.10. with Mr. Brown's request that the Board check to see if the State governs or is in addition to EPA. Mr. Hartman said that he believes that DES goes hand in glove with EPA with all the regulations. He said that EPA governs federally, but DES is there to see that those laws are enforced. There was a discussion about adding "and other agencies" to the regulation. Mr. Mical suggested that it be confirmed before things are changed.

Next, Mr. Davies referred to Section V E.4. with Mr. Brown's request that the Board review the 2% threshold for impact assessment – and how many dwelling units Warner has. Mr. Davies said he did not know when this would come into play. Mr. Hartman said the number of units is census information, so either the State OEP or the Central NH Regional Planning Commission would have the information. Mr. Mical said that Martha Mical would have that information. Mr. Violette asked if the question is to review the 2%. Mr. Davies said he thinks it is how it is enforced. Mr. Violette said he thought it was taken from another ordinance and suggested the CNHRPC had placed it there. Mr. Mical said that fiscal impact analysis is the same verbiage. Mr. Watts said the recommended change is to add the words "equal to or greater than" to the 2% for paragraphs 2 and 4. Ms. Annis said that if there is not a good answer as to why the change is suggested at the time of the public hearing, then it should not be added. There was some discussion about what size subdivision would be impacted by this and what it would mean. It was agreed to put in the words "equal to or greater than" to clarify the meaning of the section.

Mr. Mical said that there is nothing that discusses regional impact. He referred to the RSA that discusses regional impact and he said sometimes it is not thought about by the Board when perhaps it should be. He said he thought it should be mentioned in the Subdivision Regulations. Mr. Davies said he thought it was a good point, but after some discussion, it was agreed that it is currently in the RSAs, so is not really within the scope of the current discussion.

Next was Section VI A.1 where Mr. Davies suggests adding "(unsuitable)" after "soft and spongy." He said that he thought that more usual wording might be unsuitable. He said that unsuitable is a little more technical and it might make things clearer. He said that Mr. Brown agreed that unsuitable should be added and not just replace soft and spongy. There was a discussion about placing fabrics over the soft and spongy material in order to make it more suitable for a road which might be taken over by the Town. Ms. Annis suggested replacing this section with the listing from the Minimum Road Standards from the Road Agent. Mr. Davies replied that this is where some would fit and some will not, which is why he suggested the procedure of preparing a proposed change including the appropriate items for the Subdivision Regulations and dovetailing the various items. He said he thought it would be better to get the comments from the Board

before just dropping the subgrade section from Mr. Brown's list into the subgrade section of the Subdivision Regulations. He said that Mr. Brown would like to be able to point to a section in the Subdivision Regulations for builders who are constructing roads, rather than have his separate page as he does now. There was some further discussion and it was agreed that Mr. Davies will prepare a combination of the current regulations and Mr. Brown's list for the Board to review and change as necessary at the next work session.

At this point, the Board moved to discussing Mr. Brown's list of Minimum Road Standards. Mr. Davies said that all the other items on the first page were actually considered as part of Mr. Brown's list of Minimum Road Standards. Attachment A is the document that was discussed. Mr. Davies read through each section. He said that part of the goal is to not be repeating things. As he read through, the following items were added or changed after a short discussion.

Change number 1, item c. to read ". . . other costs shall be borne by the applicant."

Change number 1, item d. to read ". . . design requirements shall be followed as summarized . . . See Appendix B."

Change number 1, item e. to read "If not indicated herein, current NHDOT . . ." There was a discussion about how specific to get on this item and it was agreed to simply refer to the current NHDOT standards, because in some cases Mr. Brown prefers stricter standards than NHDOT.

Remove the question on number 2 and combine number 2 with number 3, item c. There was discussion about the subgrade material and the required quality.

Add sidewalk subgrade preparation to number 3. Mr. Wyman asked if a sidewalk is going to be required for, say, a 40-home subdivision. Mr. Davies said no, the intent would be if there were to be sidewalks, this would be the standard to adhere to.

There was a short discussion about how the Road Agent can be designated by the Selectmen as their representative. It was concluded that the definition of Selectmen in the Subdivision Regulations includes their designated agents.

Ms. Annis commented that the wording shifts from will to shall and from may to shall. She said she didn't see much give or take for the Director of Public Works. Mr. Davies said that the intent of the first section was to add some teeth, but at the same time, there was language that allowed an engineer the discretion. He asked if saying that interpretations are at the discretion of the Director of Public Works would work. Ms. Annis said she was thinking about giving Mr. Brown some discretion. Mr. Violette said that he thought that Mr. Brown wanted this because it gave him some teeth to be sure it is done in the way he wants. There was a discussion about allowing Mr. Brown discretion in allowing or not allowing certain things. It was agreed to leave the "wills" and "shalls" as they are in order to be specific about the requirements. It was also agreed that, if need be, and most likely if agreed to by the Director of Public Works, the Planning Board could waive any requirements.

Ms. Annis asked about the suggestion from the meeting with Mr. Brown that in number 3, item c. "detritus to be removed" to be added. Mr. Davies said that combining number 2 with 3, item c will take care of this suggestion, so there will be no other addition to this item.

Change number 4, item b. change "will" to "shall" after manholes.

Change number 4, item e. to add "galvanized" before the word steel.

There was a discussion about the width of the road surface under number 5. But, there was no change to the suggested wording. Then, there was a discussion about Class VI roads. It was agreed that Class VI is not town maintained, so Class VI will not be mentioned.

There was a discussion about the diagrams in the Subdivision Regulations and Mr. Watts clarified that he had done all of the diagrams to be included which are the Class A and Class C, All Roads, but no Class B.

Change number 6, item c. to be 4" of crushed gravel vs. the 8" for sidewalks. This was concluded after a long discussion on what kind of depth made sense and was not too much.

Change number 8, item b. to read "The Public Works Director in consultation with the Engineer shall determine grade of slope(s)."

Change number 8, item c. to read "control erosion" instead of "stop erosion."

Change number 9, item a. by adding at the end, "in the opinion of the Director of Public Works and in consultation with the Engineer."

Change number 9, item b. by segregating the second sentence from it and making that item c, and re-lettering the others.

Change number 9, new item d. by adding at the end, "per State, Federal and Local standards." This was concluded after a discussion about changing Federal requirements for road signs.

Mr. Davies said that some of the Utility section was already considered in the Site Plan Review discussion. It was agreed to change number 10, item b. to read "Water and sewer piping as required by the Warner Village Water District."

Change number 10, item c. by changing "liquid asphalt" to "emulsion asphalt."

Change number 10, item d. to read similarly to the other one to use the "encourage" wording, rather than "shall."

Mr. Davies said that one of the discussions that took place when Mr. Brown was at the Planning Board meeting was about having driveways off of cul-de-sacs. He said that he has visited some of the cul-de-sacs in town and paced them off. He said he could see an issue when there is a 65 foot radius because it is quite small. However, he thought that a larger radius, perhaps with vegetation planted in the middle, would be much better for snow plowing. There was a discussion about the diagrams in the subdivision regulations. Mr. Davies said that they have a 250 foot diameter requirement in the diagrams. He said that Mr. Brown said that so long as the required diameter is adhered to, he would have no problem with having driveways come off of a cul-de-sac. Mr. Hartman commented that the reason that Mr. Brown gets complaints about snow plowing in certain cul-de-sacs is because they were originally permitted at a substandard width and therefore when the snow is plowed there is nowhere to put it but in the driveways. After some further discussion, Mr. Violette said that if someone has the proper amount of frontage, then a driveway on a cul-de-sac should work all right.

There was a discussion about which cul-de-sac diagrams to keep in the Subdivision Regulations and which one Mr. Brown prefers. Ms. Annis said that she thinks the Board is covered if they insist on the frontage that is required in that district. The other Board members agreed. There was a discussion about various cul-de-sacs the Board members have observed in other towns around and how they seemed to work.

The Board started a discussion about the diagrams prepared by Mr. Watts of the road cross sections. Mr. Watts said that one of the diagrams will not be kept, based on what he has learned at tonight's meeting. He said that the ones that will be kept are: Arterial (Class A) Street, All Roads, and Local (Class C) Street through "cut" area. He said that the Local (Class C) Street diagram has already been covered by the All Roads diagram. After a discussion, it was agreed that Warner does not need 3 types of roads, and that is why there is no Class B road diagram. Mr. Hartman said there is no difference between the Arterial and Local.

Mr. Watts said the only difference is the width and the rights-of-way. There was a discussion about what an arterial is vs. a collector and how it relates to Warner. It was concluded that it is unlikely that the Town will ever build an Arterial, although it may build a collector street.

Ms. Annis said that she understood that Mr. Brown's spec sheet will be rewritten and cleaned up. She said that will be referred to Mr. Brown for his approval and reviewed and approved by the Board. She said that that will then be used to replace Section VI in the Subdivision Regulations. Mr. Davies said that is not his thought. He said that some of the things in Section VI are worded better or are included that need to be included. He said that Mr. Brown's spec sheet will be worked into Section VI. He said that he will prepare a proposed change to the regulations and he will send to Ms. Lightfoot for corrections. He said it will then be sent to the Board for comments and suggestions.

Ms. Annis said that this will be continued to next month and Mr. Davies will give the proposal to Mr. Brown for his approval before it is sent out to the Board. Mr. Watts asked Mr. Davies to ask Mr. Brown if he wants to delete any of the turnarounds that are currently in the Subdivision Regulations.

2. COMMUNICATIONS AND MISCELLANEOUS

Ms. Annis said there will not be a Master Plan Committee meeting this month. She asked if there will be both a Master Plan meeting and a road meeting in June. She said that she and other Board members are working on other things. She said that if there is to be a change to the Ordinance, then there must be a public hearing in December. She said she is working on Site Plan Review and Subdivision Regulations, including monuments, the subdivision checklist item referring to tying to the state grid coordinate system.

3. REVIEW OF OEP MEETING

Mr. Mical handed a copy of information on junkyards that he got at the OEP Meeting to be filed in the Planning Board Office. He said that the State is trying to bring people into compliance with the provisions regarding junkyards. He said that he and Mr. Violette attended the flood plain session. He said that the new maps for Merrimack County will not be out until next year. He added that he had gone to the map class with the planner from Exeter in regard to the color coding of plans. He said that she suggested that the Planning Board do the coloring themselves, rather than requiring the applicant to do it because they may color it the way they want and not the way it actually is and they will be more familiar with what is on the plan. He said that she recommended requiring three sets of a plan be submitted. She said that she requires 5 sets be submitted with the application, with one each going to the Fire Chief and the Police Chief. He also said that she requires a full set of the 11x17 plans be submitted for the Planning Board members so they can see it before the presentation. Ms. Annis said that it used to be that the subdivider would record the plan themselves, but that has been changed because they could change something after it was signed and stamped. Now, she said, the Planning Board Secretary records the plan with the Registry of Deeds.

Mr. Davies asked if there is a standard color coding system that Exeter uses. Mr. Mical said no. It was agreed, however, that there must be a consistent color code used by the Planning Board. Ms. Annis said the markers have been purchased and are in the Planning Board office.

Mr. Violette said he had attended sessions on regulations and incentives for being green, including alternative types of power and energy sources. He said that a number of towns have started to do some of the things discussed. He said they are talking about tax incentives and design incentives, as well as some other possibilities.

Mr. Davies said that he attended an afternoon session that included discussion about another stage beside the Site Plan Review and Conceptual which is the Design Review where you might not have the misunderstandings that sometimes may occur. He said he also went to a session on sustainability which related to a city or town going beyond recycling and green construction and becoming more sustainable. He

said it was a conceptual about how to become self-sustaining. He added that it was more of a "feel good" kind of session and he didn't think he got much out of it.

Mr. Duhamel said he and Mr. Violette attended the same morning sessions, but in the afternoon he attended the Planning Boards Behaving Badly session. He said it was well done and had a handout which Ms. Lightfoot will copy and send to the Board members in their June packets.

Ms. Annis said she went to the 911 Help session which talked about RFQs and RFPs and which was better. She said that Jeff Taylor from Taylor Associates said that he prefers an RFQ to an RFP because it's much more intimate and doesn't get into too many details. Then, she said, after the RFQ and the interview, the RFP process is begun. She said it was a good session. Mr. Violette said it often would be better to find out what somebody does or can do and then put out the RFP to fit the capabilities. Ms. Annis said that the law lecture series that she and Mr. Davies attended in the morning was also very good. She said she has handed to the Board members a list of all the latest court cases.

Mr. Hartman said that there is a program on workforce housing on NH Public Radio to be broadcast tomorrow morning and evening. He added that a consultant has been selected by the Building Committee of the Selectmen to give another go at seeing if there is a feasible re-use for the Odd Fellows Building. He said the report should be coming as early as July.

Mr. Duhamel MOVED to adjourn. Mr. Davies seconded. The motion was PASSED unanimously. The meeting was adjourned at 9:50 p.m.

ATTACHMENT A

MINIMUM ROAD STANDARDS to UPGRADE CLASS VI ROADS

1. Professional Engineering Design
 - a. Conform to current Town of Warner Subdivision Regulations
 - b. Professional Engineering will be required at the discretion of the Public Works Director.
 - c. All design, testing, inspection, investigations, and other costs shall be by the applicant.
 - d. Road cross-sections, cul-de-sac design options, and design requirements shall be followed as summarized in the Town of Warner Subdivision regulations
 - e. Current NHDOT Standard Specifications shall be adhered to unless otherwise approved by the Public Works Director
<http://www.nh.gov/dot/org/projectdevelopment/highwaydesign/specifications/index.htm>
2. Trees, stumps, and other deleterious materials ~~will~~ shall be cleared to allow proper subgrade, good visibility, and grade of slope. What is minimum clearing width ?????
3. Road Sub-grade
 - a. Clear of all rock over 5"
 - b. ~~No Solid or loose~~ Ledge or rock shall not be allowed within 2 feet (verify depth?????) of finished grade.
 - c. All top soil (loam, silt, etc.) ~~will~~ shall be removed from complete road surface, shoulder and fill areas.
 - d. All subgrade fill ~~will~~ shall be of ~~clear~~ bankrun gravel or as approved by an Engineer.
 - e. ~~No~~ Subgrade gravel shall not have ~~with~~ stones larger than 5 inches ~~in it.~~
 - f. Testing of gravel shall ~~may~~ be required to pass NHDOT sieve or Proctor test.
 - g. Appropriate Geotextile fabric will be required when deemed necessary by the Public Works Director or the Engineer.
4. Drainage
 - a. All culvert work ~~will~~ shall have adequate drainage ditches to and from culverts with headers on inlet and outlet
 - b. Catch basins and drain manholes will be required where ~~needed~~ appropriate. Load capacity shall be per NHDOT standard requirements.
 - c. All driveways must have culverts unless waiver granted by Public Works Director
 - d. No culvert used (unless waiver by Public Work Director) shall ~~will~~ be less than 15".
 - e. Culverts shall ~~will~~ be steel or plastic unless ~~ement~~ reinforced concrete is specified.
 - f. Under drains may be required under certain conditions. Underdrains shall consist of a minimum 4" diameter perforated schedule 40 PVC pipe enclosed in 24" of ¾" crushed stone all wrapped in filter fabric.
 - g. Any condition that is found unsatisfactory will be resolved to the satisfaction of the Director of Public Works.
 - h. Stone Rip-Rap, jute, mulch or other materials may shall be used ~~required to stop control~~ erosion
5. Road Surface Width
 - a. Minimum of ~~20'~~ 24' of travel surface with 3' ~~2'~~ gravel shoulders (see road sections)
6. Road surface Cross Section (see Subdivision Regulations)
 - a. Sub base materials: 18" Bank-run-gravel (NHDOT 304.2) & 12" Crushed Gravel (NHDOT 304.3).
 - b. 2" base of asphalt (NHDOT type B) with 1" of top coat (NHDOT type E) (see page 21 of the 1986 Sub-division regulations)

- c. Sidewalks shall have 12" bankrun gravel with 8" crushed gravel under finished surface.
 - d. Testing of gravel shall be required to pass NHDOT sieve or Proctor test.
7. Compaction
- a. Proof-roll existing subgrade prior to adding new gravels
 - b. Earth and Fill and select gravels will shall be compacted in layers of 12" increments to achieve 95% compaction.
 - c. Nuclear compaction tests shall will be taken when required by the Public Works Director.
8. Slopes and Grass Areas
- a. Slopes and grass areas will shall have a minimum of 4" of loam (after consolidation) and be limed, fertilized, seeded, and mulched. Scarify and reseed until full healthy grass is accepted by the Public Works Director.
 - b. The Public Works Director and the Engineer will shall determine grade of slope(s).
 - c. Stone Rip-Rap, jute, mulch or other materials may shall be used required to stop erosion
9. Improvements Guard-Rails
- a. Guard Rails will be required where the slopes are excessive.
 - b. Vertical 7" by 17" granite curb shall be used where walks are adjacent to roads. Sloped 5" by 15" granite curb shall be used to direct storm water flow and at intersection radius curves.
 - c. Traffic control signs as required
 - d. Street name signs at intersections
 - e. Cross walks including ADA provisions
 - f. Traffic control striping
10. Utility
- a. Utility conduits shall be a minimum of 36" below finish grade.
 - b. Water and sewer piping as required by water district a minimum of 4' below grade.
 - c. All utility trenching in existing paving shall be back filled with appropriate gravels and compaction. Pavement patching shall have edges saw cut, edges covered with liquid asphalt, and a full depth patch installed. Complete removal and installation of another patch may be required as determined by the Director of Public Works.
 - d. All electric, phone, cable, and data utility conduit shall be installed underground from the edge of the development.